



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
Trevor Keith *Director of Planning & Building*

February 08, 2021

ANGLE LAND USE ENTITLEMENT
1439 MARSH ST
SAN LUIS OBISPO, CA 93401

SUBJECT: Notice of Final County Action, Minor Use Permit DRC2018-00168

Dear Sir/Madam,

On **February 05, 2021**, the above-referenced application was approved by the **Planning Department Hearing Officer** based on the approved Findings, and subject to the approved Conditions, which are both enclosed for your records.

If you disagree with this action, pursuant to (County Real Property Ordinance Section 21.04.020 / County Land Use Ordinance Section 22.70.050 / County Coastal Zone Land Use Ordinance (CZLUO) Section 23.01.042), and in the manner described therein, you have the right to appeal this decision, or a portion of this decision, to the Board of Supervisors within 14 calendar days after the date of the action.

The appeal must be submitted to the Department of Planning and Building on the proper Department appeal form, as provided on the County website. The appeal form must be submitted with an original signature; a facsimile will not be accepted. The appeal fee is set by the current fee schedule and must accompany your appeal form for your appeal to be accepted for processing.

If you have any questions regarding your project, please contact **Cassidy McSurdy** at (805) 781-5600.

Daniela Chavez

Daniela Chavez, Secretary
County of San Luis Obispo
Department of Planning & Building

CC: RP AGROCHIMEX, INC
2150 COLD STREAM
OXNARD, CA 93036

EXHIBIT A – FINDINGS
RP AGROCHIMEX, INC (DRC2018-00168)

ENVIRONMENTAL DETERMINATION

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 18, 2020, for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Transportation, and Wildfire and are included as conditions of approval.

Minor Use Permit

- B. The proposed project or use is consistent with the County of San Luis Obispo General Plan because outdoor cannabis cultivation and ancillary processing, nursery and transport are allowed uses and, as conditioned, are consistent with all of the General Plan policies.
- C. As conditioned, the proposed project and uses satisfy all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use would not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed cannabis activities would not generate activity that presents a potential threat to the surrounding property or buildings. Water use of the project would be minimized and mitigated and usage shall be monitored, energy usage shall be monitored, State water quality regulations shall be met, security fencing shall be installed, pesticide use shall comply with County of San Luis Obispo Department of Agriculture / Weights and Measures regulations, solid waste shall be properly disposed of, traffic generated by the use shall be minimal and consistent with neighboring agricultural uses, and nuisance odors shall be controlled and monitored. This project is subject to Land Use Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.
- E. The proposed project or use would not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed cannabis uses would be sited in a remote, rural location, not be visible from surrounding public roadways, all potential nuisance odors would be adequately controlled to not be detectable by neighboring residences as the nearest offsite residence is located over one mile from the project site, and the project is consistent with the agricultural visual character of the project vicinity.
- F. The proposed project or use would not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project. The project site would be accessed by an existing paved driveway accessed from Highway 58, a Caltrans-maintained road. As described in the Operations Plan prepared for the project, the project is anticipated to generate approximately 11 average daily trips. Projected trip generation from the

project would be generally consistent with surrounding land uses and would not have a significant effect on existing roadway operations.

CANNABIS ACTIVITIES

- G. The cannabis cultivation, as proposed, shall comply with all requirements of the State and County of San Luis Obispo for the cultivation of cannabis, including dual licensure and participation in an authorized track-and-trace program.
- H. The cannabis cultivation will not be located within 1,000 feet of any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility.
- I. The cannabis cultivation includes adequate measures that minimize use of water for cannabis cultivation at the site, including a requirement to meter and monitor water use.
- J. The cannabis cultivation includes adequate quality control measures to ensure cannabis cultivated at the site meets State regulatory standards.
- K. The cannabis cultivation includes measures that address enforcement priorities for cannabis activities, including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed or unpermitted persons within the state and not distributed out of state.

ADJUSTMENT (MODIFICATIONS)

- L. Modification of the setback standards set forth in Land Use Ordinance Section 22.40.050.D.3.b to reduce the setback from 300 feet to 139 feet from the northern property line is justified because the required setback would be unnecessary due to specific site conditions regarding the nearest offsite residence to the affected property lines. The adjacent property near the proposed project area lacks development potential based upon slope and existing vegetation.

**EXHIBIT B - CONDITIONS OF APPROVAL
RP AGROCHIMEX, INC (DRC2018-00168)**

Approved Development

1. This approval authorizes use for the following cannabis activities:
 - a. 3 acres of mature outdoor cannabis cultivation including 2.6 acres of outdoor cultivation canopy in hoop houses;
 - b. 5,760 square feet of ancillary cannabis nursery;
 - c. Installation of a 900-square-foot office structure;
 - d. Use and conversion of an existing 2,400-square-foot barn for ancillary processing
 - e. Installation of two (2) cargo structures for equipment storage;
 - f. Installation of a 45,000 gallon water storage tank;
 - g. Improvements to existing agricultural roads;
 - h. Maximum of 5 full time employees and 6 seasonal employees;
 - i. Maximum water use of up to 2.32 acre-feet per year.
2. This MUP authorizes a modification of the setback requirements for outdoor cannabis cultivation set forth in LUO Section 22.40.050.D.3 to allow the reduction of the northern property line setback from 300 feet to 139 feet.
3. The ancillary cannabis nursery area shall not include flowering plants except as allowed under a nursery license by the state of California Department of Agriculture. All nursery stock and any seed production shall be utilized to support onsite operations and shall not be sold or transported offsite for any purpose.
4. The ancillary processing of cannabis, including drying, curing, grading, trimming, storing, packaging and labeling, is limited to cannabis grown on site only, and it shall be done consistent with applicable State regulations and license(s). Cannabis manufacturing or the processing of manufactured cannabis products is not authorized with this Use Permit.
5. The ancillary transport of cannabis products is limited to cannabis grown on site only, and it shall be done consistent with applicable State regulations and license(s). Transport as a function of retail sales or as a cannabis dispensary is not authorized with this Use Permit.

Conditions Required to be Completed Prior to Issuance of a County Business License

6. **Prior to issuance of County Business License**, the applicant shall obtain an Operator Identification Number (OIN) if required by the County Department of Agriculture / Weights and Measures, prior to any pesticides being used in conjunction with the commercial cultivation of cannabis; "pesticide" is a broad term, which includes insecticides, herbicides, fungicides, rodenticides, etc., as well as organically approved pesticides.
7. **Prior to issuance of a County Business License**, the applicant shall submit evidence of compliance with all requirements of the Central Coast Regional Water Quality Control Board (CCRWQCB).
8. **Prior to issuance of County Business License**, the applicant shall submit evidence that coverage has been obtained under the Cannabis Cultivation General Order from the State Water Resources Control Board (SWRCB).

9. **Prior to issuance of County Business License**, the applicant shall submit evidence that solid waste and recycling collection will be consistent with LUO Sections 22.10.150.B and 22.10.150.C.
10. **Prior to issuance of County Business License**, the applicant shall install security fencing as shown on the approved plans and to enclose all cultivation areas as approved by the County Sheriff's Department. Consistent with the approved plans and the County Sheriff's Department's recommendations, the fencing proposed to enclose the active cannabis use areas as identified in the site plan shall be no less than 6 feet in height with secure locking gates.
11. **Prior to issuance of County Business License**, the applicant shall obtain a Fire Safety Plan from CAL FIRE/County Fire. All plans submitted to the County Planning and Building Department shall meet the fire and life safety requirements of the California Fire Code and those outlined in the Fire Safety Plan.
12. **Prior to issuance of a County Business License**, the applicant shall submit full copies of any and all leases (e.g., ground, buildings, etc.) and/or production sharing agreements associated with the project to the County Assessor's Office for review.

Conditions Required to be Completed at the time of Application, Prior to Issuance of Construction Permits, OR PRIOR TO GROUND DISTURBANCE

Site Development

13. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.
14. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans and construction documents shall be consistent with the currently adopted California Codes.
15. **At the time of application for construction permits**, all plans and engineering shall be prepared by a California Licensed Architect of Record or Engineer for all design portions of the project that do not meet "conventional construction" as defined by the current building code.

Drainage

16. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 of the Land Use Ordinance.
17. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120 of the Land Use Ordinance.

Stormwater

18. **At the time of application for construction permits**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.

Energy

19. **At the time of application for construction permits**, the submitted building plan set shall demonstrate consistency with California State Title 24 energy laws.

Lighting

20. **At the time of application for construction permits**, the applicant shall provide a lighting plan consistent with LUO Section 22.10.060 showing all exterior lighting with shielding that confines light sources to the project site and shields neighboring properties.

Water

21. **Prior to issuance of grading or construction permits**, the applicant shall have a well meter installed on any new or existing well proposed to be used for cannabis activities. Installation of the meter must be performed to the satisfaction of the County Public Works Inspector and shall be in conformance with the Water Well Metering Standards and Installation Guidelines set forth by the Department of Public Works and incorporated into the County Public Improvement Standards.

Biological Resources

22. **BIO-1 Special-Status Plant Species Avoidance and Minimization Measures.** Prior to initial ground disturbance and staging activities in areas of suitable habitat for special-status plants, an early spring focused survey shall be completed by qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities". The survey shall be floristic in nature and shall be seasonally timed to coincide with the blooming period of the target species (April–May). The survey shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and consistent with the County's policies. All special-status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Survey results shall be submitted to the County Department of Planning and Building prior to initiation of construction. If special-status plant species, specifically La Panza mariposa lily (*Calochortus simulans*) and Palmer's mariposa lily (*Calochortus palmeri* var. *palmeri*), are identified within the proposed development footprint, impacts to these species will be minimized to the extent feasible to avoid impacting 90% of the plants observed. Special-status plant species should be avoided whenever possible by delineation and observation of a no-disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, CDFW will be notified for consultation. If special-status plant species are identified on the project site and direct impacts to special-status plants cannot be avoided, a salvage and relocation plan will be prepared to compensate for significant impacts on special-status plant species and identify suitable locations, methods, and success criteria for special-status plant mitigation through direct seeding and restoration of suitable unoccupied habitat. The plan shall, at a minimum, require replacement through collection of seed and topsoil from impact sites, a monitoring and management component that outlines weed management and monitoring techniques, and success criteria that require successful establishment of the target species over the acreage and numbers of impacted plants within 5 years. If on-site salvage and restoration is not feasible, the plan will identify areas that contain verified extant populations of the special-status plant species of similar size and quality and equal or greater density to the population(s) that would be impacted by the project proposed for preservation as compensatory mitigation for special-status plant impacts. Offsite habitat occupied by the affected species shall be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and at least one occupied

acre preserved for each occupied acre affected). The restoration plan will be prepared and submitted to the County Department of Planning and Building for approval prior to initial site disturbance.

23. **BIO-2 Worker Environmental Awareness Program (WEAP).** Prior to initiation of construction activities (including staging and mobilization), all personnel associated with Project construction shall attend WEAP training, conducted by a qualified biologist, to aid workers in recognizing special-status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form documenting that they have attended the WEAP and understand the information presented to them. The form shall be submitted to the County Department of Planning and Building to document compliance prior to initiation of construction.
24. **BIO-3 Noxious Weed Species.** To prevent the potential spread of invasive botanical species identified within the project site, all vehicles and equipment used at the site shall be cleaned of all dirt, mud, and plant debris prior to entering or exiting the site (e.g., driven over rumble strips) to prevent tracking of potential seed stock to or from the property. Rumble strips will also be regularly cleaned and maintained to prevent the accumulation of non-native seed stock.
25. **BIO-4 Crotch Bumble Bee Survey and Minimization Measures.** Within 30 days prior to initiation of ground disturbance between March and September, the project footprint will be surveyed for Crotch bumble bee using a photograph survey methodology. The site will be slowly walked by two biologists equipped with >8-megapixel point and shoot or DSLR cameras using transects to obtain 100% coverage of the project site. All insects observed during the survey will be photographed with attention to family Apidae (bees). All bees observed will be photographed to the greatest extent feasible without handling. Photographs should clearly show the entire top side of the abdomen, the side of the thorax/abdomen and the face/head. Several photos should be taken of each specimen to obtain an identification. If a bee is observed entering a burrow or other cavity, a Global Positioning System (GPS) point should be recorded and attention should be focused on the cavity to determine if multiple individuals may be entering/exiting, indicating the potential presence of a colony. Biologists will submit photos to Bumble Bee Watch (www.bumblebeewatch.org), BeeSpotter (<https://beespotter.org>), or a similar website that employs bumble bee experts to verify the identifications. Qualified scientific experts may also be used to verify photographic records. CDFW will be notified as soon as possible if a *B. crotchii* observation is verified. If a *B. crotchii* colony is detected on the project site, the colony will be mapped and avoided. No vegetation or soil disturbance will be permitted within a 50-foot radius of the colony. If avoidance is infeasible, CDFW will be consulted regarding potential conservation measures.
26. **BIO-5 Pesticide Management Plan.** To maintain healthy populations of pollinators and natural pest enemies, an integrated pest management plan will be developed consistent with the following guidelines:
 - a. Before applying any pesticide, read and follow all the product label directions.
 - b. Target the application to the specific area where the pest is a problem to reduce the harm to natural enemies and pollinators.

- c. Choose selective and nonpersistent pesticides that are pollinator-friendly.
- d. Identify the pest and use the resources on the University of California Statewide Integrated Pest Management website (www.ipm.ucanr.edu) to determine which pesticides will specifically control that pest.
- e. Avoid broad-spectrum, persistent insecticides, including carbamates, organophosphates, and pyrethroids that kill many different invertebrates and leave residues that kill pollinators, parasites, and predators that migrate in after the application.
- f. Avoid neonicotinoids and other systemic insecticides that translocate (move) within plants and can poison bees and natural enemies that feed on nectar, pollen, and liquids that plants ooze (guttation).
- g. Avoid spraying tank mixes, such as insecticides combined with fungicides.
- h. Be aware that broad-spectrum (nonselective) herbicides and herbicides applied for broadleaf weeds reduce the abundance of floral plants that attract and feed pollinators and natural enemies.
- i. In the event Crotch bumble bee is detected on the project site, the above Pesticide Management Plan will be submitted to CDFW for review and approval.

27. **BIO-6 California Tiger Salamander Avoidance and Impact Minimization.** Within 30 days prior to project disturbance, biologists will perform preconstruction clearance surveys in direct impact areas with small mammal burrows that are suitable for CTS, including California ground squirrel (*Otospermophilus beecheyi*), Botta's pocket gopher (*Thomomys bottae*) and/or kangaroo rat (*Dipodomys spp.*). Each suitable burrow that is found will be flagged with a pin flag and/or geo-referenced with a GPS unit to facilitate return to and excavation of the burrow. Excavation of suitable small mammal burrows will be conducted between April 1 and September 30 (during the CTS non-breeding season). At the discretion of the biologist, excavations may be allowed to proceed later into the year, but only if no substantial rain has fallen (rain event resulting in at least 1 inch of rainfall). If possible, each burrow excavation will be conducted by slowly removing the burrow (including any side tunnels) using a fiber-optic inspection camera, hand tools (e.g., shovel, digging bar, garden trowel, masonry trowel, etc.). Cloth, cylinder, capped pipe, or similar material that would protect the integrity of the burrow will be pushed into the burrow approximately 12 to 16 inches to plug the burrow and prevent injury to animals attempting to exit the burrow during excavation (i.e., to prevent injury or mortality).

The excavation sequence will then continue as follows:

- a. A pipe and fiber-optic inspection camera monitored by a biologist will be inserted 12-16 inches into the burrow;
- b. 10-14 linear inches of burrow will be removed at a time by a second biologist or under the supervision of the first biologist;
- c. The burrow will be checked for evidence of CTS or other animals; and
- d. The pipe and fiber-optic inspection camera will be reinserted 12-16 inches further into the burrow.

This process will be repeated until the burrow and any side burrows have been completely excavated. All burrows (including side burrows) will be excavated to their endpoints and the

excavation will then be backfilled, brought back to grade, and compacted using the same equipment that was used for excavation.

If a burrow is found to be occupied by CTS, and upon consultation with CDFW, the individual(s) present will be captured and relocated to constructed burrows in suitable habitat within the property boundary to the west of the project site (closer to the only known water sources within 2 miles). CTS handling will comply with the following:

- a. Biologists will use bare hands (only) during capture and handling.
- b. The project biologist will not use soaps, oils, creams, lotions, repellents, or solvents of any sort on their hands within two hours before and during periods when they are capturing and relocating CTS.
- c. Individuals will not be handled by the tail, head, or limbs.
- d. The location of capture will be geo-referenced with a GPS unit, and the latitude and longitude coordinates will be recorded on a standardized field data sheet.
- e. The bearing between the capture location and nearest known CTS breeding pond will be determined and recorded on the standardized field data sheet.
- f. Containers used for holding or transporting individuals (generally 2-gallon buckets with lids) will not contain any standing water.
- g. Individuals will not be placed in positions/containers where they may physically contact other individuals.
- h. Captured individuals will be kept moist and cool in a bucket containing a damp sponge that is shaded from direct sun exposure.
- i. Captured individuals will be relocated to a suitable constructed burrow outside the work area on the same bearing with the nearest known CTS breeding pond.
- j. Multiple captured individuals will not be released to the same repository.
- k. Upon release of an individual, it will be monitored by the project biologist until it is determined that it is in no imminent danger.

All observations of state and/or federally listed species within the work area will be recorded on California Natural Diversity Data Base (CNDDB) field data sheets and sent to the CDFW within 14 calendar days of the occurrence. Any harm, injury, or mortality (i.e., "take") of these species will be reported via phone and email to the USFWS and CDFW within 24 hours of the incident. The monitoring biologist will submit a preconstruction compliance report to the USFWS and CDFW documenting the excavation and backfill of all suitable burrows for CTS, as well as relocation of individuals within 30 calendar days of completion of preconstruction CTS clearance activities. The report shall detail (i) dates that preconstruction clearance activities occurred; (ii) pertinent information regarding the success of the Project in implementing the plan's avoidance and minimization measures; (iii) an explanation of failure to successfully implement such measures (if any); (iv) occurrences of incidental take of listed species (if any); and (vi) other pertinent information.

28. **BIO-7 Special-Status Reptiles and Amphibians Avoidance and Minimization.** Within 30 days prior to initiation of ground disturbance, sandy soils within the impact footprint will be surveyed for legless lizard by a qualified biologist utilizing a raking survey methodology, and burrows will be excavated and surveyed for California glossy snake and western spadefoot toad.

Any individuals found shall be avoided to the maximum extent feasible. If avoidance is not feasible, the species shall be relocated to appropriate habitat at least 50 feet outside the development footprint. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing the survey. A qualified biologist shall monitor initial vegetation clearing and ground disturbance in areas of suitable habitat to salvage and relocate individuals. A monitoring report summarizing results of the monitoring shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for this species.

29. **BIO-8 Preconstruction Survey for American Badger and San Joaquin Kit Fox.** A County-approved qualified biologist shall complete a preconstruction survey for American badger and San Joaquin kit fox no less than 14 days and no more than 30 days prior to the start of initial Project activities to ensure these special-status wildlife species are not present within proposed work areas and at least a 200-foot buffer around work areas. The results of the survey shall be submitted to the County within 5 days of the survey and prior to start of initial project activities. If dens are discovered, they shall be inspected to determine if they are currently occupied.

- a) If the qualified biologist identifies potential SJKF den(s), the den(s) will be monitored for 3 consecutive nights with an infra-red camera, prior to any project activities, to determine if the den is being used by SJKF. If no SJKF activity is observed during the 3 consecutive nights of camera placement then project work can begin with the Standard SJKF Avoidance and Protection Measures and the SJKF Protection Measures if SJKF are observed.
- b) If a known den is identified within 200-feet of any proposed project work areas, no work may start in that area.
- c) If a potential den is discovered, the den will be monitored for 3 consecutive nights with an infra-red, motion-triggered camera, prior to any project activities, to determine if the den is being used by an American badger.
- d) If an active badger den is found, an exclusion zone shall be established around the den. A minimum of a 50-foot exclusion zone shall be established during the non-reproductive season (July 1 to January 31) and a minimum 100-foot exclusion zone during the reproductive season (February 1 to June 30). Each exclusion zone shall encircle the den and have a radius of 50 feet (non-reproductive season) or 100 feet (reproductive season), measured outward from the burrow entrance. All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If avoidance is not possible during project construction or continued operation, the County shall be contacted. The County will coordinate with appropriate resource agencies for guidance.

If 30 days lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), where no or minimal work activity occurs, the survey shall be updated.

30. **BIO-9 Preconstruction Surveys for Nesting Raptors and Birds.** The applicant shall ensure the following actions are undertaken to avoid and minimize potential impacts to nesting birds. To the extent feasible, removal of vegetation within suitable nesting bird habitats will be scheduled to avoid the nesting season and occur between September and January. For activities that cannot avoid the nesting season (February 15 to August 31), not more than 30 days prior to

initiation of construction activities (e.g., mobilization and staging), a qualified biologist shall conduct preconstruction surveys for nesting raptors and other native nesting birds. The survey for the presence of nesting raptors shall cover all areas within the disturbance footprint plus a 500-foot buffer where access can be secured. Survey reports shall be submitted to the County Department of Planning and Building at least 1 week prior to initiating construction, and within 1 week of completing surveys for ongoing activities. If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest and 500 feet for nests of fully protected species (such as white-tailed kite) and raptors. All buffers shall be marked using high-visibility flagging, fencing, and/or signage. No construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails, unless approved by the qualified biologist. The qualified biologist shall confirm that breeding/nesting is complete, and young have fledged the nest prior to removal of the buffer. Encroachment into the buffer shall be conducted at the discretion of the qualified biologist. Monitoring reports summarizing nest avoidance measures, including buffers, fledge dates, and documentation of the avoidance of fully protected species, if applicable, shall be submitted to the County Department of Planning and Building on a monthly basis while nest buffers are in place or while activities are occurring within the specified buffer of an inactive nest of a fully protected species.

31. **BIO-10 Burrowing Owl Avoidance and Minimization.** No more than 30 days before the start of initial ground disturbing activities, a qualified biologist(s) shall conduct focused, preconstruction, take-avoidance surveys for burrowing owls within all areas proposed for ground disturbance that contain suitable owl habitat (CDFW 2012). Preconstruction surveys shall be consistent with CDFW recommended methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012), conducted on foot such that 100% of the survey area is visible, and shall cover the entire impact footprint plus a 500-foot buffer. All observations of burrowing owl and sign of burrowing owl (including suitable burrows, pellets, and whitewash) shall be mapped on a site-specific aerial image. A report of survey findings shall be submitted to the County Department of Planning and Building prior to initiation of construction activities. If no suitable burrows are found, a final take avoidance survey shall be completed within 48 hours prior to initiation of ground disturbing activities. If suitable burrows for burrowing owls are found during preconstruction surveys on the project site, burrowing owl occupancy shall be determined through up to three additional focused surveys on potential burrows during the morning and/or evening survey windows as defined in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). If the burrows are determined to be unoccupied, they shall be hand excavated by a qualified biologist. If the presence of burrowing owls is confirmed, the following avoidance measures shall be implemented.
- a. Occupied burrows shall not be disturbed during the nesting season (typically February through August) unless a qualified biologist verifies through non-invasive methods that the burrow is not being used for breeding. Owls present after February 1 shall be assumed to be nesting unless evidence indicates otherwise. Nest-protection buffers described below shall remain in effect until August 31 or until the nest has failed or all juvenile owls are foraging independently as determined by a qualified biologist.
 - b. Site-specific, no-disturbance buffer zones shall be established and maintained between project activities and occupied burrows, using the distances recommended in the CDFW guidelines (CDFW 2012). Buffer distances may be modified by a

qualified biologist in consultation with CDFW. The buffer zones shall be clearly delineated by highly visible orange construction fencing, which shall be maintained in good condition through project completion or until construction activities are no longer occurring near the burrow.

- c. During the nonbreeding season (generally September 1–January 31), a qualified biologist may passively relocate burrowing owls found within construction areas. Prior to passively relocating burrowing owls, a Burrowing Owl Exclusion Plan shall be prepared by a qualified biologist in accordance with Appendix E of the Staff Report on Burrowing Owl Mitigation (CDFW 2012). The Burrowing Owl Exclusion Plan shall be submitted for review and approval to the CDFW and County Department of Planning and Building prior to implementation. The biologist shall accomplish such relocations using one-way burrow doors installed and left in place for at least two nights; owls exiting their burrows will not be able to re-enter. Then, immediately before the start of construction activities, the biologists shall remove all doors and excavate the burrows to ensure that no animals are present the burrow. The excavated burrows shall then be backfilled. To prevent evicted owls from occupying other burrows in the impact area, the biologist shall, before eviction occurs, (1) install one-way doors and backfill all potentially suitable burrows within the impact area, and (2) install one-way doors in all suitable burrows located within approximately 50 feet of the active burrow, then remove them once the displaced owls have settled elsewhere. When temporary or permanent burrow-exclusion methods are implemented, the following steps shall be taken:
 - i. Prior to excavation, a qualified biologist shall verify that evicted owls have access to multiple, unoccupied, alternative burrows, located nearby (within 250 feet) and outside of the projected disturbance zone. If no suitable alternative natural burrows are available for the owls, then, for each owl that is evicted, at least two artificial burrows shall be installed in suitable nearby habitat areas. Installation of any required artificial burrows preferably shall occur at least two to three weeks before the relevant evictions occur, to give the owls time to become familiar with the new burrow locations before being evicted. The artificial burrow design and installation shall be as described in the Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans per Appendix E of the Staff Report on Burrowing Owl Mitigation (CDFW 2012).
 - ii. Passive relocation of burrowing owls shall be limited in areas adjacent to project activities that have a sustained or low-level disturbance regime; this approach shall allow burrowing owls that are tolerant of project activities to occupy quality, suitable nesting and refuge burrows. The use of passive relocation techniques in a given area shall be determined by a qualified biologist who may consult with CDFW and shall depend on existing and future conditions (e.g., time of year, vegetation/topographic screening, and disturbance regimes).

32. **BIO-11 Preconstruction Giant Kangaroo Rat Burrow/Precinct Surveys and Compensation and Avoidance Measures.** No more than 30 days prior to commencement of ground disturbing activities, the applicant shall retain a County-approved, qualified biologist to conduct preconstruction surveys for the GKR. If active GKR burrows/precincts are present, the

applicant shall consult with CDFW and USFWS to develop compensation, avoidance, and relocation plans. The applicant will compensate for permanent impacts to GKR and their habitat with the creation of permanent conservation easement(s), purchase of credits from an approved mitigation bank, or transfer land in fee to a CDFW approved conservation holder with a deed restriction or other appropriate agreement for the management of the land. The applicant shall compensate for impacts to suitable GKR habitat at a 3:1 ratio for acreage permanently altered by construction. In addition, the applicant shall compensate for functional degradation of suitable GKR habitat at a 2:1 ratio. The mitigation areas must include occupied habitat that is of equal or greater habitat quality and support an equal or greater population of GKR after any restoration compared to the impacted habitat. This mitigation may occur on lands used simultaneously as mitigation for impacts to other species.

Active burrows/precincts shall be mapped, and ground-disturbing activities shall not occur within 50 feet of each. The setback shall be marked in the field to be easily visible by all construction personnel. A Final Giant Kangaroo Rat Relocation Plan will be developed in coordination with wildlife agencies (USFWS and CDFW). At least 30 days before the start of construction, a relocation plan shall be submitted to the County for approval. The plan shall include, but not be limited to, the following: the methods for capturing animals; the procedures for evaluating health of the animals; the location and methods for storing live animals; the methods for soft release (i.e., fencing); radio tagging; monitoring for survivorship; and remedial actions for injured or lost animals. The relocation plan would generally include these components; however, the details of the final plan will be subject to the approval and conditions set forth by CDFW and USFWS. Methods to prevent entry to the burrow (e.g., one-way doors) by GKR and other small mammal species shall be implemented prior to construction. If construction-related impacts would result in the crushing or destruction of a burrow, then the burrow shall be excavated (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time or as described in the CDFW and USFWS-approved relocation plan). If GKR must be trapped from January through June (recognized breeding/mating season), the relocation plan will include a protocol to be followed if a lactating female GKR or young are encountered. The applicant shall document all GKR burrows/precincts abandoned or destroyed and provide a written report to the County of San Luis Obispo.

33. BIO-12(a) County Standard Mitigation of Impacts to San Joaquin Kit Fox Habitat. Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County and CDFW that one or a combination of the following three SJKF mitigation measures for loss of SJKF habitat has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on site or off site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the CDFW and the County.

This mitigation alternative (a.) requires that all aspects of this program be in place before County permit issuance or initiation of any ground-disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis

Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b.) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between CDFW and TNC to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the CEQA. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after CDFW provides written notification about mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c.) can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve SJKF habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. The actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground-disturbing activities.

34. **HAZ-3** Prior to issuance of a building permit or commencement of construction activities and if project activities would necessitate a lane closure and/or use of the public right-of-way along SR-58, the applicant shall obtain an Encroachment Permit from Caltrans and demonstrate on submitted improvement plans that one lane of travel would remain open at all times along SR-58.

Fees

35. **Prior to issuance of a construction permit**, the applicant shall pay all applicable road and public facilities fees.
36. **Prior to issuance of a construction permit**, the applicant shall pay the housing impact fee as required by LUO Section 22.12.080.F.1, or may defer fee payment pursuant to LUO Section 22.12.080.J.4. As an alternative the applicant may provide housing units or a land donation, pursuant to LUO Section 22.12.080.F.3.

Conditions Required to be Implemented During Construction Activities

37. **AQ-1. ROG, NO_x, DPM Emissions.** The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NO_x), reactive organic

gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce exposure of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

- a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
- b. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
 - i. Maintain all construction equipment in proper tune according to manufacturer's specifications.
 - ii. Fuel all off-road and portable diesel-powered equipment with CARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
 - iii. Use diesel construction equipment meeting the CARB Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation.
 - iv. Idling of all on- and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and/or job site to remind drivers and operators of the no idling limitation.
 - v. Electrify equipment when possible.
 - vi. Substitute gasoline-powered in place of diesel-powered equipment, when available.
 - vii. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.

38. **BIO-12(b) County San Joaquin Kit Fox Protection Measures.** The following measures shall also apply on the project site:

- a. all SJKF protection measures required before construction (prior to any project activities) and during construction shall be included as a note on all project plans.
- b. A maximum of 25 mph speed limit shall be required at the project site during project activities. Speed limit signs shall be installed on the project site prior to start of all work.
- c. All project activities shall cease at dusk and not start before dawn. This includes driving on the site for security purposes.
- d. To prevent entrapment of SJKF and other special-status wildlife, all excavations, steep-walled holes or trenches greater than two feet deep shall be completely covered at the end of each workday by plywood or similar materials, or one or more escape ramps constructed of earth fill or wooden planks shall be installed a minimum of every 200 feet. All escape ramps shall be angled such that wildlife can feasibly use it to climb out of an area. All excavations, holes, and trenches shall be

inspected daily for SJKF or other special-status species and immediately prior to being covered or filled. If a SJKF is entrapped, CDFW, USFWS, and the County will be contacted immediately to document the incident and advise on removal of the entrapped SJKF.

- e. All pipes, culverts, or similar structures with a diameter of 4 inches or greater, stored overnight at the project site shall be thoroughly inspected for sheltering SJKF before burying, capping, or moving. All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day. No pipes, culverts, similar structures, or materials stored on site shall be moved if there is a SJKF present within or under the material. A 50-foot exclusion buffer will be established around the location of the SJKF until it leaves. The SJKF shall be allowed to leave on its own before the material is moved.
- f. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in animal-proof closed containers only and regularly removed from the site.
- g. No deliberate feeding of wildlife shall be allowed.
- h. Water sources shall be managed to ensure no leaks occur or are fixed immediately upon discovery in order to prevent SJKF from being drawn to the project area to drink water.
- i. Trash will be disposed of into containers rather than stockpiling on site prior to removal.
- j. Materials or other stockpiles will be managed in a manner that will prevent SJKF from inhabiting them. Any materials or stockpiles that may have had SJKF take up residence shall be surveyed (consistent with pre-construction survey requirements) by a qualified biologist before they are moved.
- k. The use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations so as to avoid primary or secondary poisoning of endangered species and the depletion of prey upon which SJKF depend.
- l. Permanent fences shall allow for SJKF passage through or underneath by providing frequent openings (8-inch x 12-inch) or an approximately 4-inch or greater passage gap between the ground and the bottom of the fence. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
- m. During project activities and/or the operation phase, any contractor or employee that inadvertently kills or injures a SJKF or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead SJKF, the applicant shall immediately notify the USFWS, CDFW, and the County by telephone. In addition, formal notification shall be provided in writing within 3 working days of the finding of any such animal(s). Notification shall include the date, time, location, and circumstances of the incident.
- n. If potential SJKF dens are identified on site during the pre-construction survey, a qualified biologist shall be on site immediately prior to the initiation of project activities to inspect the site and dens for SJKF activity. If a potential den appears to

be active or there is sign of SJKF activity on site and within the above-recommended buffers, no work can begin.

39. **BIO-13 Mitigation Measure 3: Lighting.** Any temporary construction lighting or permanent lighting introduced for the Project shall avoid nighttime illumination of potentially suitable habitat features for special-status species (i.e., off-site adjacent grasslands). Temporary construction lighting will be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages. To minimize the effects of future exterior lighting on special-status wildlife species, all outdoor lighting fixtures shall be positioned and/or shielded to avoid direct lighting of off-site natural or semi-natural habitat areas.

40. **HAZ-1** The following fertilizer application BMPs shall be implemented during operation activities:

- Plant cover crop to boost soil fertility and protect from storm events.
- Follow the manufacturer's suggested application rates.
- Contain any spills immediately.
- Prevent off-site drift with hedges placed around the grow site.
- Do not spray directly on surface water or to allow fertilizers drift to surface water.
- Spray only when wind is blowing away from surface water.
- Install buffer strips, bio-swales, or vegetation down slope of cultivation site to filter runoff of chemicals from irrigation.
- Use safe pesticide alternatives recommended by Department of Pesticide Regulation.
- Implement Integrated Pest Management practices to avoid the need for pest control.
- Do not use fertilizer within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland, or vernal pool.

The following fertilizer storage BMPs shall be implemented during operation activities:

- Ensure fertilizers are properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
- Establish and use a separate storage area for fertilizers.
- For storage areas, comply with the riparian setback requirements, be in a secured location, be located outside of areas of known slope instability, and be protected from accidental ignition, weather, and wildlife.
- Ensure storage areas have appropriate secondary containment structures to protect water quality and prevent spillage, mixing, discharge, or seepage.
- Store any chemicals in a secure building or shed to prevent access by wildlife.
- Store all products that impact water quality in a manner that does not allow for runoff to surface waters.
- Segregate acids from bases; segregate inorganic oxidizing acids (e.g., nitric acid) from organic acids (e.g., acetic acid), flammables, and combustibles.
- Segregate acids from water reactive metals, such as sodium, potassium, and magnesium.

- Store corrosives on lower shelves at least below eye level and in compatible secondary containers; do not store corrosives on metal shelves.
- Store dry powder and granular fertilizers in moisture-proof plastic tubs or containers.

The following pesticide application BMPs shall be implemented during operation activities:

- Use pesticides in accordance with proper labeling instructions.
- Do not apply pesticides when pollinators are present.
- Do not spray pesticides directly into surface water and only spray when wind is blowing away from surface water bodies.
- When possible, use naturally insecticidal plants around or throughout a grow to repel a variety of flying insects and pests.
- Do not use pesticides within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool.
- Pesticides shall be applied only by the owner of the cultivation operation or by a worker trained per County Agricultural Department regulations.
- If there is a spill or accidental discharge in or on any waters of the site, immediately notify the County Office of Emergency Services so that the local Health Officer can decide what actions, if any, may need to be taken to protect public safety. During business hours: (805) 781-5544. After Hours: HAZMAT Spill Notification (800) 852-7550 or (916) 845-8911).

The following pesticide storage BMPs shall be implemented during operation activities:

- Properly label and store pesticides to avoid contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
- Keep pesticides in their original containers and stored in a building to prevent exposure to sunlight and precipitation and access to wildlife, with secondary containment in the case of leaks or spills.
- Store pesticides in a designated cabinet, separate from any incompatible materials.
- Dedicate separate storage areas to pesticides, fertilizers, and petroleum products, so they are all stored separately.
- Recycle empty pesticide and pest management containers; do not burn them or dispose of them by dumping.
- Always maintain safety data sheets for all pesticides.
- Store chemicals and pesticides in dedicated structures with appropriate warning signs.

The following worker protection BMPs shall be implemented prior to the commencement of operation activities. The applicant shall provide the following:

- Protections to workers and handlers from potential pesticide exposure
- Training on the safe use of pesticides and how to avoid exposures to pesticides
- Training to identify pesticides exposure symptoms and how to respond and manage exposures to pesticides if they occur

41. **HAZ-2** During operation activities, the following spill and leak prevention and response measures shall be implemented:

- Develop and implement spill and leak response procedures to prevent industrial materials from discharging through the stormwater conveyance system. Spilled or leaked industrial materials shall be cleaned promptly and disposed of properly.
- Identify and describe all necessary and appropriate spill and leak response equipment, location(s) of spill and leak response equipment, and spill or leak response equipment maintenance procedures.
- Identify and train appropriate spill and leak response personnel.
- Maintain spill cleanup materials, safety data sheets, a material inventory, and emergency contact numbers and store in designated areas and containers.
- Fuel only in designated areas and conduct daily inspections of mechanized equipment for lubricant and fuel leaks.
- Identify all equipment and systems used outdoors that may spill or leak pollutants.
- Establish an appropriate schedule for maintenance of identified equipment and systems.
- Establish procedures for prompt maintenance and repair of equipment and maintenance of systems when conditions exist that may result in the development of spills or leaks.
- Use drip pans or absorbent pads for all vehicle and equipment maintenance activities that involve grease, oil, solvents, or other vehicle fluids.

Conditions Required to be Completed Prior to Commencement of Permitted Activities/Occupancy/Final Inspection

42. **Prior to commencing permitted activities**, the applicant shall obtain a business license through the County of San Luis Obispo Tax Collector's Office. Business license renewals shall be obtained by the applicant annually as required by Title 6 of the County Code.
43. **Prior to commencing permitted activities**, the applicant shall complete all State licensing requirements for cultivation at the approved location. A copy of all pertinent State licenses shall be submitted to the County Planning and Building Department prior to commencing permitted activities.
44. **Prior to commencing permitted activities**, the applicant shall complete and submit the Hazardous Materials Declaration Flowchart to the Environmental Health Services office.
45. **Prior to commencing permitted activities**, the applicant shall demonstrate to the Planning and Building Department how cannabis activities will be physically and adequately separated from vacant areas or other non-cannabis uses onsite. The applicant shall obtain any necessary building permits related to any structures used for cannabis operations.
46. **Prior to commencing permitted activities**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with CAL FIRE/County Fire standards and specifications back to the nearest public maintained roadway.
47. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE/County Fire of all required fire/life safety measures.
48. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Ongoing Conditions of Approval (Valid for the Life of the Project)

49. **Ongoing condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; landscaping; agricultural operations; etc. without a valid Encroachment Permit issued by Caltrans
50. **Throughout the life of the project**, best management water conservation practices shall be maintained.
51. **Throughout the life of the project** cannabis cultivation grading activities shall be consistent with the conservation practices and standards contained in the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG). Practices shall not adversely affect slope stability or groundwater recharge and shall prevent off-site drainage and erosion and sedimentation impacts. Erosion and sedimentation control activities shall adhere to the standards in Section 22.52.150C of the Land Use Ordinance.
52. **Throughout the life of the project**, if at any point in time the onsite well serves 25 or more of the same individuals at least 6 months of the year, including all full time employees, a public water system permit is required to be obtained from the California State Water Resources Control Board (Water Board).
53. **Throughout the life of the project**, no outdoor lighting for the purposes of photosynthesis, or plant manipulation is allowed with this land use permit. Indoor lights shall be screened to not be seen from off-site and consistent with dark-sky standards.
54. **Throughout the life of the project**, the applicant shall maintain all components of the project security plan approved by the County Sheriff's Department.
55. **Throughout the life of the project**, the applicant shall post onsite all required land use permit approvals, all required State and County permits, and licenses required to operate. Such posting shall be in a central location, visible to the visitors, at the operating site, and in all vehicles that deliver or transport cannabis.
56. **Throughout the life of the project**, the property owner(s) shall grant access to the County of San Luis Obispo, its officers, agents, employees, and any other governmental entities and their respective officers, agents, and employees to enter onto the subject property to conduct site inspections for the purposes of compliance with this Use Permit. Inspections may occur any day of the week, without prior notice, between the hours of 8 a.m. – 6 p.m.
57. **Throughout the life of the project**, the applicant shall submit to the Department of Planning and Building any proposed changes to the approved Site Plans, Operations Plan, Security Plan, or other plan approved through this Use Permit prior to the proposed change. Changes shall be submitted in writing and must be approved by the Department of Planning and Building prior to the implementation of the proposed changes. Any changes to the approved project, including features identified in the Conditions of Approval stated herein, may require additional environmental analysis and/or revisions to the approved Use Permit that requires review and approval by the appropriate Review Authority.
58. **Throughout the life of the project**, the applicant shall submit to the Department of Planning and Building any changes to the applicant name, business name, business owners, State license status, landowner, or changes in ownership requiring approval from the County Tax Collector's Office or County Sheriff's Department prior to the proposed change. Changes shall be submitted in writing and

must be approved by the Department of Planning and Building prior to the implementation of the proposed changes.

59. **Throughout the life of the project,** the applicant shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.
60. **Throughout the life of the project,** the applicant shall conduct all cannabis activities in compliance with all required County permits, State licenses, County ordinance, and State law and regulation. The applicant shall be responsible for the payment of all required fees and taxes.
61. **Throughout the life of the project,** at the time the County Cannabis Monitoring Program goes into effect, the applicant shall enter the program within 90 days. Any associated fees shall be paid to the County.
62. **Throughout the life of the project,** the cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite so as not to invoke any verified nuisance complaints.
63. **Throughout the life of the project,** pesticides and fertilizers shall be properly labeled, stored, and applied to avoid and prevent contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
64. **Throughout the life of the project,** throughout the life of the project, best management water conservation practices shall be maintained to reduce water use below the water analysis projections as described in the applicant's Water Management Plan.
65. **Throughout the life of the project,** no minors or unauthorized personnel shall be permitted inside any restricted access areas, including the cultivation areas, under any circumstance.
66. **Throughout the life of the project,** the property owner, applicant, or responsible party designated by the property owner must read the water meter used for cannabis and record the water usage on or near the first day of the month. These records must be maintained by the property owner, applicant, or responsible party designated by the property owner and may be subject to inspection only by code enforcement pursuant to a violation investigation.
67. **Throughout the life of the project,** the applicant shall meter water used for cannabis activities and provide the County Planning and Building Department with quarterly water usage monitoring reports based on meter readings.
68. **Throughout the life of the project,** the applicant shall meter electricity used for cannabis activities and provide the County Planning and Building Department with quarterly energy usage monitoring reports based on meter readings.
69. **Throughout the life of the project,** and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right of way including but not limited, project signage; tree planting; fences; etc. without a valid encroachment permit issued by Caltrans.

Land Use Permit Expiration

70. This Minor Use Permit for cannabis cultivation shall expire in 5 years from the approval date. Within a 12-month period prior to expiration, the applicant may request the Minor Use Permit be renewed for an additional 5-year period. Any such request for renewal shall be in writing to the County Planning and

Building Department and shall be submitted in conjunction with the appropriate land use permit application. The request for renewal shall be processed with the same type of permit for the original entitlement. If a request for renewal is not requested or not granted, the Minor Use Permit shall be deemed expired.

71. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the County Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to LUO Section 22.74.16.