



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

February 28, 2022

SLOCAL Roots
7731 Suey Creek Rd.
Santa Maria, CA 93454

SUBJECT: Notice of Final County Action, Minor Use Permit

DRC2020-00130 Dear Sir/Madam,

On **February 18, 2022**, 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.

Sincerely,

Daniela Chavez

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

EXHIBIT A – FINDINGS
DRC2020-00130 / SLOCAL ROOTS FARMS, LLC MINOR USE PERMIT

ENVIRONMENTAL DETERMINATION

- A. The Environmental Coordinator found that the previously adopted Mitigated Negative Declaration (ED19-104) is adequate for the purposes of compliance with California Environmental Quality Act (CEQA). Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162) an Addendum to the adopted Mitigated Negative Declaration was prepared as the following conditions apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Mitigated Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; and 4) no new information of substantial importance which was not known or could not have been known at the time of the adopted Mitigated Negative Declaration has been identified. No new mitigation measures have been proposed.

MINOR USE PERMIT

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because cannabis cultivation and ancillary activities are allowed land uses and as conditioned, are consistent with all applicable General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will 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 cannabis cultivation does not generate activity that presents a potential threat to the surrounding property and buildings, water use will be minimized and actual usage monitored, required security measures will be installed and maintained, pesticide use shall comply with County of Agriculture Department regulations, State water quality regulations shall be met, solid waste will be properly disposed of, and nuisance odor shall be adequately controlled to not be detectable off-site. 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 will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed cannabis activities do not conflict with the surrounding land uses, would not be open to the public, would not be visible from public viewpoints off-site, and nuisance odors would be adequately controlled to prevent off-site detection.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved because the project is located on Suey Creek Road, constructed to a level able to handle any additional traffic associated with the project. Projected trip generation from the project would be

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

CANNABIS CULTIVATION

- G. The cannabis cultivation, as proposed, will comply with all the requirements of State and County 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 one thousand (1,000) feet from 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.
- 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 adequate 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.
- L. Specific conditions of the site and/or vicinity make the required setback unnecessary to achieve compatibility with the surrounding land uses. Modification of the setback will not allow nuisance odor emissions from being detected offsite.

MODIFICATION (ADJUSTMENT)

- M. Modification of the setback standard set forth in County Code Section 22.40.050.D.3.b to provide a reduced setback of 75 feet from the north property line is justified because the specific conditions of the site and vicinity make the required setback of 300 feet unnecessary to achieve compatibility with surrounding land uses. As proposed, the site is remotely located and includes steep topography and dense vegetation, the adjacent parcel to the north is vacant and undeveloped, the nearest offsite residential development is located to the east and approximately 950 feet from the cultivation area, and the project was originally approved under DRC2018-00045 with a setback modification and no odor-related complaints have been received. Additionally, the Operations Plan includes procedures that help ensure odors associated with cannabis-related activities remain onsite.

EXHIBIT B
APPROVED DEVELOPMENT AND CONDITIONS OF APPROVAL
DRC2020-00130 / SLOCAL ROOTS FARMS, LLC MINOR USE PERMIT

Approved Development

This approval authorizes the phased development of outdoor and indoor cannabis cultivation, indoor ancillary nursery, ancillary transport, and associated supportive development and uses as follows:

Phase 1

- Establish up to 28,150 sf of outdoor cultivation canopy within 28,150 sf of outdoor cultivation area
- Continue use or establish supporting site components / improvements such as hoop structures, compost areas, storage sheds, six-foot-high chain-link fencing, and other security infrastructure required by the Sheriff's Office

Phase 2

- Construct 2,160 sf greenhouse to support a maximum of 2,160 sf of indoor ancillary nursery canopy

Phase 3

- Install two (2) 160 sf containers for cannabis processing/storage and sheds for general storage
 - Storage containers for cannabis storage shall meet the required "S" occupancy type.

Phase 4

- Construct 900 sf building for ancillary processing

Phase 5

- Remove 18,260 sf of outdoor cultivation area
- Construct five (5) greenhouses, totaling 18,260 sf, to support a maximum of 18,260 sf of indoor cultivation canopy
 - Main garden: two (2) 4,375 sf greenhouses
 - Top garden: two (2) 2,880 sf greenhouses
 - Back garden: one 3,750 sf greenhouse

Cumulative Development and Uses Following All Project Phases

- 9,890 sf of outdoor cultivation canopy within 9,890 sf of outdoor cultivation area
- 18,260 sf of indoor cultivation canopy within five (5) greenhouses of varying sizes

- 2,160 sf greenhouse for ancillary nursery
- Two (2) 160 sf containers for cannabis processing/storage and sheds for general storage
- 900 sf ancillary processing building
- Ancillary transport
- Supporting site components / improvements such as hoop structures, compost areas, storage sheds, six-foot-high chain-link fencing, and other security infrastructure required by the Sheriff's Office.

All Project Phases

- Operational hours between 6:00 a.m. and 6:00 p.m. daily. If work occurs outside of these hours, notification to the Sheriff's Office a minimum of 24 hours in advance is required. Notification shall include the work to be conducted, hours of operation, and number of employees.
- A maximum of four (4) full-time employees and up to six (6) additional employees during seasonal harvest operations.
- Minor Use Permit DRC2018-00042 authorizes a modification of the setback standard set forth in County Code Section 22.40.050.D.3.b to reduce the outdoor cultivation setback from 300 feet and allow 250 feet from the southern property line.
- Minor Use Permit DRC2018-00042 authorizes a modification of parking standards set forth in County Code Section 22.18.050.C.1 to reduce the required number of parking spaces from 34 to 11.
- Minor Use Permit DRC2020-00130 authorizes a modification of the setback standard set forth in County Code Section 22.40.050.D.3.b to reduce the outdoor cultivation standard from 300 feet and allow 75 feet from the northern property line.
- Minor Use Permit DRC2020-00130 authorizes a maximum annual water demand of 2.73 acre-feet per year (AFY) to support all cannabis uses.
- The indoor ancillary nursery is limited to supporting onsite cultivation activities and shall be conducted in accordance with applicable State regulations and licenses. Immature plants, seeds or clones shall not be sold or transported offsite.
- The ancillary processing of cannabis, including drying, trimming, degrading, sorting, packaging, labeling, and storing, and ancillary transport are limited to cannabis grown onsite, and shall be done in accordance with applicable State regulations and licenses. The ancillary processing and ancillary transport operation shall be conducted from a non-residential structure.

- Approval of this Minor Use Permit does **not** authorize the operation of a commercial nursery or the manufacturing or processing of manufactured cannabis products.

Conditions of Approval

1. Within 30 days following the final action of approving Minor Use Permit DRC2020-00130, the applicant shall contact and set up a meeting with Cannabis Code Enforcement to review these conditions of approval.

Prior to commencing permitted activities

2. **Prior to commencing permitted activities**, the applicant shall obtain a business license through the County of San Luis Obispo Tax Collector's Office. Business license renewals shall be obtained by the applicant annually as required by Title 6 of the County Code.
3. **Prior to commencing permitted activities**, the applicant shall complete and maintain 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.
4. **Prior to commencing permitted activities**, the applicant shall demonstrate to the County of San Luis Obispo Department of Planning and Building how cannabis activities will be physically and adequately separated from vacant areas or other non-cannabis uses onsite. The applicant shall obtain any necessary building permits to create the separation between uses.
5. **Prior to commencing permitted activities in Phase I**, the applicant shall submit a phased harvest plan to the Sheriff's Office for review and approval.
6. **Prior to commencing permitted activities in Phase III**, the two (2) 160 sf storage containers must be permitted to meet the "S" occupancy type for cannabis processing/storage. No harvested cannabis may be stored onsite after the end of each business day during Phases I-II.

Prior to issuance of a County Business License

7. **Prior to issuance of 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.
8. **Prior to issuance of County Business License**, the applicant shall submit evidence of compliance with all requirements of the Central Coast Regional Water Quality Control Board.
9. **Prior to issuance of County Business License**, the applicant shall submit evidence that coverage has been obtained under the Cannabis Cultivation General Order from the State Water Resources Control Board.
10. **Prior to issuance of County Business License**, the applicant shall submit evidence that solid waste and recycling collection will be consistent with County Code Sections 22.10.150.B and 22.10.150.C.

11. **Prior to issuance of County Business License**, the applicant shall submit evidence that project security plan has been reviewed and approved by the County Sheriff as required by Section 22.40.040.D of the County Land Use Ordinance. Project operations must continuously comply with the required security measures.
12. **Prior to issuance of County Business License**, the applicant shall obtain an Operator Identification Number (OIN) if required by the Department of Agriculture, 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.

At the time of application for construction permits

Site Development

13. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, grading plan, and architectural elevations.
14. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans and construction documents shall be consistent with the currently-adopted California Codes.
15. **At the time of application for construction permits**, all plans and engineering shall be prepared by a California Licensed Architect or Record or Engineer for all design portions of the project that do not meet “conventional construction” as defined by the California Building Code (Title 19).
16. **At the time of application for construction permits**, the submitted building plan set shall demonstrate consistency with California Energy Code (Title 24).
17. **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.

Access

18. **At the time of application for construction permits**, the applicant shall provide evidence to the County of San Luis Obispo Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Fire Safety

19. **At the time of application for construction permits**, the applicant shall obtain a Fire Safety Plan from Cal Fire. All plans submitted to the Department of Planning and Building

shall meet the fire and life safety requirements of the California Fire Code (Title 16), including, but not limited to requirements described in the May 21, 2019 referral response from Cal Fire.

Drainage

20. **At the time of application for construction permits**, the applicant shall submit complete drainage plans and report for review and approval in accordance with County Code Section 22.52.110 (Drainage).
21. **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 County Code Section 22.52.120 (Erosion and Sedimentation Control Plan).

Stormwater Pollution Prevention Plan (SWPPP)

22. **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.

Stormwater Control Plan (SWCP)

23. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to post-construction stormwater requirements by submitting a Stormwater Control Plan application or Stormwater Post Construction Requirements (PCRs) Waiver Request Form.
 - a. The applicant must submit a SWCP for all regulated projects subject to Performance Requirement #2 and above. The SWCP must be prepared by an appropriately licensed professional and submitted to the County for review and approval. Applicants must utilize the County's latest SWCP template.
 - b. If post-construction stormwater control measures (SCMs) are proposed, the applicant must submit a draft Stormwater Operations and Maintenance Plan for review by the County. The plan must consist of the following Planning & Building Department forms:
 1. Structural Control Measure Description (Exhibit B)
 2. Stormwater System Contact Information
 3. Stormwater System Plans and Manuals
 - c. If applicable, following approval by the County, the applicant shall record with the County Clerk-Recorder the Stormwater Operation and Maintenance Plan and an agreement or provisions in the CCRs for the purpose of documenting on-going and permanent storm drainage control, management, treatment, inspection and reporting.

Services

24. **At the time of application for construction permits**, the applicant shall submit evidence to Building and Safety Division that there is adequate water to serve the proposal, on the site.
25. **At the time of application for construction permits**, the applicant shall submit evidence to Building and Safety Division that the existing septic system is adequate to serve the proposal.

Prior to issuance of a construction permit

Fees

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

Oak Tree Protection

28. **MM BIO-1. Prior to issuance of a construction permit**, orange protective fencing shall be installed around native habitat in all areas where oak woodland occurs within 50 feet of proposed development. A qualified biologist shall confirm the placement of the temporary orange fencing. The protective fencing shall be maintained during all construction activities and crews informed of the restricted area.

During project construction

Nesting Bird Protection

29. **MM BIO-2. During project construction**, to avoid impacts to nesting birds protected by the Migratory Bird Treaty Act, construction and site disturbance should be limited to the time period between September 16 and February 14, if feasible. If site disturbance and construction cannot be conducted during this time period, a pre-construction survey for active bird nests within the limits of the project shall be conducted by a qualified biologist and the following measures incorporated. Surveys shall be conducted within ten days prior to any construction activities proposed to occur between February 15 and September 15. If no active nests are located, ground disturbing/ construction activities may proceed. If active nests are located, then all construction work shall be conducted outside a non-disturbance buffer zone to be developed by the project biologist based on the species (i.e., 250 feet for common species and at least 500 feet for raptors and special status species), slope aspect and surrounding vegetation. No direct disturbance to nests shall occur until the young are no longer reliant on the nest site as determined by the project biologist. The biologist shall conduct monitoring of the nest until all young have fledged.

Cultural Resources

30. **During project 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 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.

Prior to occupancy, final building inspection, or establishment of the use

31. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire/County Fire Department for all required fire and life safety measures.
32. **Prior to occupancy of any structure or initiation of phased project activities associated with this approval**, the applicant shall contact the County of San Luis Obispo Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Throughout the Life of the Project

33. The applicant shall notify the Sheriff's Office a minimum of 24 hours in advance for any proposed work outside 6:00 a.m. and 6:00 p.m. Notification shall include the work to be conducted, hours of operation, and number of employees.
34. This Minor Use Permit shall remain valid so long as the parcels described as APNs 048-151-059 and 048-151-031 remain in common ownership as determined by the most recent property tax roll. In the event either parcel is in separate ownership, the applicant shall cease all approved cannabis cultivation and ancillary activities.
35. **Throughout the life of the project**, all conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to County Code Sections 22.74.160, 22.40.110, and 22.40.120 of the County Land Use Ordinance. Revocation may require restoration to pre-existing conditions of areas of disturbance for cannabis-related activities authorized by this permit.
36. **Throughout the life of the project** and in accordance with the request for a modification from the parking standards set forth in County Code Section 22.18.050.C.1, the applicant shall maintain no less than 11 parking spaces on site.
37. **Throughout the life of the project**, the applicant shall post on site all required land use permit approvals and all required County and State 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.

38. **Throughout the life of the project**, the applicant shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.
39. **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 County permits, State licenses, County ordinance, and State law and regulation. The applicant shall be responsible for the payment of all required fees and taxes.
40. **Throughout the life of the project**, the applicant shall enter and maintain enrollment in the County of San Luis Obispo Cannabis Monitoring Program. Any associated fees shall be paid to the County of San Luis Obispo.
41. **Throughout the life of the project**, the cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for indoor cannabis cultivation and ancillary processing shall be equipped and/or maintained with sufficient ventilation controls (e.g., carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite. In the event of a verified nuisance complaint, remedial action the County may pursue includes the reduction or cessation of operations until a revised operations plan is reviewed and approved by the Department of Planning and Building, abatement of the violation pursuant to County Code Section 22.40.130 and permit revocation pursuant to County Code Sections 22.40.110 and 22.40.120.
42. **Throughout the life of the project**, the use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations.
43. **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.
44. **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.
45. **Throughout the life of the project**, solid waste and recycling shall be conducted in accordance with County Code Sections 22.10.150.B and 22.10.150.C.
46. **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.
47. **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.
48. **Throughout the life of the project**, no outdoor lighting for the purposes of photosynthesis, or plant manipulation shall be allowed with this land use permit. Indoor lights shall be screened to not be seen from off-site and consistent with dark-sky standards.

49. Prior to utilizing CO₂ enrichment, the applicant shall comply with any requirements from Cal Fire and provide written verification to the Department of Planning and Building.
50. **Throughout the life of the project**, the applicant shall meter water used for cannabis activities and provide the Department of Planning and Building with quarterly water usage monitoring reports based on meter readings.
51. **Throughout the life of the project**, the applicant shall meter electricity used for cannabis activities and provide the Department of Planning and Building with quarterly energy usage monitoring reports based on meter readings.
52. **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 County Code Section 22.52.150.C.
53. The project would utilize an existing onsite well. If at any point in time this well serves 25 or more of the same individuals at least 6 months of the year, including all full-time employees, a public water system permit is required to be obtained from the California State Water Resources Control Board (Water Board).

Land Use Permit Expiration

54. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to County Code 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 County Code 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 County Code Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
55. This Minor Use Permit for cannabis cultivation shall expire in five years from the approval date. Within a twelve (12) month period prior to expiration, the applicant may request the Minor Use Permit be renewed for an additional five-year period. Any such request for renewal shall be in writing to the Department of Planning and Building 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.

Defense and Indemnity of the County

56. 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.



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

July 23, 2019

SLOCAL ROOTS FARMS
7731 SUEY CREEK RD
SANTA MARIA, CA 93454

SUBJECT: Notice of Final County Action, Minor Use Permit DRC2018-00045

Dear Sir/Madam,

On **July 19, 2019**, the above-referenced application was approved by the **Planning Department Hearing Officer** based on the approved Findings, and subject to the approved Conditions, which are both enclosed for your records.

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

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

If you have any questions regarding your project, please contact **Cassidy Mcsurdy** at 805-788-2959.

A handwritten signature in blue ink that reads "Daniela Chavez".

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

EXHIBIT A – FINDINGS
SLOCAL ROOTS FARMS, LLC – (DRC2018-00045)

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on May 8, 2019 for this project. Mitigation measures proposed to address biological resources are included as conditions of approval.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because cannabis cultivation as a cannabis activity is an allowed use and as conditioned, is consistent with all applicable General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will 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 cannabis cultivation does not generate activity that presents a potential threat to the surrounding property and buildings, water use will be minimized, security measures will be installed, pesticide use shall comply with County of Agriculture Department regulations, State water quality regulations shall be met, solid waste will be properly disposed of, and nuisance odor shall be managed. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed cannabis cultivation project does not conflict with the surrounding lands and uses (Rural Lands and Agriculture), the site is more than 1,000 feet from sensitive land uses, and the cultivation site is not visible from public viewpoints off site.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved because the project is located on Suey Creek Road, constructed to a level able to handle any additional traffic associated with the project. As stated in the Traffic study (Rick Company, July 2018), the project is anticipated to generate 14 average daily trips and up to 34 daily trips during harvest. The project would not adversely affect the level of service of public roadways or significantly increase vehicle trips to the circulation system.

Adjustments

- G. Modification of fencing provisions set forth in Land Use Ordinance Section 22.40.050.D.6 is justified because the site's rural setting, steep topography, surrounding vegetation, and limited secured access points would make the required fencing or screening unnecessary and

ineffective. The project will have natural screening from off-site views and adequate natural and supplemental security measures that will prevent cannabis plants from being easily visible from offsite and will prevent easy access to project areas. Thus, no additional fencing would be necessary.

- H. Modification of the setback provisions set forth in Land Use Ordinance Section 22.40.050.D.3.b is justified because the proposed reduction from a 300-foot setback to a 250-foot setback at the southern property line would not result in any additional nuisance or impacts to properties to the south. Potential nuisance odors would be managed mechanically for indoor cannabis cultivation and naturally for outdoor cannabis cultivation. The previous existing outdoor cultivation operation has not elicited any odor complaints and was larger than the outdoor cultivation operation being approved under this project. Based on existing experience with cannabis cultivation on the site, the proposed odor management, remote location, steep topography, and distance from existing residences to the south, an additional 50-foot buffer from the southern property line would be unnecessary and ineffective.
- I. Modification of the parking provisions set forth in Land Use Ordinance Section 22.18.050.C.1 is justified because the maximum number of employees that would be on the project site ten (10) and the project proposes eleven (11) parking spaces. As such, the use does not necessitate the 34 parking spaces as calculated using the one parking space per 500 square feet of indoor floor area requirement for Nursery Specialties. This is in part due to the lack of customers and members of the public expected to visit the site in comparison to Nursery Specialty uses. Reduced parking serving up to eleven cars on site would be adequate to accommodate all parking needs generated by the proposed use.

Cannabis Cultivation

- J. The cannabis cultivation, as proposed, will comply with all the requirements of State and County for the cultivation of cannabis, including dual licensure and participation in an authorized track-and-trace program.
- K. The cannabis cultivation will not be located within one thousand (1,000) feet from 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.
- L. The cannabis cultivation includes adequate measures that minimize use of water for cannabis cultivation at the site.
- M. The cannabis cultivation includes adequate quality control measures to ensure cannabis cultivated at the site meets State regulatory standards.
- N. The cannabis cultivation includes adequate 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.

EXHIBIT B - CONDITIONS OF APPROVAL
SLOCAL ROOTS FARMS LLC - (DRC2018-00045)

Approved Development

1. This approval authorizes indoor and outdoor cannabis cultivation and associated supportive development and uses that will include the following:
 - a. Construction of four (4) greenhouses totaling 13,600 square feet and supporting up to 13,600 square feet of mature cannabis canopy.
 - b. Construction of one (1) 2,100-square foot greenhouse supporting up to 2,100 square feet of mature cannabis or supportive nursery canopy (to alternate seasonally).
 - c. Construction of one (1) 1,000-square foot processing building for ancillary cultivation uses such as drying, curing and packaging of cannabis.
 - d. Installation of one (1) 200-square foot cold storage unit for storage of cannabis product.
 - e. Construction of five (5) new hoop houses for 2,400 square feet of outdoor cultivation supporting mature cannabis canopy.
 - f. The continued use of ten (10) existing hoop houses for continued cultivation of 4,290 square feet of existing mature cannabis canopy.
 - g. The continued use of two (2) existing 160-square foot storage containers for a total of 320 square feet of space for drying and storage of cannabis.
 - h. The continued use of existing sheds totaling 280 square feet for cannabis-related storage.
 - i. The continued use of existing outdoor defined storage areas totaling 1,200 square feet for soil, pots and waste.
 - j. The continued use of eleven (11) existing parking spaces.
 - k. A maximum of seven (7) PM peak hour motor vehicle trips.
 - l. A maximum of four (4) full time equivalent employees and six (6) seasonal or part time employees.
 - m. Maximum annual water demand for all uses on the project site of one (1) AFY.
 - n. Should hoop houses not be utilized, the applicant shall be limited to the 6,690 square feet, as specified above in 1e and 1f, and the areas measured shall be clearly identifiable in a boundary consistent with the definition of Cannabis Canopy found in LUO Section 22.80.030.

2. This Minor Use Permit authorizes a modification of fencing and screening requirements set forth in Section 22.40.050.D.6 of the Land Use Ordinance to allow the use of existing 4-foot barbed wire fencing with no additional fencing.
3. This Minor Use Permit authorizes a modification of the setback requirements set forth in Section 22.40.050.D.3.b of the Land Use Ordinance to reduce the outdoor cultivation setback from 300 feet to allow a 250-foot setback from the southern property line.
4. This Minor Use Permit authorizes a modification of the parking requirements set forth in Section 22.18.050.C.1 of the Land Use Ordinance to reduce the required number of spaces from 34 to eleven (11).
5. The ancillary processing of cannabis, including drying, curing, grading, trimming, storing, packaging and labeling, is limited to cannabis grown on site only, and shall be consistent with applicable State regulations and license(s). Cannabis manufacturing or the processing of manufactured cannabis products is not authorized with this Use Permit.
6. The ancillary transport of cannabis or processed cannabis is limited to cannabis grown on site only, and it shall be consistent with applicable State regulations and license(s). Transport as a function of retail sales or as a cannabis dispensary is not authorized with this Use Permit.

Conditions required to be completed prior to commencing permitted activities

7. **Prior to commencing permitted activities**, the applicant shall obtain a business license through the County of San Luis Obispo Tax Collector's Office. Business license renewals shall be obtained by the applicant annually as required by Title 6 of the County Code.
8. **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.
9. **Prior to commencing permitted activities**, the applicant shall demonstrate to the Planning and Building Department how cannabis activities will be physically and adequately separated from vacant areas or other non-cannabis uses onsite. The applicant shall obtain any necessary building permits to create the separation between uses.

Conditions required to be completed prior to issuance of a County Business License.

10. **Prior to issuance of 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.
11. **Prior to issuance of County Business License**, the applicant shall submit evidence of compliance with all requirements of the Central Coast Regional Water Quality Control Board.

12. **Prior to issuance of County Business License**, the applicant shall submit evidence that coverage has been obtained under the Cannabis Cultivation General Order from the State Water Resources Control Board.
13. **Prior to issuance of County Business License**, the applicant shall submit evidence that solid waste and recycling collection will be consistent with Sections 22.10.150.B and C of the County Land Use Ordinance.
14. **Prior to issuance of County Business License**, the applicant shall submit evidence that project security plan has been reviewed and approved by the County Sheriff as required by Section 22.40.040.D of the County Land Use Ordinance.
15. **Prior to issuance of County Business License**, the applicant shall obtain an Operator Identification Number (OIN) if required by the Department of Agriculture, 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.

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

Site Development

16. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, grading plan, and architectural elevations.
17. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans and construction documents shall be consistent with the currently-adopted California Codes.
18. **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.
19. **At the time of application for construction permits**, the submitted building plan set shall demonstrate consistency with California State Title 24 energy laws.
20. **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.

Access

21. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Fire Safety

22. **At the time of application for construction permits**, the applicant shall obtain a Fire Safety Plan from Cal Fire. All plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code and those outlined in the Fire Safety Plan date May 21, 2019.

Drainage

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

Stormwater Pollution Prevention Plan (SWPP)

25. **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.

Stormwater Control Plan (SWCP)

26. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to post-construction stormwater requirements by submitting a Stormwater Control Plan application or Stormwater Post Construction Requirements (PCRs) Waiver Request Form.
- a. The applicant must submit a SWCP for all regulated projects subject to Performance Requirement #2 and above. The SWCP must be prepared by an appropriately licensed professional and submitted to the County for review and approval. Applicants must utilize the County's latest SWCP template.
 - b. If post-construction stormwater control measures (SCMs) are proposed, the applicant must submit a draft Stormwater Operations and Maintenance Plan for review by the County. The plan must consist of the following Planning & Building Department forms:
 1. Structural Control Measure Description (Exhibit B)
 2. Stormwater System Contact Information
 3. Stormwater System Plans and Manuals
 - c. If applicable, following approval by the County, the applicant shall record with the County Clerk-Recorder the Stormwater Operation and Maintenance Plan and an agreement or provisions in the CCRs for the purpose of documenting on-going and permanent storm drainage control, management, treatment, inspection and reporting.

Services

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

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

Conditions to be completed prior to issuance of a construction permit

Fees

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

Oak Tree Protection

31. **MM BIO-1. Prior to issuance of a construction permit**, orange protective fencing shall be installed around native habitat in all areas where oak woodland occurs within 50 feet of proposed development. A qualified biologist shall confirm the placement of the temporary orange fencing. The protective fencing shall be maintained during all construction activities and crews informed of the restricted area.

Conditions to be completed during project construction

32. **MM BIO-2. During project construction**, to avoid impacts to nesting birds protected by the Migratory Bird Treaty Act, construction and site disturbance should be limited to the time period between September 16 and February 14, if feasible. If site disturbance and construction cannot be conducted during this time period, a pre-construction survey for active bird nests within the limits of the project shall be conducted by a qualified biologist and the following measures incorporated. Surveys shall be conducted within ten days prior to any construction activities proposed to occur between February 15 and September 15. If no active nests are located, ground disturbing/ construction activities may proceed. If active nests are located, then all construction work shall be conducted outside a non-disturbance buffer zone to be developed by the project biologist based on the species (i.e., 250 feet for common species and at least 500 feet for raptors and special status species), slope aspect and surrounding vegetation. No direct disturbance to nests shall occur until the young are no longer reliant on the nest site as determined by the project biologist. The biologist shall conduct monitoring of the nest until all young have fledged.
33. **During project 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 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.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

34. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire/County Fire Department for all required fire/life safety measures.
35. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going Conditions for the Life of the Project

36. This Minor Use Permit shall remain valid so long as the parcels described as APNs 048-151-059 and 048-151-031 remain in common ownership as determined by the most recent property tax roll. In the event either parcel is in separate ownership, the applicant shall cease all approved cannabis cultivation and ancillary activities.
37. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to County 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 County Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
38. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Sections 22.74.160 and 22.40.110 and 120 of the County Land Use Ordinance. Revocation may require restoration to pre-existing conditions of areas of disturbance for cannabis-related activities authorized by this permit.
39. **Throughout the life of the project** and in accordance with the request for a modification from the parking standards set forth in Section 22.18.050.C.1, the applicant shall maintain no less than 11 parking spaces on site.
40. **Throughout the life of the project**, the applicant shall post on site all required land use permit approvals and all required County and State 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.
41. **Throughout the life of the project**, the applicant shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations. The County shall

have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.

42. **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 County permits, State licenses, County ordinance, and State law and regulation. The applicant shall be responsible for the payment of all required fees and taxes.
43. Upon adoption of the County of San Luis Obispo Cannabis Monitoring Program, the applicant shall enter the program within (90) days of adoption. Any associated fees shall be paid to the County of San Luis Obispo.
44. **Throughout the life of the project**, the cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite. All structures utilized for indoor cannabis cultivation shall be equipped and/or maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected offsite. In the event of a verified nuisance complaint, remedial action the County may pursue includes the reduction or cessation of operations until a revised operations plan is reviewed and approved by the Department of Planning and Building, 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 120.
45. **Throughout the life of the project**, the use of pesticides or herbicides shall be in compliance with all local, state, and federal regulations.
46. **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.
47. **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.
48. **Throughout the life of the project**, solid waste and recycling shall be conducted in accordance with LUO Sections 22.10.150 B. and C.
49. **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.
50. **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.
51. **Throughout the life of the project**, no outdoor lighting for the purposes of photosynthesis, or plant manipulation shall be allowed with this land use permit. Indoor lights shall be screened to not be seen from off-site and consistent with dark-sky standards.
52. Prior to utilizing CO₂ enrichment, the applicant shall comply with any requirements from Cal Fire and provided written verification to the Department of Planning and Building.

53. **Throughout the life of the project**, the applicant shall meter water used for cannabis activities and provide the Department of Planning and Building with quarterly water usage monitoring reports based on meter readings.
54. **Throughout the life of the project**, the applicant shall meter electricity used for cannabis activities and provide the Department of Planning and Building with quarterly energy usage monitoring reports based on meter readings.
55. 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.
56. The project would utilize an existing onsite well. If at any point in time this well serves 25 or more of the same individuals at least 6 months of the year, including all full-time employees, a public water system permit is required to be obtained from the California State Water Resources Control Board (Water Board).

Land use permit expiration

57. This Minor Use Permit for cannabis cultivation shall expire in five years from the approval date. Within a twelve (12) month period prior to expiration, the applicant may request the Minor Use Permit be renewed for an additional five-year period. Any such request for renewal shall be in writing to the Department of Planning and Building 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.