



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

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June 24, 2020

QUEST PLANNING  
3186 DAISY LN  
SAN LUIS OBISPO, CA 93401

**SUBJECT:** Notice of Final County Action, Minor Use Permit DRC2018-00081

Dear Sir/Madam,

On **June 19, 2020**, 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 **Eric Hughes** at (805) 781-5600.

*Daniela Chavez*

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

CC: OLD CREEK RANCH  
12520 SANTA RITA RD  
CAYUCOS, CA 93430

**EXHIBIT A – FINDINGS**  
**BLANCHARD/OLD CREEK RANCH (DRC2018-00081)**

**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 California Code of Regulations Section 15000 et seq.) has been prepared and released for public comment on April 1, 2020, for this project (SCH #2020050158). Mitigation measures have been identified to address potential impacts associated with agriculture and forestry, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and wildfire and have been 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 cannabis transport activities are allowed uses and, as conditioned, are consistent with all applicable General Plan policies.
- C. As conditioned, the proposed project and uses satisfy all applicable provisions of County Code Title 22.
- 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 outdoor cannabis cultivation does not generate activity that presents a potential threat to the surrounding property or buildings. Water use of the project would be minimized and actual 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, 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 uses would be sited in a rural location; the proposed uses would not be visible from surrounding public roadways; and all potential nuisance odors would be adequately controlled to not be detectable off-site.
- 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 is accessed by Santa Rita Road and would employ up to three full-time employees. Ancillary transport of cannabis grown on-site would occur once a year after harvest periods. 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.

## **COMMERCIAL 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 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**

- L. A modification from the fencing standards set forth in Land Use Ordinance Section 22.40.050.D.6 is justified to waive the requirement for solid fencing. The project site is located in a rural area and the areas for proposed cultivation would not be visible from any surrounding public roadway or other public viewpoint. Therefore, the request for a fencing modification meets the finding that the requirements for solid fencing materials at this location would be unnecessary, as no plants or other project component would be visible from surrounding public viewpoints.

## **ADDITIONAL FINDINGS**

- M. It is the declared policy of this County under Chapter 5.16 of the San Luis Obispo County Code and the County Agriculture Element to protect and encourage agricultural operations and conserve agricultural resources. Pursuant to Section 22.40.020 of the San Luis Obispo County Code, cannabis is not an agricultural commodity with respect to local "right to farm" ordinances nor is it considered "crop production and grazing" as a land use type. In this regard, the County has significant interest in ensuring the continued viability of agricultural operations adjacent and near cannabis cultivation operations. The County acknowledges that the establishment of the proposed project has the potential to cause traditional agricultural operations to cease or curtail their crop production activities near the proposed site because of state regulations which have imposed pesticide residue thresholds for cannabis which are significantly lower than the residue thresholds allowed for traditional agricultural crops. More specifically, the County has received substantial evidence indicating pesticide applicators would refuse to serve an agricultural operation if a cannabis site is permitted in close proximity to the agricultural operation because fear of potential crippling liability should a nearby cannabis operation be able to allege their cannabis has been made unmarketable by an offsite pesticide application, even if the levels of pesticide residue on the cannabis would otherwise be well within the amounts allowed for traditional agricultural food crops, like citrus, avocado, vineyards, vegetables and strawberries. The County has received reports in other jurisdictions, such as the County of Santa Barbara, of agricultural operations curtailing activities because of nearby

cannabis operations, as well as lawsuits being filed by cannabis operations against nearby traditional agricultural operations and pesticide applicators related to cannabis allegedly made unmarketable by pesticide applications in nearby traditional agricultural fields. In accordance with the rights afforded to the County by Article XI, section 7 of the California Constitution, and in order to adequately protect agricultural operations and conserve agricultural resources within the County, the imposition and enforceability of the condition of approval requiring the applicant to release, waive, discharge, hold harmless and covenant not to sue for any claim, loss or damage to cannabis or cannabis products related to an offsite pesticide application, as set forth within the condition of approval, is a condition to the issuance of the land use permit and making the findings required to approve this land use permit under County Code, specifically, the findings required by Sections 22.62.050.C.1 and 22.62.060.C.4c and d. If any clause or provision of this condition of approval is asserted by Releasing Party to be illegal, invalid or unenforceable, or is determined by a court of competent jurisdiction to be illegal, invalid, or unenforceable under present or future laws and the applicant does not provide or agree to adequate alternatives, this land use permit may be deemed void ab initio and there would be no vested rights to commence or continue cannabis activities on the site.

**EXHIBIT B – CONDITIONS OF APPROVAL**  
**BLANCHARD/OLD CREEK RANCH (DRC2018-00081)**

**APPROVED DEVELOPMENT**

1. This approval authorizes use of the following cannabis activities:
  - a. A maximum of 3 acres of outdoor cannabis cultivation area implemented in multiple phases, as follows:
    - i. One 0.84-acre cultivation area in above ground pots;
    - ii. One 0.86-acre cultivation area in above ground pots; and
    - iii. One 1.3-acre cultivation area in above ground pots and two 8,000-square-foot cannabis hoop structures.
  - iv. The existing cultivation previously allowed under Condition Compliance Monitoring (CCM) No. 2016-00008 shall cease operations no later than August 31, 2020. Any cultivation occurring before this date remains subject to the requirements of Resolution No. 2020-18. Any cultivation beyond this date may only occur under the following conditions:
    - a. after compliance with the applicable conditions of approval as determined by the Planning Director; or,
    - b. a one-time extension of up to 30-days may be granted by the Planning Director if the applicant can demonstrate that the applicable conditions of approval will be met within the 30-day extension period.
  - v. Phasing. The project shall be subject to the following phasing plan:

<b>Phase</b>	<b>Cannabis Use/Activity</b>	<b>Timing</b>	<b>Canopy</b>	<b>Hoop Structures</b>
Winddown	Outdoor Cultivation	Cultivation occurring within existing footprint without satisfying applicable conditions of approval needs to cease by August 31, 2020, unless a 30-day extension is granted as identified in Condition 1.a.iv.b.	1.3 acres	-
1	Outdoor Cultivation	May continue within existing footprint after August 31, 2020 only after verification of compliance with applicable conditions.	1.3 acres	Two @ 12' tall x 100' long and 80' long
2	Outdoor Cultivation	May commence following verification of compliance with applicable conditions.	3 acres	

- b. Maximum annual water demand for all proposed cannabis uses on the project site of 4.4 acre-feet per year.
2. This Minor Use Permit authorizes the modification of the fencing and screening standards set forth in Land Use Ordinance Section 22.40.050.D.6 to waive the requirement for solid fencing. Solid fencing may be required despite this modification, if requested by the County of San Luis Obispo Sheriff's Office.
3. The ancillary transport of cannabis or processed cannabis 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.
4. This Minor Use Permit does not authorize cultivation activities outside the existing cultivation area previously allowed under Condition Compliance Monitoring (CCM) No. 2016-00008 prior to August 31, 2020, unless all applicable conditions of approval have been satisfied.

#### **Conditions Required to be Completed Prior to issuance of an As-Built Grading Permit**

5. **GEO-1. Prior to issuance of an as-built grading permit**, a qualified engineering geologist shall review the project as-built grading, drainage and erosion control plans and prepare a written review letter. The review letter shall verify conformance with recommendations of the project geological characterization report and shall be submitted to the County of San Luis Obispo Planning and Building Department.

#### **Conditions Required to be Completed within 30 days of Land Use Permit Approval**

6. **Within 30 days of Land Use Permit approval**, the applicant shall submit evidence that the Central Coast Regional Water Quality Control Board will allow continued cultivation during the winddown period stated in Condition No. 1.a.iv and 1.a.v.
7. **Within 30 days of Land Use Permit approval**, the applicant shall submit an application for an as-built grading permit for the 1.3-acre existing cultivation area that was previously terraced.

#### **CONDITIONS REQUIRED TO BE COMPLETED PRIOR TO ISSUANCE OF A COUNTY BUSINESS LICENSE**

8. **Prior to issuance of a County Business License**, the applicant shall enter the County of San Luis Obispo Cannabis Monitoring Program. Any associated fees shall be paid to the County of San Luis Obispo Planning and Building Department.
9. **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.
10. **Prior to issuance of a 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.
11. **Prior to issuance of a County Business License**, the applicant shall submit evidence that solid waste and recycling collection will be consistent with Land Use Ordinance Sections 22.10.150.B and C.

12. **Prior to issuance of a County Business License**, the applicant shall submit evidence that the project security plan has been reviewed and approved by the County of San Luis Obispo Sheriff's Office as required by Land Use Ordinance Section 22.40.040.D.
13. **Prior to issuance of a County Business License**, the applicant shall provide evidence to the County of San Luis Obispo Planning and Building Department that on-site circulation and pavement structural sections have been designed and shall be constructed in conformance with California Department of Forestry and Fire Protection (CAL FIRE)/ County Fire Department standards and specifications back to the nearest public maintained roadway.
14. **Prior to issuance of a County Business License**, the applicant shall obtain an Operator Identification Number (OIN), if required by the County of San Luis Obispo 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.
15. **Prior to issuance of a County Business License**, the applicant shall install security fencing as approved by the County of San Luis Obispo Sheriff's Office.
16. **Prior to issuance of a County Business License**, the applicant shall be responsible for the timely payment of all fees associated with this approval. Failure to pay fees in a timely manner may result in revocation of the permit.
17. **Prior to issuance of a County Business License**, and within 30 days of Land Use Permit approval, the applicant shall submit evidence to the County of San Luis Obispo Planning and Building Department that all necessary copies of any leases (ground, greenhouse, or otherwise) or production-sharing agreements related to “Cannabis Activities” on the subject property have been provided to the County of San Luis Obispo Assessor’s Office.
18. **BIO-1. Prior to issuance of business license**, establishment of the use, or any site disturbance, whichever occurs first, the applicant shall provide evidence to the County of San Luis Obispo that they have retained a County-approved qualified biologist. The scope of work for the retained biologist shall include a seasonal botanical survey, preconstruction surveys, worker awareness training, monitoring, reporting, and agency coordination as detailed in the mitigation measures listed below.

**Conditions required to be completed at the time of application for construction permits**

**Site Development**

19. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan.
20. **At the time of application for construction permits**, all project conditions shall be clearly printed on the site and grading plans and shall be consistent with the currently adopted California Codes.
21. **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.
22. **At the time of application for construction permits**, the submitted building plan set shall demonstrate consistency with California State Title 24 energy laws.
23. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark in color.

**Fire Safety**

24. **At the time of application for construction permits**, the applicant shall obtain a Fire Safety Plan from CAL FIRE/County Fire. All plans submitted to the County of San Luis Obispo 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.

**Drainage**

25. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval as determined by the County of San Luis Obispo Public Works Department and in accordance with Land Use Ordinance Section 22.52.110 (Drainage) or 23.05.040 (Drainage).
26. **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 Land Use Ordinance Section 22.52.120.

**Stormwater**

27. **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.

**Services**

28. **At the time of application for construction permits**, the applicant shall submit evidence to County of San Luis Obispo Building and Safety staff that there is adequate water to serve the proposal on-site.

29. **At the time of application for construction permits**, the applicant shall submit evidence to County of San Luis Obispo Building and Safety staff that the existing septic system is adequate to serve the proposal.

#### **Conditions Required to be Completed Prior to Commencing Permitted Activities**

30. **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 County Code Title 6.
31. **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 of San Luis Obispo Planning and Building Department prior to commencing permitted activities.
32. **Prior to commencing permitted activities**, the applicant shall demonstrate to the County of San Luis Obispo Planning and Building Department how cannabis activities will be physically and adequately separated from vacant areas or other non-cannabis uses on site. The applicant shall obtain any necessary building permits to create the separation between uses.
33. **Prior to commencing permitted activities**, the applicant shall have a water meter installed on any new or existing water source proposed for cannabis activities. Installation of the meter must be performed to the satisfaction of the County of San Luis Obispo Planning and Building Inspector.
34. **Prior to commencing permitted activities**, the applicant shall complete and submit the Hazardous Materials Declaration Flowchart to the Environmental Health Services office.

#### **CONDITIONS TO BE COMPLETED PRIOR TO INITIATION OF PROPOSED SITE DISTURBANCE ACTIVITIES OR DURING PROJECT SITE DISTURBANCE ACTIVITIES**

35. **During project site disturbance activities**, cannabis cultivation grading activities shall be consistent with the conservation practices and standards contained in the U.S. Department of Agriculture Natural Resources Conservation Service Field Office Technical Guide. Practices shall not adversely affect slope stability or groundwater recharge and shall prevent off-site drainage, erosion, and sedimentation impacts. Erosion and sedimentation control activities shall adhere to the standards in Land Use Ordinance Section 22.52.150C.

#### **Biological Resources**

36. **BIO-2. Cambria morning glory avoidance and restoration. Prior to initial ground disturbance or initiation of proposed activities**, the following measures must be conducted in order to address potential project impacts to Cambria morning glory:
- a. Seasonally timed survey. Prior to initial ground disturbance and staging activities, seasonally timed surveys shall be completed to determine the presence or absence of Cambria morning glory. The surveys shall be in accordance with the protocols established by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and County of San Luis Obispo policies. The surveys shall be conducted during the blooming period of Cambria morning

glory and blooming shall be confirmed with local reference sites at the time surveys are conducted.

- b. If no Cambria morning glory are identified within the project footprint, the qualified biologist shall document their methodology and findings in a botanical survey report and submit it to the County of San Luis Obispo prior to initiation of site disturbance and proposed project activities.
- c. If Cambria morning glory are identified within the project footprint, then a salvage and relocation program to preserve open space areas on-site containing appropriate habitat shall be implemented to ensure the long-term survivability of the species. A Cambria morning glory transplanting plan shall be prepared to identify suitable locations, methods, and success criteria for Cambria morning glory mitigation through transplanting individuals located within the project disturbance area to suitable unoccupied habitat on-site. The plan shall be submitted to the County Department of Planning and Building for approval prior to initiation of site disturbance activities and/or initiation of proposed project activities, whichever occurs first.

37. **BIO-3. Nesting Birds Avoidance.** To the maximum extent possible, all site preparation, ground-disturbing, and construction activities shall be conducted outside of the migratory bird breeding season (February 1 through September 15). If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- a. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). 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 young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- b. If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- c. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).
- d. If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of earthwork), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

38. **BIO-4. Worker Awareness Training.** Prior to initiation of site preparation, disturbance, or vegetation removal, a County-approved qualified biologist shall conduct on-site environmental training to aid workers in recognizing and avoiding western pond turtles and California red-legged frog within the project area, and instruct all construction personnel to conduct work activities within the defined area only.

39. **BIO-5. Clear Delineation of Work Areas.** Prior to initiation of site preparation, disturbance, or vegetation removal, the applicant shall clearly mark boundaries of the proposed work area before construction activities (e.g., fence installation, avocado tree removal, etc.) with highly visible flagging or fencing and avoid expanding the work area into any adjacent vegetation.

40. **BIO-6. Special-Status Reptile and Amphibian Preconstruction Survey and Relocation.** A qualified biologist shall conduct a preconstruction survey immediately prior to initial ground disturbance (i.e. the morning of the commencement of disturbance). If any special status reptiles or amphibians, such as Western pond turtle, are found in the area of proposed disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. However, if federal or state listed animals, such as California red-legged frog, are observed, all work shall cease, and California Fish and Wildlife and/or U.S. Fish and Wildlife Service shall be consulted as appropriate. Federal or state listed animals shall not be captured, harmed, or relocated without prior approval from the appropriate agency.

41. **BIO-7. California Red-Legged Frog Surveys and Avoidance During Ongoing Operations.** For the life of the project, the applicant shall make every effort to schedule work activities when impacts to California red-legged frog and western pond turtles would be minimal. This would include the following:

- a. Avoid work during the rainy season (October 15 through April 15). If work must occur in the rainy season, no work shall occur during or immediately after rain events of 0.25 inches or greater.
- b. If operational activities such as planting or harvesting are necessary during the rainy season, an Operational Management Plan for the avoidance of amphibians shall be prepared by a qualified biologist. The project's Operational Management Plan will be subject to the review and approval of the USFWS and County of San Luis Obispo Planning and Building Department prior to operational activities during the rainy season.

The Management Plan shall address items including, but not limited to:

- i. Monitoring that will occur during ground disturbance and related activities (e.g., monitoring duration, time, frequency);
- ii. Procedures to follow if a California red-legged frog, western pond turtle, or other sensitive species are encountered during operational-related activities;
- iii. Pre-activity worker training;
- iv. Scheduling of such activities proposed to minimize impacts to sensitive species (i.e., completing activities closest to potential California red-legged frog habitat first); and
- v. The filing of a post-activity report "lessons learned" on the effectiveness of the required measures.

- c. Avoid nighttime work. If nighttime work is deemed necessary, a qualified biologist shall be on-site until it is determined that no potential impacts to California red-legged frog or western pond turtle would occur based on conditions and the scope of work.
42. **BIO-8. Erosion Control – Avoid Rainy Season.** If feasible, project construction and ground-disturbing activities shall be limited to the dry season (April 15 through October 15). If construction activities cannot take place only during the dry season, a qualified biologist, retained by the applicant and approved by the County Department of Planning and Building, shall determine what additional erosion and sedimentation control measures are required to protect the downslope riparian habitat and drainages that occur within proximity to proposed disturbance areas.
43. **BIO-9. Surface Water Protection. Prior to initiation of ground-disturbing activities,** to minimize potential sedimentation within the ephemeral tributaries to Old Creek located downslope of the project site, a sedimentation and erosion control plan shall be prepared that minimizes project sediment from reaching the creek. Best management practices shall be used to minimize sediment from reaching the closest waterway(s). At a minimum, straw wattles (or comparably effective devices [as determined by the qualified biologist]) shall be placed on the downslope sides of the proposed work which would direct flows into temporary sedimentation basins. This shall be checked and maintained regularly and after all larger storm events. All remedial work shall be done immediately after discovery so sedimentation control devices remain in good working order.
44. **BIO-10. Native Tree Impacts. Prior to any project site disturbance or vegetation removal,** a County-qualified biologist shall prepare finalized site plans that shall clearly delineate all native trees within 50 feet of areas where soil disturbance would occur and shall indicate which trees would be impacted by project activities, such as compaction (e.g., regular use of vehicles), grading (includes cutting and filling of material), tilling, placement of impermeable surfaces (e.g., pavement), or year-round irrigation within the critical root zone (measured to be a radius of 1.5 times the dripline of the tree), and which trees are to remain unimpacted.
45. **BIO-11. Native Tree Protection. Throughout the project site disturbance and construction activities,** native oak trees located within 20 feet of proposed grading, trenching, building construction, road improvements, tilling, year-round irrigation, or other impactful activities shall be protected by placement of protective fencing until site disturbance activities are complete.
46. **BIO-12. Oak Tree Replacement Plan.** If the finalized site plans (as described in BIO-10) indicate that native trees on-site would be removed or impacted by project activities, prior to site disturbance activities, the qualified biologist shall prepare an Oak Tree Replacement Plan that provides for the installation and maintenance of replacement native oak trees on the project parcel and surrounding parcels owned by the applicant and shall be reviewed and approved by the County of San Luis Obispo Department of Planning and Building. Mitigation replacement plantings for each oak tree removed shall be at a 4:1 ratio and at a 2:1 ratio for each oak tree impacted (e.g., if nine trees are impacted, 18 trees shall be planted). The Oak Tree Replacement Plan shall include the following components:
- a. A brief narrative of the project location, description, and purpose;

- b. Clearly identified parties responsible for the mitigation program and their contact information;
  - c. A landscape map showing and quantifying all oak tree planting areas;
  - d. A requirement that all replacement oak trees be located at least 50 feet from the proposed aboveground power connection and from existing powerlines.
  - e. A detailed discussion of the methods for implementing the Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
  - f. Provisions for the collection of oak propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
  - g. Identification of locations, amounts, species, and sizes of the oak trees to be planted. For each individual of a species removed, the same species shall be planted.
  - h. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
  - i. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and
  - j. Methods for removing nonnative species from the replanting areas.
47. **BIO-13. Unimpacted Oak Tree Maintenance.** For the life of the project, all oak trees not identified as being impacted shall be maintained. Unless identified as impacted in the finalized site plans, the following activities are not allowed within the critical root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).
- Cultural Resources and Tribal Cultural Resources**
48. **During construction,** in the event that buried, or otherwise unknown cultural resources are discovered during construction activities in the area of the find, work shall be suspended and the County of San Luis Obispo should be contacted immediately. Prior to resuming construction activities, appropriate mitigation measures shall be developed by a qualified archeologist or historian if necessary, at the developer's expense. In the event that human remains are discovered, the County of San Luis Obispo Coroner shall be contacted immediately. If the Coroner determines the remains are Native American, the Native American Heritage Commission (NAHC) would be contacted and the remains would be left in situ and protected until a decision is made on their final disposition.

#### ***Hazardous Materials***

49. **HAZ-1. Equipment Maintenance and Refueling.** During all site preparation activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. The project applicant shall consult with the local Resources Conservation District to identify suitable staging areas and Best Management Practices that shall be implemented on-site to

minimize potential for stormwater runoff and release of hazardous contaminants. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

50. **HAZ-2. Spill Response Protocol.** During all site preparation and construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be on-site at all times during site preparation and construction activities.

## **CONDITIONS TO BE COMPLETED PRIOR TO ESTABLISHMENT OF THE USE**

51. **Prior to establishment of the use,** whichever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE for all required fire/life safety measures, including, but not limited to, measures detailed in the Commercial Fire Safety Plan prepared for the project dated June 26, 2018, by Tony Gomes.
52. **Prior to establishment of the use,** the applicant shall contact the County of San Luis Obispo Planning and Building Department to have the site inspected for compliance with the conditions of this approval.

## **ONGOING CONDITIONS FOR THE LIFE OF THE PROJECT**

53. **Throughout the life of the project,** to minimize project-related traffic impacts in accordance with the project description, the permit is restricted as follows:
- a. Maximum 3 acres of outdoor cannabis cultivation area; and
  - b. Ancillary transport of cannabis grown on-site.
54. **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 to, project signage, landscaping, agricultural operations, etc., without a valid Encroachment Permit issued by the County of San Luis Obispo Public Works Department.
55. This Land Use Permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the Land Use Permit is considered vested. This Land Use Permit is considered to be vested once a construction permit has been issued and substantial site work has been completed, or pursuant to Land Use Ordinance Section 22.64.090.B, the Director verifies that the use or activity not involving a building or grading permit is occurring on the subject site in compliance with all applicable provisions of the Land Use Ordinance and these Conditions of Approval. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations and construction occurring above grade.
56. **Throughout the life of the project,** all conditions of this approval shall be strictly adhered to, within the time frames specified, and in an ongoing 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 of San Luis Obispo Planning and Building Department. If it is determined that violation(s) of these Conditions of Approval have occurred, or are occurring, this approval may be revoked pursuant to Land Use Ordinance Sections 22.74.160, 22.40.110, and 22.40.120. Revocation may require restoration to pre-existing

conditions of areas of disturbance for cannabis-related activities authorized by this permit.

57. **Throughout the life of the project**, the applicant shall maintain no less than three parking spaces on-site for the life of the project.
58. **Throughout the life of the project**, the applicant shall post on-site all required Land Use Permit approvals and all required State of California and County of San Luis Obispo 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.
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 of San Luis Obispo shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County of San Luis Obispo upon request.
60. **Throughout the life of the project**, the applicant shall conduct all cannabis activities in compliance with the approved Operations Plan, as well as all required State of California licenses, laws, and regulations and County of San Luis Obispo permits and ordinances. The applicant shall be responsible for the payment of all required fees and taxes.
61. **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 off-site so as to not invoke any verified nuisance complaints. In the event of a verified nuisance complaint, the County of San Luis Obispo may pursue remedial action that may include the reduction or cessation of operations until a revised operations plan is reviewed and approved by the County of San Luis Obispo Planning and Building Department, abatement of the violation pursuant to Land Use Ordinance Section 22.40.130 and permit revocation pursuant to Land Use Ordinance Sections 22.40.110 and 22.40.120.
62. **Throughout the life of the project**, the property Williamson Act contract requirements shall be maintained.
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**, 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**, solid waste and recycling shall be conducted in accordance with Land Use Ordinance Sections 22.10.150.B and C.
66. **Throughout the life of the project**, immature plants and clones shall only be used for the cultivation on the project site and shall not be sold or transported off-site.

67. **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.
68. **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.
69. **Throughout the life of the project**, the applicant or responsible party designated by the applicant shall maintain daily records of all water used for cannabis activities. The County of San Luis Obispo shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County of San Luis Obispo upon request.
70. **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.
71. **Throughout the life of the project**, the property owner(s) shall grant access to the County of San Luis Obispo and its officers, agents, and 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 8:00 a.m. and 6:00 p.m.
72. **Throughout the life of the project**, the project would utilize three existing on-site wells located on the project property. If at any point in time any of these wells serve 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 State Water Resources Control Board.
73. **Throughout the life of the project**, the applicant shall submit to the County of San Luis Obispo Planning and Building Department 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 County of San Luis Obispo Planning and Building Department 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.
74. **Throughout the life of the project**, the applicant shall submit to the County of San Luis Obispo Planning and Building Department any changes to the applicant name, business name, business owners, State license status, landowner, or changes in ownership requiring approval from the County of San Luis Obispo Tax Collector's Office or Sheriff's Office prior to the proposed change. Changes shall be submitted in writing and must be approved by the County of San Luis Obispo Planning and Building Department prior to the implementation of the proposed changes.

75. **Throughout the life of the project**, the applicant, and their representatives, agents, officers, employees, successors, landlords, tenants, insurers, assigns and any other party claiming a direct or indirect financial, ownership or commercial interest in the project or the cannabis or cannabis products produced or located on the site ("Releasing Parties"), shall, as a condition of approval of this land use permit, release, waive, discharge, hold harmless and covenant not to sue any property owner, property operator/tenant or pest control business, pest control advisor or qualified applicator, including their owners, agents, officers, employees and authorized representatives ("Released Parties"), for any claim, loss or damage to cannabis or cannabis products located on the project site arising out of the recommendation or application of a registered pesticide on an agricultural commodity located outside the project site by a person or business who holds the required state license or certificate and local Operator Identification Number and, if applicable, Restricted Materials Permit, and who follows required state and local pesticide use reporting and does not grossly depart from industry norms, standards and practices regarding the application of said pesticide. This condition does not extend to any loss or damage caused by the gross negligence or willful misconduct of a Released Party, or a violation of Food and Agricultural Code Section 12972 verified by the County Agricultural Commissioner. This condition expressly extends to any statutory violations, except as set forth herein, including but not limited to actual or alleged violations of Food and Agricultural Code Section 12973, so long as the violations are not caused by the gross negligence or willful misconduct of a Released Party. Approval of this land use permit, as a land use decision, is a quasi-judicial action regulatory in nature involving the application of preexisting laws or standards to a specific project and does not involve negotiated consideration by both the County and the applicant, unlike a development agreement (see 78 Ops.Cal.Atty.Gen. 230), and therefore is not subject to the limitations of Civil Code section 1668 because this land use decision is not contractual in nature. This condition of approval shall have no impact on the enforcement or application of State pesticide laws and regulations by state or local agencies, including but not limited to licensing and certification requirements, pesticide use reporting and operator identification numbers, pesticide use enforcement inspections and investigations, issuance of cease and desist orders, initiation of administrative or criminal enforcement actions, and imposition of administrative, civil and criminal penalties.

#### **LAND USE PERMIT EXPIRATION**

76. 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 of San Luis Obispo 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.



COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING & BUILDING  
TREVOR KEITH *DIRECTOR OF PLANNING & BUILDING*

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VIA ELECTRONIC MAIL: Ian McCarville <[ian@kirk-consulting.net](mailto:ian@kirk-consulting.net)>

June 20, 2022

Old Creek Ranch/Coastal Canyon Farms  
12520 Santa Rita Road  
Cayucos, CA. 91789

SUBJECT: Conditional Substantial Conformance Determination for Project Modification  
MOD2022-00009 to Minor Use Permit DRC2018-00081 for Coastal Canyon Farms

Dear Mr. McCarville,

This letter relates to the Project Modification Application MOD2022-00009 for Minor Use Permit DRC2018-00081 for Old Creek Ranch/Coastal Canyon Farms, Inc. Based on the information provided, the Planning and Building Department has determined that the proposed changes are in substantial conformance with the approved development and County Code Section 22.64.050. A review of the proposed changes and reason for the determination are provided below.

**Description of Proposed Changes:**

The proposed changes include modification to the previously approved land use entitlement to allow the construction of up to 22,480 square feet of hoop houses in the Phase I outdoor cultivation area.

**Basis for Substantial Conformance Determination:**

1. The proposed changes do not result in any new or increased environmental impacts. The construction of the hoop houses will not increase environmental impacts because:
  - a. The project's biological assessment analyzed the proposed area of site disturbance, and the area is not being expanded.
  - b. The applicant originally proposed outdoor cultivation, and cultivation in hoop houses is considered outdoor cultivation under County Code.
  - c. The applicant was approved for 16,000 square feet of hoop houses in this area, and the applicant is requesting to increase this to 22,480 square feet, which will not significantly increase the hoop house area.
  - d. The cultivation area is not visible from public roadways or surrounding properties.
2. The proposed changes do not result in the need to modify any of the Conditions of Approval.
  - a. Cultivation in hoop houses is considered outdoor cultivation; therefore, the proposed

changes are consistent with the approved development as stated in the Conditions of Approval.

3. The proposed changes do not result in any changes to the project that were specifically considered by the review authority.
  - a. The previously proposed hoop houses were not specific considerations of the Review Authority. Therefore, the proposed changes are in conformance with the approved project.

### **Special Requirements:**

The proposed modifications shall comply with all original conditions from Minor Use Permit DRC2018-00081, as well as the following requirements:

1. **Prior to commencing activities**, the applicant shall demonstrate compliance with the Conditions of Approval associated with the Minor Use Permit DRC2018-00081.
2. **At the time of application for any future construction permits**, this letter and a copy of the Conditions of Approval from the Minor Use Permit DRC2018-00081 (Attachment A) shall be printed on the construction drawings.
3. **For the life of the project**, the applicant shall conduct cultivation activities associated with the Phase 1 outdoor cultivation area in compliance with the site plans in Attachment B.
4. **Indemnification**, the applicant shall, as a condition of approval of this land use permit application, defend, hold harmless and indemnify, at his or her sole expense (including attorney's fees, with Counsel approved by the County), any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this land use permit or the manner in which the County is interpreting or enforcing the conditions of this land use permit, or any other action by a third party relating to approval or implementation of this land use permit. The applicant shall reimburse the County for any court costs and attorney fees that the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition. Upon request of the County, the applicant shall also enter into a separate agreement with the County (the "Indemnity Agreement"), in a form approved by County Counsel, agreeing to defend, indemnify, save and hold harmless the County, its present or former officers, agents, or employees, against actions by a third party challenging either its decision to approve this land use permit or the manner in which the County is interpreting or enforcing the conditions of this land use permit, or any other action by a third party relating to or arising out of the approval or implementation of this land use permit. The agreement shall provide that the applicant will indemnify the County and reimburse it for any costs and/or attorney's fees which the County incurs as a result of such action, and that the County's participation or non-participation in any such litigation shall not

relieve the applicant of his or her obligations under this condition or the agreement. The applicant shall also provide sufficient guarantees for the obligations hereunder as determined by County Counsel. Any violation of this condition, including the applicant's failure to execute the Indemnity Agreement or breach thereof, or failure to provide sufficient guarantees, is grounds for the County to rescind and/or revoke its approval of this land use permit. These defense and indemnity obligations shall survive any recission, revocation and/or set aside of this land use permit.

If you have any questions regarding this determination, please contact me at [ehughes@co.slo.ca.us](mailto:ehughes@co.slo.ca.us) or (805) 781-1591.

Sincerely,



Eric Hughes, Senior Planner

### **Attachments**

Attachment A – Conditions of Approval

Attachment B – Revised Site Plan



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

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June 24, 2020

QUEST PLANNING  
3186 DAISY LN  
SAN LUIS OBISPO, CA 93401

**SUBJECT:** Notice of Final County Action, Minor Use Permit DRC2018-00081

Dear Sir/Madam,

On **June 19, 2020**, 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 **Eric Hughes** at (805) 781-5600.

*Daniela Chavez*

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

CC: OLD CREEK RANCH  
12520 SANTA RITA RD  
CAYUCOS, CA 93430

**EXHIBIT A – FINDINGS**  
**BLANCHARD/OLD CREEK RANCH (DRC2018-00081)**

**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 California Code of Regulations Section 15000 et seq.) has been prepared and released for public comment on April 1, 2020, for this project (SCH #2020050158). Mitigation measures have been identified to address potential impacts associated with agriculture and forestry, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and wildfire and have been 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 cannabis transport activities are allowed uses and, as conditioned, are consistent with all applicable General Plan policies.
- C. As conditioned, the proposed project and uses satisfy all applicable provisions of County Code Title 22.
- 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 outdoor cannabis cultivation does not generate activity that presents a potential threat to the surrounding property or buildings. Water use of the project would be minimized and actual 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, 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 uses would be sited in a rural location; the proposed uses would not be visible from surrounding public roadways; and all potential nuisance odors would be adequately controlled to not be detectable off-site.
- 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 is accessed by Santa Rita Road and would employ up to three full-time employees. Ancillary transport of cannabis grown on-site would occur once a year after harvest periods. 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.

## **COMMERCIAL 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 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**

- L. A modification from the fencing standards set forth in Land Use Ordinance Section 22.40.050.D.6 is justified to waive the requirement for solid fencing. The project site is located in a rural area and the areas for proposed cultivation would not be visible from any surrounding public roadway or other public viewpoint. Therefore, the request for a fencing modification meets the finding that the requirements for solid fencing materials at this location would be unnecessary, as no plants or other project component would be visible from surrounding public viewpoints.

## **ADDITIONAL FINDINGS**

- M. It is the declared policy of this County under Chapter 5.16 of the San Luis Obispo County Code and the County Agriculture Element to protect and encourage agricultural operations and conserve agricultural resources. Pursuant to Section 22.40.020 of the San Luis Obispo County Code, cannabis is not an agricultural commodity with respect to local "right to farm" ordinances nor is it considered "crop production and grazing" as a land use type. In this regard, the County has significant interest in ensuring the continued viability of agricultural operations adjacent and near cannabis cultivation operations. The County acknowledges that the establishment of the proposed project has the potential to cause traditional agricultural operations to cease or curtail their crop production activities near the proposed site because of state regulations which have imposed pesticide residue thresholds for cannabis which are significantly lower than the residue thresholds allowed for traditional agricultural crops. More specifically, the County has received substantial evidence indicating pesticide applicators would refuse to serve an agricultural operation if a cannabis site is permitted in close proximity to the agricultural operation because fear of potential crippling liability should a nearby cannabis operation be able to allege their cannabis has been made unmarketable by an offsite pesticide application, even if the levels of pesticide residue on the cannabis would otherwise be well within the amounts allowed for traditional agricultural food crops, like citrus, avocado, vineyards, vegetables and strawberries. The County has received reports in other jurisdictions, such as the County of Santa Barbara, of agricultural operations curtailing activities because of nearby

cannabis operations, as well as lawsuits being filed by cannabis operations against nearby traditional agricultural operations and pesticide applicators related to cannabis allegedly made unmarketable by pesticide applications in nearby traditional agricultural fields. In accordance with the rights afforded to the County by Article XI, section 7 of the California Constitution, and in order to adequately protect agricultural operations and conserve agricultural resources within the County, the imposition and enforceability of the condition of approval requiring the applicant to release, waive, discharge, hold harmless and covenant not to sue for any claim, loss or damage to cannabis or cannabis products related to an offsite pesticide application, as set forth within the condition of approval, is a condition to the issuance of the land use permit and making the findings required to approve this land use permit under County Code, specifically, the findings required by Sections 22.62.050.C.1 and 22.62.060.C.4c and d. If any clause or provision of this condition of approval is asserted by Releasing Party to be illegal, invalid or unenforceable, or is determined by a court of competent jurisdiction to be illegal, invalid, or unenforceable under present or future laws and the applicant does not provide or agree to adequate alternatives, this land use permit may be deemed void ab initio and there would be no vested rights to commence or continue cannabis activities on the site.

**EXHIBIT B – CONDITIONS OF APPROVAL**  
**BLANCHARD/OLD CREEK RANCH (DRC2018-00081)**

**APPROVED DEVELOPMENT**

1. This approval authorizes use of the following cannabis activities:
  - a. A maximum of 3 acres of outdoor cannabis cultivation area implemented in multiple phases, as follows:
    - i. One 0.84-acre cultivation area in above ground pots;
    - ii. One 0.86-acre cultivation area in above ground pots; and
    - iii. One 1.3-acre cultivation area in above ground pots and two 8,000-square-foot cannabis hoop structures.
  - iv. The existing cultivation previously allowed under Condition Compliance Monitoring (CCM) No. 2016-00008 shall cease operations no later than August 31, 2020. Any cultivation occurring before this date remains subject to the requirements of Resolution No. 2020-18. Any cultivation beyond this date may only occur under the following conditions:
    - a. after compliance with the applicable conditions of approval as determined by the Planning Director; or,
    - b. a one-time extension of up to 30-days may be granted by the Planning Director if the applicant can demonstrate that the applicable conditions of approval will be met within the 30-day extension period.
  - v. Phasing. The project shall be subject to the following phasing plan:

<b>Phase</b>	<b>Cannabis Use/Activity</b>	<b>Timing</b>	<b>Canopy</b>	<b>Hoop Structures</b>
Winddown	Outdoor Cultivation	Cultivation occurring within existing footprint without satisfying applicable conditions of approval needs to cease by August 31, 2020, unless a 30-day extension is granted as identified in Condition 1.a.iv.b.	1.3 acres	-
1	Outdoor Cultivation	May continue within existing footprint after August 31, 2020 only after verification of compliance with applicable conditions.	1.3 acres	Two @ 12' tall x 100' long and 80' long
2	Outdoor Cultivation	May commence following verification of compliance with applicable conditions.	3 acres	

- b. Maximum annual water demand for all proposed cannabis uses on the project site of 4.4 acre-feet per year.
2. This Minor Use Permit authorizes the modification of the fencing and screening standards set forth in Land Use Ordinance Section 22.40.050.D.6 to waive the requirement for solid fencing. Solid fencing may be required despite this modification, if requested by the County of San Luis Obispo Sheriff's Office.
3. The ancillary transport of cannabis or processed cannabis 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.
4. This Minor Use Permit does not authorize cultivation activities outside the existing cultivation area previously allowed under Condition Compliance Monitoring (CCM) No. 2016-00008 prior to August 31, 2020, unless all applicable conditions of approval have been satisfied.

#### **Conditions Required to be Completed Prior to issuance of an As-Built Grading Permit**

5. **GEO-1. Prior to issuance of an as-built grading permit**, a qualified engineering geologist shall review the project as-built grading, drainage and erosion control plans and prepare a written review letter. The review letter shall verify conformance with recommendations of the project geological characterization report and shall be submitted to the County of San Luis Obispo Planning and Building Department.

#### **Conditions Required to be Completed within 30 days of Land Use Permit Approval**

6. **Within 30 days of Land Use Permit approval**, the applicant shall submit evidence that the Central Coast Regional Water Quality Control Board will allow continued cultivation during the winddown period stated in Condition No. 1.a.iv and 1.a.v.
7. **Within 30 days of Land Use Permit approval**, the applicant shall submit an application for an as-built grading permit for the 1.3-acre existing cultivation area that was previously terraced.

#### **CONDITIONS REQUIRED TO BE COMPLETED PRIOR TO ISSUANCE OF A COUNTY BUSINESS LICENSE**

8. **Prior to issuance of a County Business License**, the applicant shall enter the County of San Luis Obispo Cannabis Monitoring Program. Any associated fees shall be paid to the County of San Luis Obispo Planning and Building Department.
9. **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.
10. **Prior to issuance of a 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.
11. **Prior to issuance of a County Business License**, the applicant shall submit evidence that solid waste and recycling collection will be consistent with Land Use Ordinance Sections 22.10.150.B and C.

12. **Prior to issuance of a County Business License**, the applicant shall submit evidence that the project security plan has been reviewed and approved by the County of San Luis Obispo Sheriff's Office as required by Land Use Ordinance Section 22.40.040.D.
13. **Prior to issuance of a County Business License**, the applicant shall provide evidence to the County of San Luis Obispo Planning and Building Department that on-site circulation and pavement structural sections have been designed and shall be constructed in conformance with California Department of Forestry and Fire Protection (CAL FIRE)/ County Fire Department standards and specifications back to the nearest public maintained roadway.
14. **Prior to issuance of a County Business License**, the applicant shall obtain an Operator Identification Number (OIN), if required by the County of San Luis Obispo 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.
15. **Prior to issuance of a County Business License**, the applicant shall install security fencing as approved by the County of San Luis Obispo Sheriff's Office.
16. **Prior to issuance of a County Business License**, the applicant shall be responsible for the timely payment of all fees associated with this approval. Failure to pay fees in a timely manner may result in revocation of the permit.
17. **Prior to issuance of a County Business License**, and within 30 days of Land Use Permit approval, the applicant shall submit evidence to the County of San Luis Obispo Planning and Building Department that all necessary copies of any leases (ground, greenhouse, or otherwise) or production-sharing agreements related to “Cannabis Activities” on the subject property have been provided to the County of San Luis Obispo Assessor’s Office.
18. **BIO-1. Prior to issuance of business license**, establishment of the use, or any site disturbance, whichever occurs first, the applicant shall provide evidence to the County of San Luis Obispo that they have retained a County-approved qualified biologist. The scope of work for the retained biologist shall include a seasonal botanical survey, preconstruction surveys, worker awareness training, monitoring, reporting, and agency coordination as detailed in the mitigation measures listed below.

**Conditions required to be completed at the time of application for construction permits**

**Site Development**

19. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan.
20. **At the time of application for construction permits**, all project conditions shall be clearly printed on the site and grading plans and shall be consistent with the currently adopted California Codes.
21. **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.
22. **At the time of application for construction permits**, the submitted building plan set shall demonstrate consistency with California State Title 24 energy laws.
23. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark in color.

**Fire Safety**

24. **At the time of application for construction permits**, the applicant shall obtain a Fire Safety Plan from CAL FIRE/County Fire. All plans submitted to the County of San Luis Obispo 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.

**Drainage**

25. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval as determined by the County of San Luis Obispo Public Works Department and in accordance with Land Use Ordinance Section 22.52.110 (Drainage) or 23.05.040 (Drainage).
26. **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 Land Use Ordinance Section 22.52.120.

**Stormwater**

27. **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.

**Services**

28. **At the time of application for construction permits**, the applicant shall submit evidence to County of San Luis Obispo Building and Safety staff that there is adequate water to serve the proposal on-site.

29. **At the time of application for construction permits**, the applicant shall submit evidence to County of San Luis Obispo Building and Safety staff that the existing septic system is adequate to serve the proposal.

#### **Conditions Required to be Completed Prior to Commencing Permitted Activities**

30. **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 County Code Title 6.
31. **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 of San Luis Obispo Planning and Building Department prior to commencing permitted activities.
32. **Prior to commencing permitted activities**, the applicant shall demonstrate to the County of San Luis Obispo Planning and Building Department how cannabis activities will be physically and adequately separated from vacant areas or other non-cannabis uses on site. The applicant shall obtain any necessary building permits to create the separation between uses.
33. **Prior to commencing permitted activities**, the applicant shall have a water meter installed on any new or existing water source proposed for cannabis activities. Installation of the meter must be performed to the satisfaction of the County of San Luis Obispo Planning and Building Inspector.
34. **Prior to commencing permitted activities**, the applicant shall complete and submit the Hazardous Materials Declaration Flowchart to the Environmental Health Services office.

#### **CONDITIONS TO BE COMPLETED PRIOR TO INITIATION OF PROPOSED SITE DISTURBANCE ACTIVITIES OR DURING PROJECT SITE DISTURBANCE ACTIVITIES**

35. **During project site disturbance activities**, cannabis cultivation grading activities shall be consistent with the conservation practices and standards contained in the U.S. Department of Agriculture Natural Resources Conservation Service Field Office Technical Guide. Practices shall not adversely affect slope stability or groundwater recharge and shall prevent off-site drainage, erosion, and sedimentation impacts. Erosion and sedimentation control activities shall adhere to the standards in Land Use Ordinance Section 22.52.150C.

#### **Biological Resources**

36. **BIO-2. Cambria morning glory avoidance and restoration. Prior to initial ground disturbance or initiation of proposed activities**, the following measures must be conducted in order to address potential project impacts to Cambria morning glory:
- a. Seasonally timed survey. Prior to initial ground disturbance and staging activities, seasonally timed surveys shall be completed to determine the presence or absence of Cambria morning glory. The surveys shall be in accordance with the protocols established by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and County of San Luis Obispo policies. The surveys shall be conducted during the blooming period of Cambria morning

glory and blooming shall be confirmed with local reference sites at the time surveys are conducted.

- b. If no Cambria morning glory are identified within the project footprint, the qualified biologist shall document their methodology and findings in a botanical survey report and submit it to the County of San Luis Obispo prior to initiation of site disturbance and proposed project activities.
- c. If Cambria morning glory are identified within the project footprint, then a salvage and relocation program to preserve open space areas on-site containing appropriate habitat shall be implemented to ensure the long-term survivability of the species. A Cambria morning glory transplanting plan shall be prepared to identify suitable locations, methods, and success criteria for Cambria morning glory mitigation through transplanting individuals located within the project disturbance area to suitable unoccupied habitat on-site. The plan shall be submitted to the County Department of Planning and Building for approval prior to initiation of site disturbance activities and/or initiation of proposed project activities, whichever occurs first.

37. **BIO-3. Nesting Birds Avoidance.** To the maximum extent possible, all site preparation, ground-disturbing, and construction activities shall be conducted outside of the migratory bird breeding season (February 1 through September 15). If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- a. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). 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 young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- b. If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- c. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).
- d. If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of earthwork), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

38. **BIO-4. Worker Awareness Training.** Prior to initiation of site preparation, disturbance, or vegetation removal, a County-approved qualified biologist shall conduct on-site environmental training to aid workers in recognizing and avoiding western pond turtles and California red-legged frog within the project area, and instruct all construction personnel to conduct work activities within the defined area only.

39. **BIO-5. Clear Delineation of Work Areas.** Prior to initiation of site preparation, disturbance, or vegetation removal, the applicant shall clearly mark boundaries of the proposed work area before construction activities (e.g., fence installation, avocado tree removal, etc.) with highly visible flagging or fencing and avoid expanding the work area into any adjacent vegetation.

40. **BIO-6. Special-Status Reptile and Amphibian Preconstruction Survey and Relocation.** A qualified biologist shall conduct a preconstruction survey immediately prior to initial ground disturbance (i.e. the morning of the commencement of disturbance). If any special status reptiles or amphibians, such as Western pond turtle, are found in the area of proposed disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. However, if federal or state listed animals, such as California red-legged frog, are observed, all work shall cease, and California Fish and Wildlife and/or U.S. Fish and Wildlife Service shall be consulted as appropriate. Federal or state listed animals shall not be captured, harmed, or relocated without prior approval from the appropriate agency.

41. **BIO-7. California Red-Legged Frog Surveys and Avoidance During Ongoing Operations.** For the life of the project, the applicant shall make every effort to schedule work activities when impacts to California red-legged frog and western pond turtles would be minimal. This would include the following:

- a. Avoid work during the rainy season (October 15 through April 15). If work must occur in the rainy season, no work shall occur during or immediately after rain events of 0.25 inches or greater.
- b. If operational activities such as planting or harvesting are necessary during the rainy season, an Operational Management Plan for the avoidance of amphibians shall be prepared by a qualified biologist. The project's Operational Management Plan will be subject to the review and approval of the USFWS and County of San Luis Obispo Planning and Building Department prior to operational activities during the rainy season.

The Management Plan shall address items including, but not limited to:

- i. Monitoring that will occur during ground disturbance and related activities (e.g., monitoring duration, time, frequency);
- ii. Procedures to follow if a California red-legged frog, western pond turtle, or other sensitive species are encountered during operational-related activities;
- iii. Pre-activity worker training;
- iv. Scheduling of such activities proposed to minimize impacts to sensitive species (i.e., completing activities closest to potential California red-legged frog habitat first); and
- v. The filing of a post-activity report "lessons learned" on the effectiveness of the required measures.

- c. Avoid nighttime work. If nighttime work is deemed necessary, a qualified biologist shall be on-site until it is determined that no potential impacts to California red-legged frog or western pond turtle would occur based on conditions and the scope of work.
42. **BIO-8. Erosion Control – Avoid Rainy Season.** If feasible, project construction and ground-disturbing activities shall be limited to the dry season (April 15 through October 15). If construction activities cannot take place only during the dry season, a qualified biologist, retained by the applicant and approved by the County Department of Planning and Building, shall determine what additional erosion and sedimentation control measures are required to protect the downslope riparian habitat and drainages that occur within proximity to proposed disturbance areas.
43. **BIO-9. Surface Water Protection. Prior to initiation of ground-disturbing activities,** to minimize potential sedimentation within the ephemeral tributaries to Old Creek located downslope of the project site, a sedimentation and erosion control plan shall be prepared that minimizes project sediment from reaching the creek. Best management practices shall be used to minimize sediment from reaching the closest waterway(s). At a minimum, straw wattles (or comparably effective devices [as determined by the qualified biologist]) shall be placed on the downslope sides of the proposed work which would direct flows into temporary sedimentation basins. This shall be checked and maintained regularly and after all larger storm events. All remedial work shall be done immediately after discovery so sedimentation control devices remain in good working order.
44. **BIO-10. Native Tree Impacts. Prior to any project site disturbance or vegetation removal,** a County-qualified biologist shall prepare finalized site plans that shall clearly delineate all native trees within 50 feet of areas where soil disturbance would occur and shall indicate which trees would be impacted by project activities, such as compaction (e.g., regular use of vehicles), grading (includes cutting and filling of material), tilling, placement of impermeable surfaces (e.g., pavement), or year-round irrigation within the critical root zone (measured to be a radius of 1.5 times the dripline of the tree), and which trees are to remain unimpacted.
45. **BIO-11. Native Tree Protection. Throughout the project site disturbance and construction activities,** native oak trees located within 20 feet of proposed grading, trenching, building construction, road improvements, tilling, year-round irrigation, or other impactful activities shall be protected by placement of protective fencing until site disturbance activities are complete.
46. **BIO-12. Oak Tree Replacement Plan.** If the finalized site plans (as described in BIO-10) indicate that native trees on-site would be removed or impacted by project activities, prior to site disturbance activities, the qualified biologist shall prepare an Oak Tree Replacement Plan that provides for the installation and maintenance of replacement native oak trees on the project parcel and surrounding parcels owned by the applicant and shall be reviewed and approved by the County of San Luis Obispo Department of Planning and Building. Mitigation replacement plantings for each oak tree removed shall be at a 4:1 ratio and at a 2:1 ratio for each oak tree impacted (e.g., if nine trees are impacted, 18 trees shall be planted). The Oak Tree Replacement Plan shall include the following components:
- a. A brief narrative of the project location, description, and purpose;

- b. Clearly identified parties responsible for the mitigation program and their contact information;
  - c. A landscape map showing and quantifying all oak tree planting areas;
  - d. A requirement that all replacement oak trees be located at least 50 feet from the proposed aboveground power connection and from existing powerlines.
  - e. A detailed discussion of the methods for implementing the Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
  - f. Provisions for the collection of oak propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
  - g. Identification of locations, amounts, species, and sizes of the oak trees to be planted. For each individual of a species removed, the same species shall be planted.
  - h. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
  - i. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and
  - j. Methods for removing nonnative species from the replanting areas.
47. **BIO-13. Unimpacted Oak Tree Maintenance.** For the life of the project, all oak trees not identified as being impacted shall be maintained. Unless identified as impacted in the finalized site plans, the following activities are not allowed within the critical root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).
- Cultural Resources and Tribal Cultural Resources**
48. **During construction,** in the event that buried, or otherwise unknown cultural resources are discovered during construction activities in the area of the find, work shall be suspended and the County of San Luis Obispo should be contacted immediately. Prior to resuming construction activities, appropriate mitigation measures shall be developed by a qualified archeologist or historian if necessary, at the developer's expense. In the event that human remains are discovered, the County of San Luis Obispo Coroner shall be contacted immediately. If the Coroner determines the remains are Native American, the Native American Heritage Commission (NAHC) would be contacted and the remains would be left in situ and protected until a decision is made on their final disposition.

#### ***Hazardous Materials***

49. **HAZ-1. Equipment Maintenance and Refueling.** During all site preparation activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. The project applicant shall consult with the local Resources Conservation District to identify suitable staging areas and Best Management Practices that shall be implemented on-site to

minimize potential for stormwater runoff and release of hazardous contaminants. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

50. **HAZ-2. Spill Response Protocol.** During all site preparation and construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be on-site at all times during site preparation and construction activities.

## **CONDITIONS TO BE COMPLETED PRIOR TO ESTABLISHMENT OF THE USE**

51. **Prior to establishment of the use,** whichever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE for all required fire/life safety measures, including, but not limited to, measures detailed in the Commercial Fire Safety Plan prepared for the project dated June 26, 2018, by Tony Gomes.
52. **Prior to establishment of the use,** the applicant shall contact the County of San Luis Obispo Planning and Building Department to have the site inspected for compliance with the conditions of this approval.

## **ONGOING CONDITIONS FOR THE LIFE OF THE PROJECT**

53. **Throughout the life of the project,** to minimize project-related traffic impacts in accordance with the project description, the permit is restricted as follows:
- a. Maximum 3 acres of outdoor cannabis cultivation area; and
  - b. Ancillary transport of cannabis grown on-site.
54. **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 to, project signage, landscaping, agricultural operations, etc., without a valid Encroachment Permit issued by the County of San Luis Obispo Public Works Department.
55. This Land Use Permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the Land Use Permit is considered vested. This Land Use Permit is considered to be vested once a construction permit has been issued and substantial site work has been completed, or pursuant to Land Use Ordinance Section 22.64.090.B, the Director verifies that the use or activity not involving a building or grading permit is occurring on the subject site in compliance with all applicable provisions of the Land Use Ordinance and these Conditions of Approval. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations and construction occurring above grade.
56. **Throughout the life of the project,** all conditions of this approval shall be strictly adhered to, within the time frames specified, and in an ongoing 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 of San Luis Obispo Planning and Building Department. If it is determined that violation(s) of these Conditions of Approval have occurred, or are occurring, this approval may be revoked pursuant to Land Use Ordinance Sections 22.74.160, 22.40.110, and 22.40.120. Revocation may require restoration to pre-existing

conditions of areas of disturbance for cannabis-related activities authorized by this permit.

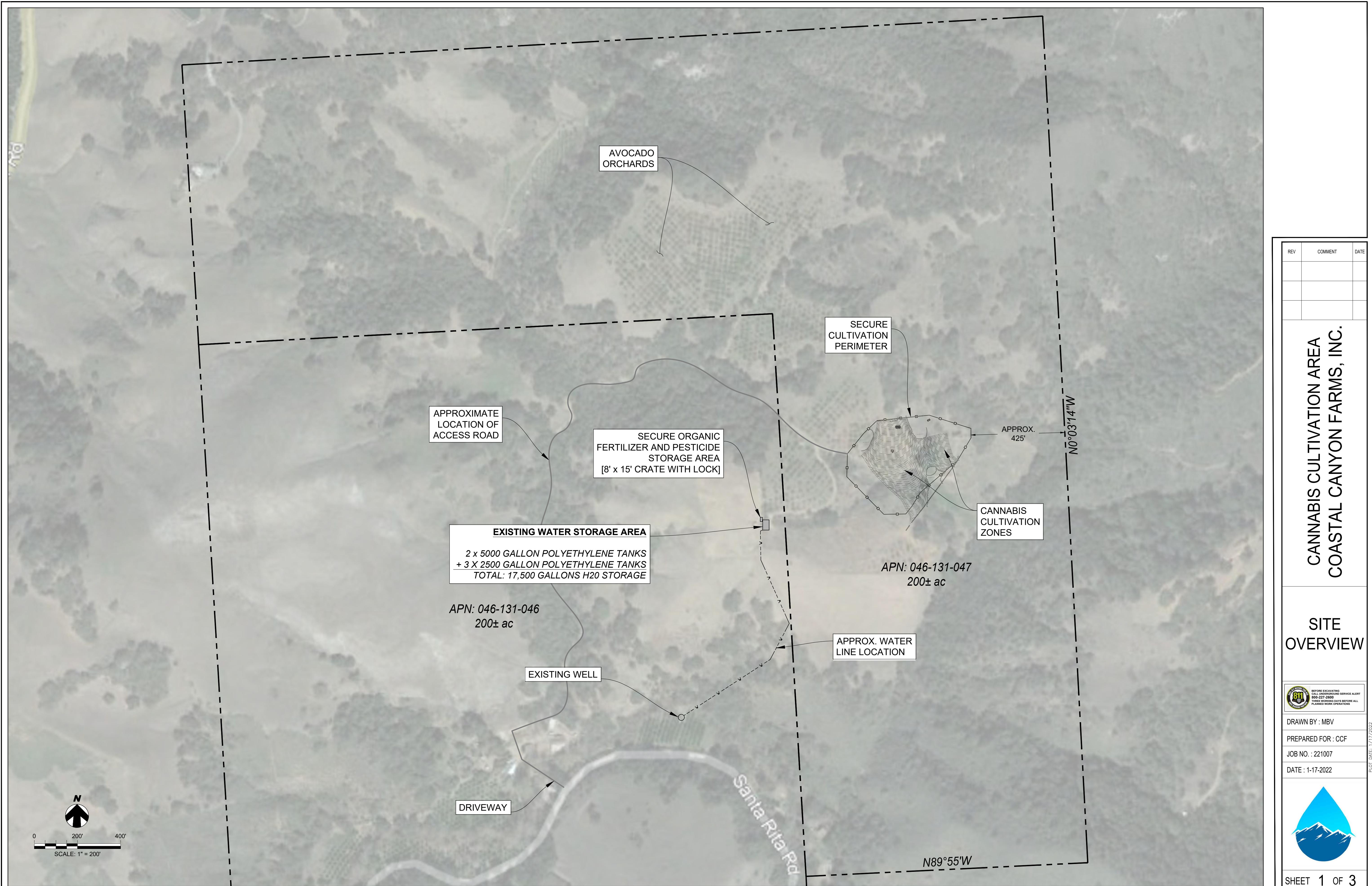
57. **Throughout the life of the project**, the applicant shall maintain no less than three parking spaces on-site for the life of the project.
58. **Throughout the life of the project**, the applicant shall post on-site all required Land Use Permit approvals and all required State of California and County of San Luis Obispo 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.
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 of San Luis Obispo shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County of San Luis Obispo upon request.
60. **Throughout the life of the project**, the applicant shall conduct all cannabis activities in compliance with the approved Operations Plan, as well as all required State of California licenses, laws, and regulations and County of San Luis Obispo permits and ordinances. The applicant shall be responsible for the payment of all required fees and taxes.
61. **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 off-site so as to not invoke any verified nuisance complaints. In the event of a verified nuisance complaint, the County of San Luis Obispo may pursue remedial action that may include the reduction or cessation of operations until a revised operations plan is reviewed and approved by the County of San Luis Obispo Planning and Building Department, abatement of the violation pursuant to Land Use Ordinance Section 22.40.130 and permit revocation pursuant to Land Use Ordinance Sections 22.40.110 and 22.40.120.
62. **Throughout the life of the project**, the property Williamson Act contract requirements shall be maintained.
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**, 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**, solid waste and recycling shall be conducted in accordance with Land Use Ordinance Sections 22.10.150.B and C.
66. **Throughout the life of the project**, immature plants and clones shall only be used for the cultivation on the project site and shall not be sold or transported off-site.

67. **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.
68. **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.
69. **Throughout the life of the project**, the applicant or responsible party designated by the applicant shall maintain daily records of all water used for cannabis activities. The County of San Luis Obispo shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County of San Luis Obispo upon request.
70. **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.
71. **Throughout the life of the project**, the property owner(s) shall grant access to the County of San Luis Obispo and its officers, agents, and 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 8:00 a.m. and 6:00 p.m.
72. **Throughout the life of the project**, the project would utilize three existing on-site wells located on the project property. If at any point in time any of these wells serve 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 State Water Resources Control Board.
73. **Throughout the life of the project**, the applicant shall submit to the County of San Luis Obispo Planning and Building Department 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 County of San Luis Obispo Planning and Building Department 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.
74. **Throughout the life of the project**, the applicant shall submit to the County of San Luis Obispo Planning and Building Department any changes to the applicant name, business name, business owners, State license status, landowner, or changes in ownership requiring approval from the County of San Luis Obispo Tax Collector's Office or Sheriff's Office prior to the proposed change. Changes shall be submitted in writing and must be approved by the County of San Luis Obispo Planning and Building Department prior to the implementation of the proposed changes.

75. **Throughout the life of the project**, the applicant, and their representatives, agents, officers, employees, successors, landlords, tenants, insurers, assigns and any other party claiming a direct or indirect financial, ownership or commercial interest in the project or the cannabis or cannabis products produced or located on the site ("Releasing Parties"), shall, as a condition of approval of this land use permit, release, waive, discharge, hold harmless and covenant not to sue any property owner, property operator/tenant or pest control business, pest control advisor or qualified applicator, including their owners, agents, officers, employees and authorized representatives ("Released Parties"), for any claim, loss or damage to cannabis or cannabis products located on the project site arising out of the recommendation or application of a registered pesticide on an agricultural commodity located outside the project site by a person or business who holds the required state license or certificate and local Operator Identification Number and, if applicable, Restricted Materials Permit, and who follows required state and local pesticide use reporting and does not grossly depart from industry norms, standards and practices regarding the application of said pesticide. This condition does not extend to any loss or damage caused by the gross negligence or willful misconduct of a Released Party, or a violation of Food and Agricultural Code Section 12972 verified by the County Agricultural Commissioner. This condition expressly extends to any statutory violations, except as set forth herein, including but not limited to actual or alleged violations of Food and Agricultural Code Section 12973, so long as the violations are not caused by the gross negligence or willful misconduct of a Released Party. Approval of this land use permit, as a land use decision, is a quasi-judicial action regulatory in nature involving the application of preexisting laws or standards to a specific project and does not involve negotiated consideration by both the County and the applicant, unlike a development agreement (see 78 Ops.Cal.Atty.Gen. 230), and therefore is not subject to the limitations of Civil Code section 1668 because this land use decision is not contractual in nature. This condition of approval shall have no impact on the enforcement or application of State pesticide laws and regulations by state or local agencies, including but not limited to licensing and certification requirements, pesticide use reporting and operator identification numbers, pesticide use enforcement inspections and investigations, issuance of cease and desist orders, initiation of administrative or criminal enforcement actions, and imposition of administrative, civil and criminal penalties.

#### **LAND USE PERMIT EXPIRATION**

76. 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 of San Luis Obispo 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.

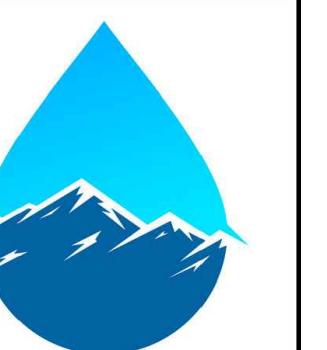


# CANNABIS CULTIVATION AREA COASTAL CANYON FARMS, INC.

## SITE PLAN

BEFORE EXCAVATING  
CALL UNDERGROUND SERVICE ALERT  
800.227.4202  
DO NOT DIG  
WITHIN 5 FEET OF THESE WORKING DAYS BEFORE ALL PLANNED WORK OPERATIONS

DRAWN BY : MBV  
PREPARED FOR : CCF  
JOB NO. : 221007  
DATE : 1-17-2022



SHEET 2 OF 3



0 30' 60'  
SCALE: 1" = 30'

REV	COMMENT	DATE

## LEGEND

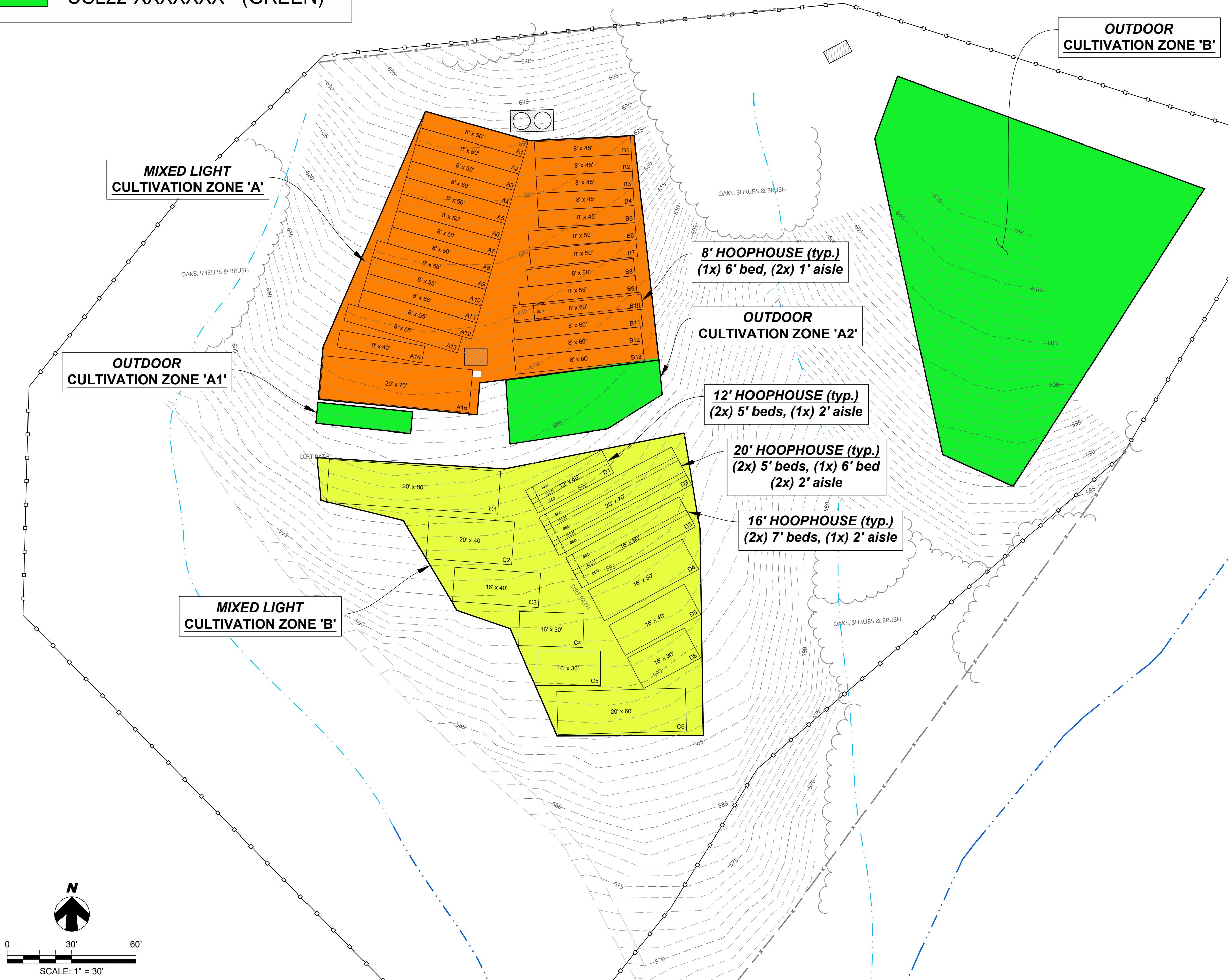
## MIXED LIGHT LICENSES:

CCL22-XXXXXXX - (ORANGE)

**CCL22-XXXXXXX - (YELLOW)**

# OUTDOOR LICENSES:

 CCL22-XXXXXXX - (GREEN)



HOOPHOUSE INDEX

## ZONE A

Hoop ID	Width (ft)	Length (ft)	Hoophouse Area (ft <sup>2</sup> )	Walkway Area (ft <sup>2</sup> )	Canopy Area (ft <sup>2</sup> )
A1	8	50	400	100	300
A2	8	50	400	100	300
A3	8	50	400	100	300
A4	8	50	400	100	300
A5	8	50	400	100	300
A6	8	50	400	100	300
A7	8	50	400	100	300
A8	8	55	400	110	290
A9	8	55	440	110	330
A10	8	55	440	110	330
A11	8	55	440	110	330
A12	8	55	440	110	330
A13	8	55	440	110	330
A14	8	40	320	80	240
A15	20	70	1400	280	1120
B1	8	45	400	90	310
B2	8	45	400	90	310
B3	8	45	400	90	310
B4	8	45	400	90	310
B5	8	45	400	90	310
B6	8	50	400	100	300
B7	8	50	400	100	300
B8	8	50	400	100	300
B9	8	55	440	110	330
B10	8	60	440	120	320
B11	8	60	440	120	320
B12	8	60	440	120	320
B13	8	60	440	120	320

ZONE B

Hoop ID	Width (ft)	Length (ft)	Hoophouse Area (ft <sup>2</sup> )	Walkway Area (ft <sup>2</sup> )	Canopy Area (ft <sup>2</sup> )
C1	20	80	1600	320	1280
C2	20	40	800	160	640
C3	16	40	640	80	560
C4	16	30	480	60	420
C5	16	30	480	60	420
C6	20	60	1200	240	960
D1	12	40	480	80	400
D2	20	70	1400	280	1120
D3	16	60	960	120	840
D4	16	50	800	100	700
D5	16	40	640	80	560
D6	16	30	480	60	420

## LICENSE AREAS SUMMARY

## *MIXED LIGHT CULTIVATION 'ZONE A'*

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LICENSE CCL22-XXXXXXX

CULTIVATION AREA: 15,920 S.F.  
HOOPHOUSE AREA: 12,520 S.F.  
CANOPY AREA\*: 9,460 S.F.

## *MIXED LIGHT CULTIVATION 'ZONE B'*

LICENSE CCL22-XXXXXXX

CULTIVATION AREA: 15,020 S.F.  
HOOPHOUSE AREA: 9,960 S.F.  
CANOPY AREA\*: 8,320 S.F.

## OUTDOOR CULTIVATION 'ZONES A & B'

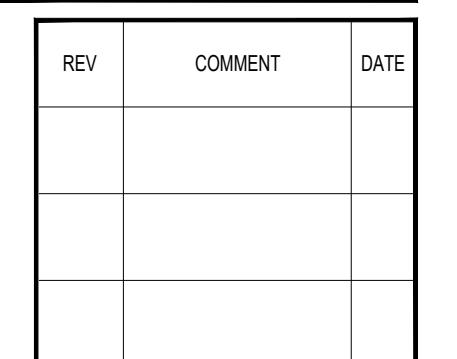
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LICENSE CCL22-XXXXXXX

CULTIVATION AREA ZONE 'A': 2,380 S.F.  
CULTIVATION AREA ZONE 'B': 16,225 S.F.  
TOTAL CULTIVATION AREA: 18,605 S.F.  
CANOPY AREA\*\*: 15.815 S.F.

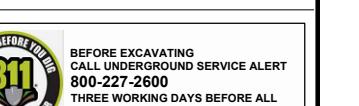
\*SEE SHEET 3 FOR HOOPHOUSE CANOPY AREA SUMMARY

\*\*OUTDOOR CANOPY AREA = (0.85) \* PLANTED AREA



# CANNABIS CULTIVATION AREA COASTAL CANYON FARMS, INC.

# LICENSE OVERVIEW

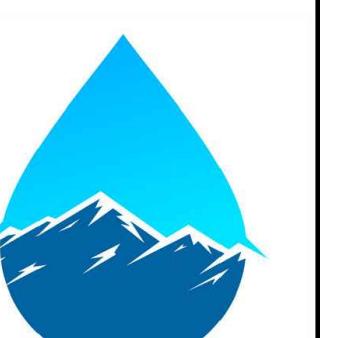


10. **What is the primary purpose of the following statement?**

1/2024

E: 1 /

LOT 1





**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF PLANNING & BUILDING**  
**TREVOR KEITH DIRECTOR OF PLANNING & BUILDING**

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VIA ELECTRONIC MAIL: Ian McCarville <[ian@kirk-consulting.net](mailto:ian@kirk-consulting.net)>

June 28, 2023

Old Creek Ranch/Coastal Canyon Farms  
12520 Santa Rita Road  
Cayucos, CA. 91789

SUBJECT: Conditional Substantial Conformance Determination for Project Modification  
MOD2023-00042 to Minor Use Permit DRC2018-00081 for Coastal Canyon Farms

Dear Mr. McCarville,

This letter relates to the Project Modification Application MOD2023-00042 for Minor Use Permit DRC2018-00081 for Old Creek Ranch/Coastal Canyon Farms, Inc. Based on the information provided, the Planning and Building Department has determined that the proposed changes are in substantial conformance with the approved development and County Code Section 22.64.050. A review of the proposed changes and reason for the determination are provided below.

**Description of Proposed Changes:**

The proposed changes include modification to the previously approved land use entitlement to allow for the partial relocation of the approved outdoor cultivation areas.

**Basis for Substantial Conformance Determination:**

1. The proposed changes do not result in any new or increased environmental impacts. The construction of the hoop houses will not increase environmental impacts because:
  - a. The project's biological assessment analyzed the proposed area of site disturbance, and the area is not being expanded.
  - b. The relocation of the outdoor cultivation will not introduce any new impacts beyond those assessed in the approved environmental determination.
  - c. The cultivation area is not visible from public roadways or surrounding properties.
2. The proposed changes do not result in the need to modify any of the Conditions of Approval.
3. The proposed changes do not result in any changes to the project that were specifically considered by the review authority.

**Special Requirements:**

The proposed modifications shall comply with all original conditions from Minor Use Permit DRC2018-00081, as well as the following requirements:

1. **Prior to commencing activities**, the applicant shall demonstrate compliance with the Conditions of Approval associated with the Minor Use Permit DRC2018-00081.
2. **At the time of application for any future construction permits**, this letter and a copy of the Conditions of Approval from the Minor Use Permit DRC2018-00081 (Attachment A) shall be printed on the construction drawings.
3. **For the life of the project**, the applicant shall conduct cultivation activities associated with the Phase 1 outdoor cultivation area in compliance with the site plans in Attachment B.
4. **Indemnification**, the applicant shall, as a condition of approval of this land use permit application, defend, hold harmless and indemnify, at his or her sole expense (including attorney's fees, with Counsel approved by the County), any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this land use permit or the manner in which the County is interpreting or enforcing the conditions of this land use permit, or any other action by a third party relating to approval or implementation of this land use permit. The applicant shall reimburse the County for any court costs and attorney fees that the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition. Upon request of the County, the applicant shall also enter into a separate agreement with the County (the "Indemnity Agreement"), in a form approved by County Counsel, agreeing to defend, indemnify, save and hold harmless the County, its present or former officers, agents, or employees, against actions by a third party challenging either its decision to approve this land use permit or the manner in which the County is interpreting or enforcing the conditions of this land use permit, or any other action by a third party relating to or arising out of the approval or implementation of this land use permit. The agreement shall provide that the applicant will indemnify the County and reimburse it for any costs and/or attorney's fees which the County incurs as a result of such action, and that the County's participation or non-participation in any such litigation shall not relieve the applicant of his or her obligations under this condition or the agreement. The applicant shall also provide sufficient guarantees for the obligations hereunder as determined by County Counsel. Any violation of this condition, including the applicant's failure to execute the Indemnity Agreement or breach thereof, or failure to provide sufficient guarantees, is grounds for the County to rescind and/or revoke its approval of this land use permit. These defense and indemnity obligations shall survive any recission, revocation and/or set aside of this land use permit.

If you have any questions regarding this determination, please contact me at [hhipps@co.slo.ca.us](mailto:hhipps@co.slo.ca.us) or (805) 781-1162.

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Sincerely,

A handwritten signature in blue ink, appearing to read "Holly Phipps".

Holly Phipps, Supervising Planner

**Attachments**

Attachment A – Conditions of Approval

Attachment B – Revised Site Plan



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

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June 24, 2020

QUEST PLANNING  
3186 DAISY LN  
SAN LUIS OBISPO, CA 93401

**SUBJECT:** Notice of Final County Action, Minor Use Permit DRC2018-00081

Dear Sir/Madam,

On **June 19, 2020**, 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 **Eric Hughes** at (805) 781-5600.

*Daniela Chavez*

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

CC: OLD CREEK RANCH  
12520 SANTA RITA RD  
CAYUCOS, CA 93430

**EXHIBIT A – FINDINGS**  
**BLANCHARD/OLD CREEK RANCH (DRC2018-00081)**

**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 California Code of Regulations Section 15000 et seq.) has been prepared and released for public comment on April 1, 2020, for this project (SCH #2020050158). Mitigation measures have been identified to address potential impacts associated with agriculture and forestry, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and wildfire and have been 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 cannabis transport activities are allowed uses and, as conditioned, are consistent with all applicable General Plan policies.
- C. As conditioned, the proposed project and uses satisfy all applicable provisions of County Code Title 22.
- 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 outdoor cannabis cultivation does not generate activity that presents a potential threat to the surrounding property or buildings. Water use of the project would be minimized and actual 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, 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 uses would be sited in a rural location; the proposed uses would not be visible from surrounding public roadways; and all potential nuisance odors would be adequately controlled to not be detectable off-site.
- 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 is accessed by Santa Rita Road and would employ up to three full-time employees. Ancillary transport of cannabis grown on-site would occur once a year after harvest periods. 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.

## **COMMERCIAL 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 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**

- L. A modification from the fencing standards set forth in Land Use Ordinance Section 22.40.050.D.6 is justified to waive the requirement for solid fencing. The project site is located in a rural area and the areas for proposed cultivation would not be visible from any surrounding public roadway or other public viewpoint. Therefore, the request for a fencing modification meets the finding that the requirements for solid fencing materials at this location would be unnecessary, as no plants or other project component would be visible from surrounding public viewpoints.

## **ADDITIONAL FINDINGS**

- M. It is the declared policy of this County under Chapter 5.16 of the San Luis Obispo County Code and the County Agriculture Element to protect and encourage agricultural operations and conserve agricultural resources. Pursuant to Section 22.40.020 of the San Luis Obispo County Code, cannabis is not an agricultural commodity with respect to local "right to farm" ordinances nor is it considered "crop production and grazing" as a land use type. In this regard, the County has significant interest in ensuring the continued viability of agricultural operations adjacent and near cannabis cultivation operations. The County acknowledges that the establishment of the proposed project has the potential to cause traditional agricultural operations to cease or curtail their crop production activities near the proposed site because of state regulations which have imposed pesticide residue thresholds for cannabis which are significantly lower than the residue thresholds allowed for traditional agricultural crops. More specifically, the County has received substantial evidence indicating pesticide applicators would refuse to serve an agricultural operation if a cannabis site is permitted in close proximity to the agricultural operation because fear of potential crippling liability should a nearby cannabis operation be able to allege their cannabis has been made unmarketable by an offsite pesticide application, even if the levels of pesticide residue on the cannabis would otherwise be well within the amounts allowed for traditional agricultural food crops, like citrus, avocado, vineyards, vegetables and strawberries. The County has received reports in other jurisdictions, such as the County of Santa Barbara, of agricultural operations curtailing activities because of nearby

cannabis operations, as well as lawsuits being filed by cannabis operations against nearby traditional agricultural operations and pesticide applicators related to cannabis allegedly made unmarketable by pesticide applications in nearby traditional agricultural fields. In accordance with the rights afforded to the County by Article XI, section 7 of the California Constitution, and in order to adequately protect agricultural operations and conserve agricultural resources within the County, the imposition and enforceability of the condition of approval requiring the applicant to release, waive, discharge, hold harmless and covenant not to sue for any claim, loss or damage to cannabis or cannabis products related to an offsite pesticide application, as set forth within the condition of approval, is a condition to the issuance of the land use permit and making the findings required to approve this land use permit under County Code, specifically, the findings required by Sections 22.62.050.C.1 and 22.62.060.C.4c and d. If any clause or provision of this condition of approval is asserted by Releasing Party to be illegal, invalid or unenforceable, or is determined by a court of competent jurisdiction to be illegal, invalid, or unenforceable under present or future laws and the applicant does not provide or agree to adequate alternatives, this land use permit may be deemed void ab initio and there would be no vested rights to commence or continue cannabis activities on the site.

**EXHIBIT B – CONDITIONS OF APPROVAL**  
**BLANCHARD/OLD CREEK RANCH (DRC2018-00081)**

**APPROVED DEVELOPMENT**

1. This approval authorizes use of the following cannabis activities:
  - a. A maximum of 3 acres of outdoor cannabis cultivation area implemented in multiple phases, as follows:
    - i. One 0.84-acre cultivation area in above ground pots;
    - ii. One 0.86-acre cultivation area in above ground pots; and
    - iii. One 1.3-acre cultivation area in above ground pots and two 8,000-square-foot cannabis hoop structures.
  - iv. The existing cultivation previously allowed under Condition Compliance Monitoring (CCM) No. 2016-00008 shall cease operations no later than August 31, 2020. Any cultivation occurring before this date remains subject to the requirements of Resolution No. 2020-18. Any cultivation beyond this date may only occur under the following conditions:
    - a. after compliance with the applicable conditions of approval as determined by the Planning Director; or,
    - b. a one-time extension of up to 30-days may be granted by the Planning Director if the applicant can demonstrate that the applicable conditions of approval will be met within the 30-day extension period.
  - v. Phasing. The project shall be subject to the following phasing plan:

<b>Phase</b>	<b>Cannabis Use/Activity</b>	<b>Timing</b>	<b>Canopy</b>	<b>Hoop Structures</b>
Winddown	Outdoor Cultivation	Cultivation occurring within existing footprint without satisfying applicable conditions of approval needs to cease by August 31, 2020, unless a 30-day extension is granted as identified in Condition 1.a.iv.b.	1.3 acres	-
1	Outdoor Cultivation	May continue within existing footprint after August 31, 2020 only after verification of compliance with applicable conditions.	1.3 acres	Two @ 12' tall x 100' long and 80' long
2	Outdoor Cultivation	May commence following verification of compliance with applicable conditions.	3 acres	

- b. Maximum annual water demand for all proposed cannabis uses on the project site of 4.4 acre-feet per year.
2. This Minor Use Permit authorizes the modification of the fencing and screening standards set forth in Land Use Ordinance Section 22.40.050.D.6 to waive the requirement for solid fencing. Solid fencing may be required despite this modification, if requested by the County of San Luis Obispo Sheriff's Office.
3. The ancillary transport of cannabis or processed cannabis 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.
4. This Minor Use Permit does not authorize cultivation activities outside the existing cultivation area previously allowed under Condition Compliance Monitoring (CCM) No. 2016-00008 prior to August 31, 2020, unless all applicable conditions of approval have been satisfied.

#### **Conditions Required to be Completed Prior to issuance of an As-Built Grading Permit**

5. **GEO-1. Prior to issuance of an as-built grading permit**, a qualified engineering geologist shall review the project as-built grading, drainage and erosion control plans and prepare a written review letter. The review letter shall verify conformance with recommendations of the project geological characterization report and shall be submitted to the County of San Luis Obispo Planning and Building Department.

#### **Conditions Required to be Completed within 30 days of Land Use Permit Approval**

6. **Within 30 days of Land Use Permit approval**, the applicant shall submit evidence that the Central Coast Regional Water Quality Control Board will allow continued cultivation during the winddown period stated in Condition No. 1.a.iv and 1.a.v.
7. **Within 30 days of Land Use Permit approval**, the applicant shall submit an application for an as-built grading permit for the 1.3-acre existing cultivation area that was previously terraced.

#### **CONDITIONS REQUIRED TO BE COMPLETED PRIOR TO ISSUANCE OF A COUNTY BUSINESS LICENSE**

8. **Prior to issuance of a County Business License**, the applicant shall enter the County of San Luis Obispo Cannabis Monitoring Program. Any associated fees shall be paid to the County of San Luis Obispo Planning and Building Department.
9. **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.
10. **Prior to issuance of a 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.
11. **Prior to issuance of a County Business License**, the applicant shall submit evidence that solid waste and recycling collection will be consistent with Land Use Ordinance Sections 22.10.150.B and C.

12. **Prior to issuance of a County Business License**, the applicant shall submit evidence that the project security plan has been reviewed and approved by the County of San Luis Obispo Sheriff's Office as required by Land Use Ordinance Section 22.40.040.D.
13. **Prior to issuance of a County Business License**, the applicant shall provide evidence to the County of San Luis Obispo Planning and Building Department that on-site circulation and pavement structural sections have been designed and shall be constructed in conformance with California Department of Forestry and Fire Protection (CAL FIRE)/ County Fire Department standards and specifications back to the nearest public maintained roadway.
14. **Prior to issuance of a County Business License**, the applicant shall obtain an Operator Identification Number (OIN), if required by the County of San Luis Obispo 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.
15. **Prior to issuance of a County Business License**, the applicant shall install security fencing as approved by the County of San Luis Obispo Sheriff's Office.
16. **Prior to issuance of a County Business License**, the applicant shall be responsible for the timely payment of all fees associated with this approval. Failure to pay fees in a timely manner may result in revocation of the permit.
17. **Prior to issuance of a County Business License**, and within 30 days of Land Use Permit approval, the applicant shall submit evidence to the County of San Luis Obispo Planning and Building Department that all necessary copies of any leases (ground, greenhouse, or otherwise) or production-sharing agreements related to “Cannabis Activities” on the subject property have been provided to the County of San Luis Obispo Assessor’s Office.
18. **BIO-1. Prior to issuance of business license**, establishment of the use, or any site disturbance, whichever occurs first, the applicant shall provide evidence to the County of San Luis Obispo that they have retained a County-approved qualified biologist. The scope of work for the retained biologist shall include a seasonal botanical survey, preconstruction surveys, worker awareness training, monitoring, reporting, and agency coordination as detailed in the mitigation measures listed below.

**Conditions required to be completed at the time of application for construction permits**

**Site Development**

19. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan.
20. **At the time of application for construction permits**, all project conditions shall be clearly printed on the site and grading plans and shall be consistent with the currently adopted California Codes.
21. **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.
22. **At the time of application for construction permits**, the submitted building plan set shall demonstrate consistency with California State Title 24 energy laws.
23. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark in color.

**Fire Safety**

24. **At the time of application for construction permits**, the applicant shall obtain a Fire Safety Plan from CAL FIRE/County Fire. All plans submitted to the County of San Luis Obispo 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.

**Drainage**

25. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval as determined by the County of San Luis Obispo Public Works Department and in accordance with Land Use Ordinance Section 22.52.110 (Drainage) or 23.05.040 (Drainage).
26. **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 Land Use Ordinance Section 22.52.120.

**Stormwater**

27. **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.

**Services**

28. **At the time of application for construction permits**, the applicant shall submit evidence to County of San Luis Obispo Building and Safety staff that there is adequate water to serve the proposal on-site.

29. **At the time of application for construction permits**, the applicant shall submit evidence to County of San Luis Obispo Building and Safety staff that the existing septic system is adequate to serve the proposal.

#### **Conditions Required to be Completed Prior to Commencing Permitted Activities**

30. **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 County Code Title 6.
31. **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 of San Luis Obispo Planning and Building Department prior to commencing permitted activities.
32. **Prior to commencing permitted activities**, the applicant shall demonstrate to the County of San Luis Obispo Planning and Building Department how cannabis activities will be physically and adequately separated from vacant areas or other non-cannabis uses on site. The applicant shall obtain any necessary building permits to create the separation between uses.
33. **Prior to commencing permitted activities**, the applicant shall have a water meter installed on any new or existing water source proposed for cannabis activities. Installation of the meter must be performed to the satisfaction of the County of San Luis Obispo Planning and Building Inspector.
34. **Prior to commencing permitted activities**, the applicant shall complete and submit the Hazardous Materials Declaration Flowchart to the Environmental Health Services office.

#### **CONDITIONS TO BE COMPLETED PRIOR TO INITIATION OF PROPOSED SITE DISTURBANCE ACTIVITIES OR DURING PROJECT SITE DISTURBANCE ACTIVITIES**

35. **During project site disturbance activities**, cannabis cultivation grading activities shall be consistent with the conservation practices and standards contained in the U.S. Department of Agriculture Natural Resources Conservation Service Field Office Technical Guide. Practices shall not adversely affect slope stability or groundwater recharge and shall prevent off-site drainage, erosion, and sedimentation impacts. Erosion and sedimentation control activities shall adhere to the standards in Land Use Ordinance Section 22.52.150C.

#### **Biological Resources**

36. **BIO-2. Cambria morning glory avoidance and restoration. Prior to initial ground disturbance or initiation of proposed activities**, the following measures must be conducted in order to address potential project impacts to Cambria morning glory:
- a. Seasonally timed survey. Prior to initial ground disturbance and staging activities, seasonally timed surveys shall be completed to determine the presence or absence of Cambria morning glory. The surveys shall be in accordance with the protocols established by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and County of San Luis Obispo policies. The surveys shall be conducted during the blooming period of Cambria morning

glory and blooming shall be confirmed with local reference sites at the time surveys are conducted.

- b. If no Cambria morning glory are identified within the project footprint, the qualified biologist shall document their methodology and findings in a botanical survey report and submit it to the County of San Luis Obispo prior to initiation of site disturbance and proposed project activities.
- c. If Cambria morning glory are identified within the project footprint, then a salvage and relocation program to preserve open space areas on-site containing appropriate habitat shall be implemented to ensure the long-term survivability of the species. A Cambria morning glory transplanting plan shall be prepared to identify suitable locations, methods, and success criteria for Cambria morning glory mitigation through transplanting individuals located within the project disturbance area to suitable unoccupied habitat on-site. The plan shall be submitted to the County Department of Planning and Building for approval prior to initiation of site disturbance activities and/or initiation of proposed project activities, whichever occurs first.

37. **BIO-3. Nesting Birds Avoidance.** To the maximum extent possible, all site preparation, ground-disturbing, and construction activities shall be conducted outside of the migratory bird breeding season (February 1 through September 15). If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- a. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). 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 young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- b. If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.
- c. The results of the survey shall be provided to the County prior to initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).
- d. If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of earthwork), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

38. **BIO-4. Worker Awareness Training.** Prior to initiation of site preparation, disturbance, or vegetation removal, a County-approved qualified biologist shall conduct on-site environmental training to aid workers in recognizing and avoiding western pond turtles and California red-legged frog within the project area, and instruct all construction personnel to conduct work activities within the defined area only.

39. **BIO-5. Clear Delineation of Work Areas.** Prior to initiation of site preparation, disturbance, or vegetation removal, the applicant shall clearly mark boundaries of the proposed work area before construction activities (e.g., fence installation, avocado tree removal, etc.) with highly visible flagging or fencing and avoid expanding the work area into any adjacent vegetation.

40. **BIO-6. Special-Status Reptile and Amphibian Preconstruction Survey and Relocation.** A qualified biologist shall conduct a preconstruction survey immediately prior to initial ground disturbance (i.e. the morning of the commencement of disturbance). If any special status reptiles or amphibians, such as Western pond turtle, are found in the area of proposed disturbance, the biologist shall move the animal(s) to an appropriate location outside the area of disturbance. However, if federal or state listed animals, such as California red-legged frog, are observed, all work shall cease, and California Fish and Wildlife and/or U.S. Fish and Wildlife Service shall be consulted as appropriate. Federal or state listed animals shall not be captured, harmed, or relocated without prior approval from the appropriate agency.

41. **BIO-7. California Red-Legged Frog Surveys and Avoidance During Ongoing Operations.** For the life of the project, the applicant shall make every effort to schedule work activities when impacts to California red-legged frog and western pond turtles would be minimal. This would include the following:

- a. Avoid work during the rainy season (October 15 through April 15). If work must occur in the rainy season, no work shall occur during or immediately after rain events of 0.25 inches or greater.
- b. If operational activities such as planting or harvesting are necessary during the rainy season, an Operational Management Plan for the avoidance of amphibians shall be prepared by a qualified biologist. The project's Operational Management Plan will be subject to the review and approval of the USFWS and County of San Luis Obispo Planning and Building Department prior to operational activities during the rainy season.

The Management Plan shall address items including, but not limited to:

- i. Monitoring that will occur during ground disturbance and related activities (e.g., monitoring duration, time, frequency);
- ii. Procedures to follow if a California red-legged frog, western pond turtle, or other sensitive species are encountered during operational-related activities;
- iii. Pre-activity worker training;
- iv. Scheduling of such activities proposed to minimize impacts to sensitive species (i.e., completing activities closest to potential California red-legged frog habitat first); and
- v. The filing of a post-activity report "lessons learned" on the effectiveness of the required measures.

- c. Avoid nighttime work. If nighttime work is deemed necessary, a qualified biologist shall be on-site until it is determined that no potential impacts to California red-legged frog or western pond turtle would occur based on conditions and the scope of work.
42. **BIO-8. Erosion Control – Avoid Rainy Season.** If feasible, project construction and ground-disturbing activities shall be limited to the dry season (April 15 through October 15). If construction activities cannot take place only during the dry season, a qualified biologist, retained by the applicant and approved by the County Department of Planning and Building, shall determine what additional erosion and sedimentation control measures are required to protect the downslope riparian habitat and drainages that occur within proximity to proposed disturbance areas.
43. **BIO-9. Surface Water Protection. Prior to initiation of ground-disturbing activities,** to minimize potential sedimentation within the ephemeral tributaries to Old Creek located downslope of the project site, a sedimentation and erosion control plan shall be prepared that minimizes project sediment from reaching the creek. Best management practices shall be used to minimize sediment from reaching the closest waterway(s). At a minimum, straw wattles (or comparably effective devices [as determined by the qualified biologist]) shall be placed on the downslope sides of the proposed work which would direct flows into temporary sedimentation basins. This shall be checked and maintained regularly and after all larger storm events. All remedial work shall be done immediately after discovery so sedimentation control devices remain in good working order.
44. **BIO-10. Native Tree Impacts. Prior to any project site disturbance or vegetation removal,** a County-qualified biologist shall prepare finalized site plans that shall clearly delineate all native trees within 50 feet of areas where soil disturbance would occur and shall indicate which trees would be impacted by project activities, such as compaction (e.g., regular use of vehicles), grading (includes cutting and filling of material), tilling, placement of impermeable surfaces (e.g., pavement), or year-round irrigation within the critical root zone (measured to be a radius of 1.5 times the dripline of the tree), and which trees are to remain unimpacted.
45. **BIO-11. Native Tree Protection. Throughout the project site disturbance and construction activities,** native oak trees located within 20 feet of proposed grading, trenching, building construction, road improvements, tilling, year-round irrigation, or other impactful activities shall be protected by placement of protective fencing until site disturbance activities are complete.
46. **BIO-12. Oak Tree Replacement Plan.** If the finalized site plans (as described in BIO-10) indicate that native trees on-site would be removed or impacted by project activities, prior to site disturbance activities, the qualified biologist shall prepare an Oak Tree Replacement Plan that provides for the installation and maintenance of replacement native oak trees on the project parcel and surrounding parcels owned by the applicant and shall be reviewed and approved by the County of San Luis Obispo Department of Planning and Building. Mitigation replacement plantings for each oak tree removed shall be at a 4:1 ratio and at a 2:1 ratio for each oak tree impacted (e.g., if nine trees are impacted, 18 trees shall be planted). The Oak Tree Replacement Plan shall include the following components:
- a. A brief narrative of the project location, description, and purpose;

- b. Clearly identified parties responsible for the mitigation program and their contact information;
  - c. A landscape map showing and quantifying all oak tree planting areas;
  - d. A requirement that all replacement oak trees be located at least 50 feet from the proposed aboveground power connection and from existing powerlines.
  - e. A detailed discussion of the methods for implementing the Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
  - f. Provisions for the collection of oak propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
  - g. Identification of locations, amounts, species, and sizes of the oak trees to be planted. For each individual of a species removed, the same species shall be planted.
  - h. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
  - i. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and
  - j. Methods for removing nonnative species from the replanting areas.
47. **BIO-13. Unimpacted Oak Tree Maintenance.** For the life of the project, all oak trees not identified as being impacted shall be maintained. Unless identified as impacted in the finalized site plans, the following activities are not allowed within the critical root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).
- Cultural Resources and Tribal Cultural Resources**
48. **During construction,** in the event that buried, or otherwise unknown cultural resources are discovered during construction activities in the area of the find, work shall be suspended and the County of San Luis Obispo should be contacted immediately. Prior to resuming construction activities, appropriate mitigation measures shall be developed by a qualified archeologist or historian if necessary, at the developer's expense. In the event that human remains are discovered, the County of San Luis Obispo Coroner shall be contacted immediately. If the Coroner determines the remains are Native American, the Native American Heritage Commission (NAHC) would be contacted and the remains would be left in situ and protected until a decision is made on their final disposition.

#### ***Hazardous Materials***

49. **HAZ-1. Equipment Maintenance and Refueling.** During all site preparation activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. The project applicant shall consult with the local Resources Conservation District to identify suitable staging areas and Best Management Practices that shall be implemented on-site to

minimize potential for stormwater runoff and release of hazardous contaminants. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

50. **HAZ-2. Spill Response Protocol.** During all site preparation and construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be on-site at all times during site preparation and construction activities.

## **CONDITIONS TO BE COMPLETED PRIOR TO ESTABLISHMENT OF THE USE**

51. **Prior to establishment of the use,** whichever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE for all required fire/life safety measures, including, but not limited to, measures detailed in the Commercial Fire Safety Plan prepared for the project dated June 26, 2018, by Tony Gomes.
52. **Prior to establishment of the use,** the applicant shall contact the County of San Luis Obispo Planning and Building Department to have the site inspected for compliance with the conditions of this approval.

## **ONGOING CONDITIONS FOR THE LIFE OF THE PROJECT**

53. **Throughout the life of the project,** to minimize project-related traffic impacts in accordance with the project description, the permit is restricted as follows:
- a. Maximum 3 acres of outdoor cannabis cultivation area; and
  - b. Ancillary transport of cannabis grown on-site.
54. **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 to, project signage, landscaping, agricultural operations, etc., without a valid Encroachment Permit issued by the County of San Luis Obispo Public Works Department.
55. This Land Use Permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the Land Use Permit is considered vested. This Land Use Permit is considered to be vested once a construction permit has been issued and substantial site work has been completed, or pursuant to Land Use Ordinance Section 22.64.090.B, the Director verifies that the use or activity not involving a building or grading permit is occurring on the subject site in compliance with all applicable provisions of the Land Use Ordinance and these Conditions of Approval. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations and construction occurring above grade.
56. **Throughout the life of the project,** all conditions of this approval shall be strictly adhered to, within the time frames specified, and in an ongoing 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 of San Luis Obispo Planning and Building Department. If it is determined that violation(s) of these Conditions of Approval have occurred, or are occurring, this approval may be revoked pursuant to Land Use Ordinance Sections 22.74.160, 22.40.110, and 22.40.120. Revocation may require restoration to pre-existing

conditions of areas of disturbance for cannabis-related activities authorized by this permit.

57. **Throughout the life of the project**, the applicant shall maintain no less than three parking spaces on-site for the life of the project.
58. **Throughout the life of the project**, the applicant shall post on-site all required Land Use Permit approvals and all required State of California and County of San Luis Obispo 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.
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 of San Luis Obispo shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County of San Luis Obispo upon request.
60. **Throughout the life of the project**, the applicant shall conduct all cannabis activities in compliance with the approved Operations Plan, as well as all required State of California licenses, laws, and regulations and County of San Luis Obispo permits and ordinances. The applicant shall be responsible for the payment of all required fees and taxes.
61. **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 off-site so as to not invoke any verified nuisance complaints. In the event of a verified nuisance complaint, the County of San Luis Obispo may pursue remedial action that may include the reduction or cessation of operations until a revised operations plan is reviewed and approved by the County of San Luis Obispo Planning and Building Department, abatement of the violation pursuant to Land Use Ordinance Section 22.40.130 and permit revocation pursuant to Land Use Ordinance Sections 22.40.110 and 22.40.120.
62. **Throughout the life of the project**, the property Williamson Act contract requirements shall be maintained.
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**, 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**, solid waste and recycling shall be conducted in accordance with Land Use Ordinance Sections 22.10.150.B and C.
66. **Throughout the life of the project**, immature plants and clones shall only be used for the cultivation on the project site and shall not be sold or transported off-site.

67. **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.
68. **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.
69. **Throughout the life of the project**, the applicant or responsible party designated by the applicant shall maintain daily records of all water used for cannabis activities. The County of San Luis Obispo shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County of San Luis Obispo upon request.
70. **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.
71. **Throughout the life of the project**, the property owner(s) shall grant access to the County of San Luis Obispo and its officers, agents, and 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 8:00 a.m. and 6:00 p.m.
72. **Throughout the life of the project**, the project would utilize three existing on-site wells located on the project property. If at any point in time any of these wells serve 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 State Water Resources Control Board.
73. **Throughout the life of the project**, the applicant shall submit to the County of San Luis Obispo Planning and Building Department 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 County of San Luis Obispo Planning and Building Department 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.
74. **Throughout the life of the project**, the applicant shall submit to the County of San Luis Obispo Planning and Building Department any changes to the applicant name, business name, business owners, State license status, landowner, or changes in ownership requiring approval from the County of San Luis Obispo Tax Collector's Office or Sheriff's Office prior to the proposed change. Changes shall be submitted in writing and must be approved by the County of San Luis Obispo Planning and Building Department prior to the implementation of the proposed changes.

75. **Throughout the life of the project**, the applicant, and their representatives, agents, officers, employees, successors, landlords, tenants, insurers, assigns and any other party claiming a direct or indirect financial, ownership or commercial interest in the project or the cannabis or cannabis products produced or located on the site ("Releasing Parties"), shall, as a condition of approval of this land use permit, release, waive, discharge, hold harmless and covenant not to sue any property owner, property operator/tenant or pest control business, pest control advisor or qualified applicator, including their owners, agents, officers, employees and authorized representatives ("Released Parties"), for any claim, loss or damage to cannabis or cannabis products located on the project site arising out of the recommendation or application of a registered pesticide on an agricultural commodity located outside the project site by a person or business who holds the required state license or certificate and local Operator Identification Number and, if applicable, Restricted Materials Permit, and who follows required state and local pesticide use reporting and does not grossly depart from industry norms, standards and practices regarding the application of said pesticide. This condition does not extend to any loss or damage caused by the gross negligence or willful misconduct of a Released Party, or a violation of Food and Agricultural Code Section 12972 verified by the County Agricultural Commissioner. This condition expressly extends to any statutory violations, except as set forth herein, including but not limited to actual or alleged violations of Food and Agricultural Code Section 12973, so long as the violations are not caused by the gross negligence or willful misconduct of a Released Party. Approval of this land use permit, as a land use decision, is a quasi-judicial action regulatory in nature involving the application of preexisting laws or standards to a specific project and does not involve negotiated consideration by both the County and the applicant, unlike a development agreement (see 78 Ops.Cal.Atty.Gen. 230), and therefore is not subject to the limitations of Civil Code section 1668 because this land use decision is not contractual in nature. This condition of approval shall have no impact on the enforcement or application of State pesticide laws and regulations by state or local agencies, including but not limited to licensing and certification requirements, pesticide use reporting and operator identification numbers, pesticide use enforcement inspections and investigations, issuance of cease and desist orders, initiation of administrative or criminal enforcement actions, and imposition of administrative, civil and criminal penalties.

#### **LAND USE PERMIT EXPIRATION**

76. 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 of San Luis Obispo 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.

APN 046-131-046

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APPROVED WEST  
GROW AREA (0.84 ac.)

PROPOSED WEST  
GROW AREA (1.24 ac.)

**LEGEND**

- STUDY AREA\* (5.85 ac.)
- EAST GROWING AREA #1
  - TOTAL CULTIVATION AREA: 23,920 SF
  - TOTAL CANOPY AREA: 18,940 SF
- EAST GROW AREA #2
  - TOTAL CULTIVATION AREA: 15,980 SF
  - TOTAL CANOPY AREA: 13,982 SF
- 50-FOOT Ephemeral SWALE SETBACK
- 100-FOOT DRAINAGE SETBACK
- NHD DRAINAGE

PROPERTY LINE



0' 50' 150'