



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

February 13, 2020

ERIC POWERS
630 QUINTANA RD
MORRO BAY, CA 93442

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: February 7, 2020
SUBJECT: **County File Number: DRC2018-00195**
Minor Use Permit / Coastal Development Permit

LOCATED WITHIN COASTAL ZONE: YES
COASTAL APPEALABLE: YES

On **February 7, 2020** the above referenced application was approved by the **Planning Department Hearing** 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 the 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 Director of 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.

If the appeal is consistent with the standards set forth in CZLUO Section 23.01.043.d, there is no fee to file an appeal. If the appeal is not consistent with CZLUO Section 23.01.043.d, a fee, set by the current fee schedule, will be required and must be submitted with the appeal form at time of filing. If the County requires that an appellant submit a fee to file an appeal, the action may be directly appealable to the California Coastal Commission pursuant to the CZLUO Section 23.01.043, and in the manner contained therein, precluding the need to exhaust local administrative appeals.

Additionally, CZLUO Section 23.01.043 and applicable sections of the Coastal Act provide the California Coastal Commission 10 working days following the expiration of the County appeal period to appeal the County's Final Action. This means the Applicant cannot commence development and the County cannot take any further administrative actions for the proposed development, including but not

limited to, the request or issuance of a building permit, until the County appeal period and the Coastal Commission Appeal period, including any suspension of the appeal period by the Coastal Commission pursuant to CZLUO 23.02.039, have expired without an appeal being filed.

Additionally, should a local appeal be filed, and the County approves the application on appeal, that action would be appealable to the California Coastal Commission, pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. An appellant may include any of the following: an applicant, an aggrieved person as defined in CZLUO 23.01.043 and any two California Coastal Commissioners. CZLUO Section 23.01.043 and applicable sections of the Coastal Act provide ten (10) working days for an appellant to appeal the County's Final Action. The County Coastal Zone Land Use Ordinance and Coastal Act contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The appeal must be made directly to the California Coastal Commission. For further information on their appeal procedures, contact the Commission's Santa Cruz Office at (831) 427-4863.

Please note that exhaustion of local appeals at the County level is almost always required prior to appealing the matter to the California Coastal Commission. Three exceptions apply to this requirement as provided in CZLUO Section 23.01.043.b(1) (3).

If you have any questions regarding your project, please contact Eric Hughes at 805-781-5600.

Sincerely,



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

CC: SUSAN E VELEY
2979 CLARK VALLEY RD
LOS OSOS, CA 93402

EXHIBIT A – FINDINGS
ERIC POWERS (DRC2018-00195)

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 February 7, 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 the proposed 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 cannabis activities satisfy all applicable provisions of Title 23 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 activities do not generate activity that presents a potential threat to the surrounding property and buildings, water use will be minimized, security fencing will be installed, pesticide use must comply with County of Agriculture Department regulations, State water quality regulations shall be met, solid waste will be properly disposed of, and nuisance odor will be controlled. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed cannabis activities will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed activities do not conflict with the surrounding lands and uses (agriculture), the site is more than 1,000 feet from sensitive land uses, and the cultivation site is not visible from public viewpoints offsite.
- 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 with the project. The project is located on Clark Valley Road. As described in the referral from the Public Works Department dated November 2018, the project would result in negligible impacts to County maintained roads. Combined with existing conditions, the level of service for Clark Valley Road would continue to be very good (free flowing).

Adjustments

- G. Modification of the setback provisions set forth in Section 23.08.424.d.(3)(ii) of the Coastal Land Use Ordinance (CLUO) to reduce the required setback from 300 feet to 201.5 feet from the northwestern property line is justified because steep topography and dense intervening vegetation would help mitigate odors along this property line.

Cannabis Cultivation

- H. 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.
- I. 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.
- J. The cannabis cultivation includes adequate measures that minimize use of water for cannabis cultivation at the site.
- K. The cannabis cultivation includes adequate quality control measures to ensure cannabis cultivated at the site meets State regulatory standards.
- L. 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.

Coastal Access

- M. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Sensitive Resource Area

- N. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation and will preserve and protect such features through the site design.
- O. Natural features and topography have been considered in the design and siting of all proposed physical improvements.
- P. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures and will not create significant adverse effects on the identified sensitive resource.
- Q. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff.

Environmentally Sensitive Habitats

- R. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat, because the project, as conditioned, will not cause additional disturbance of the sensitive habitat.
- S. The proposed use will not significantly disturb the habitat, because the project will use existing access roads and cultivation activities have been sited outside of sensitive habitats and outside of the require setback area.

EXHIBIT B - CONDITIONS OF APPROVAL
ERIC POWERS (DRC2018-00195)

Approved Development

1. This approval authorizes outdoor cannabis cultivation and associated supportive development and uses including the following components:
 - a. A maximum of 1.97 acres of outdoor cannabis cultivation.
 - b. Installation of up to 5,000 square feet of hoop houses.
 - c. Installation of one 5,000-gallon water storage tank.
 - d. Use of one 320-square foot shipping container for temporary cannabis storage.
 - e. Use of an existing 1,224-square foot barn for pesticide and fertilizer storage.
 - f. An existing 5,000-square foot, outdoor cannabis cultivation operation, located on a slope southwest of the proposed cultivation area, would be removed and relocated to the newly proposed outdoor cultivation space. The area of the existing grow would be allowed to return to its natural state and would no longer be used for any cannabis activities.
2. Primary access to the project site is taken from an existing unpaved driveway from Clark Valley Road. Access to the cannabis cultivation area and all cannabis activities will be achieved via a defined route, as shown in the Operations Plan. At no time will cannabis operations be accessed via the legal easement on Campbell Road (privately-maintained) along the eastern side of the proposed operations site.
3. The ancillary transport of cannabis products is limited to cannabis grown on site only, and it shall be done consistent with applicable State regulations and license(s). Transport as a function of retail sales or as a cannabis dispensary is not authorized with this Use Permit.
4. This Minor Use Permit authorizes the modification of the setback requirements set forth in Section 23.08.424.d.3.ii of the Coastal Zone Land Use Ordinance (CZLUO) to reduce the required setback from 300 feet to 201.5 feet from the northwestern property line.

Conditions required to be completed prior to commencing permitted activities

5. **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.
6. **Prior to commencing permitted activities**, the applicant shall complete all state licensing requirements for cultivation and ancillary transport at the approved location. A copy of all pertinent State licensing shall be submitted to the County of San Luis Obispo Planning Department prior to commencing permitted activities.

7. **Prior to commencing permitted activities**, the applicant shall obtain required building permits for any unpermitted structures on the property.
8. **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.
9. **Prior to commencing permitted activities**, the applicant shall complete and submit a Hazardous Materials Declaration Flowchart to the Environmental Health Services office.
10. **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 Planning and Building Inspector.

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

11. **Prior to issuance of a County Business License**, the applicant shall submit evidence of compliance with all requirements of the Central Coast Regional Water Quality Control Board (CCRWQCB).
12. **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.
13. **Prior to issuance of a County Business License**, the applicant shall submit evidence that solid waste and recycling collection will be consistent with Sections 23.04.280.b and c of the County CZLUO.
14. **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 Sheriff as required by Section 23.08.423.d of the County Coastal Land Use Ordinance.
15. **Prior to commencing permitted activities**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
16. **Prior to issuance of a 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.
17. **Prior to issuance of a County Business License**, the applicant shall install proposed fencing as shown on the approved plans. Consistent with the approved plans and the applicant's project description, the fence proposed shall be eight (8) feet in height and constructed of chain-link with low visibility security slats. Any changes to the fencing would require approval of the County Sheriff and Planning and Building Department.

18. **Prior to issuance of a 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.
19. **Prior to issuance of a County Business License** and within 30 days of a Land Use Permit approval, the applicant shall submit evidence to the 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 Assessor's Office.

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

Site Development

20. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.
21. **At the time of application for construction permits**, all project conditions of approval shall be clearly printed on the plans and construction documents shall be consistent with the currently-adopted California Codes.
22. **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.
23. **At the time of application for construction permits**, the submitted building plan set shall demonstrate consistency with California State Title 24 energy laws.
24. **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

25. **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.

Drainage

26. **At the time of application for construction permits**, the applicant may be required to submit complete drainage plans and report prepared by a licensed civil engineer for review and approval in accordance with Section 23.05.040 of the CZLUO.
27. **At the time of application for construction permits**, the applicant may be required to submit complete erosion and sedimentation control plan for review and approval in accordance with 23.05.042 of the CZLUO.

28. **At the time of application for construction permits**, the applicant shall show the 100-year flood hazard boundary on the project plan and submit evidence to the Department of Public Works that all new structures comply with County flood hazard construction standards, Section 23.07.060.

Storm Water Pollution Prevention Plan (SWPPP)

29. **At the time of application for construction permits**, if the project site disturbs 1.0 acre or more the applicant must enroll for coverage under California's Construction General Permit, which may include preparation of a project Storm Water Control Plan even if the project is located outside a Stormwater Management Area.

Services

30. **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.
31. **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 proposed use.

Conditions to be completed prior to issuance of a construction permit

Fees

32. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
33. **Prior to issuance of a construction permit**, the applicant shall pay the housing impact fee as required by County Code Section 23.04.096, or may defer fee payment pursuant to County Code Section 23.04.096 e.2. As an alternative the applicant may provide housing units or a land donation, pursuant to County Code Section 23.04.096 f.
34. **Prior to issuance of a construction permit**, the applicant shall post a performance agreement and financial instrument with the County in a form approved by County Counsel and in an amount commensurate with the cost of cannabis operation removal and site restoration. The performance bond shall be released by the County at the time the cannabis operation is removed, and the site is restored.
35. **Prior to issuance of a construction permit or any site disturbance**, the applicant shall consult with the California Department of Fish and Wildlife to determine whether an incidental take permit or other regulatory permits under the jurisdiction of the California Department of Fish and Wildlife are required.

Conditions to be completed during project construction

36. **The following SLOAPCD measures shall be incorporated into the project to control dust:**
- Reduce the amount of the disturbed area where possible; use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook),

or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. Please refer to the following link for potential dust suppressants to select from to mitigate dust emissions: www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Contracting%20PM%20Emissions.htm

- b. All dirt stock-pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- c. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding, soil binders or other dust controls are used;
- d. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- e. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition (Contact Tim Fuhs at(805) 781-5912).

37. MM BIO-1 Prior to issuance of a construction permit or any site disturbance:

Special-Status Plant Species Avoidance and Minimization Measures. Prior to initial ground disturbance and staging activities in areas of suitable habitat for special-status plants, focused surveys shall be completed by a qualified biologist. The surveys shall be floristic in nature and shall be seasonally-timed to coincide with the blooming period of the target species. Surveys shall be conducted in accordance with the most current protocols established by the CDFW and USFWS, and consistent with the County's policies. All special-status plant species identified onsite shall be mapped onto a site-specific aerial photograph and topographic map. Survey results shall be submitted to the County Department of Planning and Building prior to initiation of construction. If special-status plant species, specifically Hoover's bentgrass, Santa Lucia manzanita, Santa Margarita manzanita, Miles' milk-vetch, Coulter's saltbush, Hardham's eveningprimrose, Congdon's tarplant, Brewer's spineflower, straightawned spineflower, compact cobwebby thistle, Pismo clarkia, dark larkspur, Blochman's leafy daisy, Indian Knob mountainbalm, San Joaquin spearscale, Jone's layia, San Luis Obispo County lupine, southern curly-leaved monardella, adobe sanicle, and saline clover, are identified within the proposed development footprint, impacts to these species will be minimized to the extent feasible to avoid impacting 90% of the plants observed. If special-status plant species are identified on the project site and direct impacts to special-status plants cannot be avoided, a salvage and relocation plan will be prepared to compensate for significant impacts on special-status plant species. The salvage and relocation plan will identify

suitable locations, methods, and success criteria for special-status plant mitigation through direct seeding and restoration of suitable unoccupied habitat. The plan shall, at a minimum, require replacement through collection of seed and topsoil from impact sites, a monitoring and management component that outlines weed management and monitoring techniques, and success criteria that require successful establishment of the target species over the acreage and numbers of impacted plants within five years. If onsite salvage and restoration is not feasible, the plan will identify areas that contain verified extant populations of the special status plant species, of similar size and quality, and equal or greater density to the population(s) that would be impacted by the project proposed for preservation as compensatory mitigation for special-status plant impacts. Offsite habitat occupied by the affected species shall be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant affected, and at least one occupied acre preserved for each occupied acre affected. The restoration plan will be prepared and submitted to the County Department of Planning and Building for approval prior to initial site disturbance.

38. MM BIO-3 Prior to issuance of a construction permit or any site disturbance:

Worker Environmental Awareness Program (WEAP). Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend WEAP training, conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form documenting that they have attended the WEAP and understand the information presented to them. The form shall be submitted to the County Department of Planning.

39. MM BIO-4 Prior to issuance of a construction permit or any site disturbance:

American Badger Avoidance and Minimization. A qualified biologist shall complete a preconstruction survey for these species no less than 14 days and no more than 30 days prior to the start of initial project activities to ensure American badger is not present within proposed work areas. If dens are discovered, they shall be inspected to determine if they are currently occupied. If active badger dens are found, a minimum of a 50-foot, no-activity buffer shall be implemented in the den vicinity.

40. MM BIO-5 Prior to issuance of a construction permit or any site disturbance:

Special-Status Herpetofauna Avoidance and Minimization. Within 30 days prior to initiation of ground disturbance, a focused survey for special-status herpetofauna, including northern coast range newt, California legless lizard, and coast horned lizard, and California red-legged frog shall be performed by a qualified biologist. Sandy soils within the impact footprint will be surveyed for California legless lizard by a qualified biologist utilizing a raking survey methodology. A survey report summarizing results of the survey shall be submitted to the County Department of Planning and Building within one week of completing the survey. A qualified biologist shall monitor initial vegetation clearing and ground disturbance to salvage and relocate individuals. Any sightings of California Species of Special Concern shall be documented and reported to County and CDFW staff and the CNDDDB. A monitoring report summarizing results of the monitoring

shall be submitted to the County Department of Planning and Building within one week of completing monitoring work for these species.

41. MM BIO-6 Prior to issuance of a construction permit or any site disturbance:

Nesting Raptors and Birds Avoidance and Minimization. The applicant shall ensure the following actions are undertaken to avoid and minimize potential impacts to nesting birds: To the extent feasible, removal of vegetation within suitable nesting bird habitats will be scheduled to avoid the nesting season and occur between September and January. For activities that cannot avoid the nesting season (February 15 to August 31), not more than 30 days prior to initiation of construction activities (e.g. mobilization and staging), a qualified biologist shall conduct preconstruction surveys for nesting raptors and other native nesting birds. The survey for the presence of nesting raptors shall cover all areas within the disturbance footprint plus a 500-foot buffer where access can be secured. Survey reports shall be submitted to the County Department of Planning and Building at least one week prior to initiating construction, and within one week of completing surveys for ongoing activities. If active nests (nests with eggs or chicks) are located, the qualified biologist shall establish an appropriate avoidance buffer ranging from 50 to 300 feet based on the species biology and the current and anticipated disturbance levels occurring in vicinity of the nest, and 500 feet for nests of fully protected species (such as white-tailed kite) and raptors. All buffers shall be marked using high-visibility flagging, fencing, and/or signage. No construction activities shall be allowed within the buffers until the young have fledged from the nest or the nest fails, unless approved by the qualified biologist. The qualified biologist shall confirm that breeding/nesting is complete and young have fledged the nest prior to removal of the buffer. Encroachment into the buffer shall be conducted at the discretion of the qualified biologist. Monitoring reports summarizing nest avoidance measures, including buffers, fledge dates, and documentation of the avoidance of fully protected species, if applicable, shall be submitted to the County Department of Planning and Building on a monthly basis while nest buffers are in place or while activities are occurring within the specified buffer of an inactive nest of a fully protected species.

42. MM BIO-7 Prior to issuance of a construction permit or any site disturbance:

Burrowing Owl Avoidance and Minimization. If work is planned to occur within 150 meters (approximately 492 feet) of burrowing owl habitat, within the breeding or no-breeding seasons, a qualified biologist shall conduct a preconstruction survey for the species within 14 days of the onset of construction. A second survey shall be completed immediately prior to construction (e.g., within the preceding 24 hours). The surveys shall be consistent with the methods outlined in Appendix D of the CDFW 2012 Staff Report on Burrowing Owl Mitigation (Staff Report), walking 7 to 20 meter transects through the survey area and scanning the entire visible project area for sign and individuals. These surveys may be completed concurrently with any necessary San Joaquin kit fox, American badger, or other special-status species surveys. If occupied burrowing owl burrows are identified the following buffer distances shall be observed by construction, unless otherwise authorized by CDFW:

Location	Time of Year	Level of Disturbance		
		Low	Medium	High
Nesting Sites	April 1 – Aug 15	656 feet	1,640 feet	1,640 feet
Nesting Sites	Aug 16 – Oct 15	656 feet	656 feet	1,640 feet
Any Occupied Burrow	Oct 16 – Mar 31	164 feet	328 feet	1,640 feet

If avoidance of active burrows is infeasible, the owls can be passively displaced from their burrows according to recommendations made in the Staff Report, and in coordination with CDFW.

43. 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

44. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire for all required fire/life safety measures.
45. **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

46. **Throughout the life of the project**, to minimize project related traffic impacts in accordance with the project description, the permit is restricted as follows:
- Maximum 2 acres of cannabis activities;
47. **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; tree planting; fences; etc. without a valid encroachment permit issued by the Department of Public Works.
48. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to CZLUO Section 23.02.050 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 CZLUO Section 23.02.044.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 Coastal Land Use Ordinance and these conditions of approval. Substantial site work is defined by CZLUO Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

49. **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 Sections 23.10.160 and 23.08.430 and 431 of the County Coastal Land Use Ordinance. Revocation may require restoration to pre-existing conditions of areas of disturbance for cannabis-related activities authorized by this permit.
50. **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.
51. **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.
52. **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.
53. 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.
54. **Throughout the life of the project** the cannabis cultivation and ancillary activities shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite so as to not invoke any verified nuisance complaints. All structures utilized for indoor cannabis activities 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, the County may pursue remedial action that may include 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 CZLUO Section 23.08.150 and permit revocation pursuant to Coastal Land Use Ordinance Sections 23.08.160.
55. **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.

56. **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.
57. **Throughout the life of the project**, solid waste and recycling shall be conducted in accordance with CZLUO Sections 23.04.280.b. and c.
58. **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.
59. **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.
60. **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 shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.
61. **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.
62. **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 23.05.042.d. of the Coastal Land Use Ordinance.
63. **Throughout the life of the project**, the property owner(s) shall grant access to the County of San Luis Obispo, its officers, agents, employees, and any other governmental entities and their respective officers, agents, and employees to enter onto the subject property to conduct site inspections. Inspections may occur any day of the week, without prior notice, between the hours of 8 a.m. – 6 p.m.
64. **MM BIO-2 Throughout the life of the project:** Noxious Weed Species Minimization. To prevent the potential spread of invasive botanical species identified within the project site, all vehicles and equipment used at the site shall be cleaned of all dirt, mud, and plant debris prior to entering or exiting the site (e.g., driven over rumble strips) to prevent tracking of potential seed stock to or from the property. Rumble strips will also be regularly cleaned and maintained to prevent the accumulation of seed stock.
65. **MM BIO-8 Throughout the life of the project:** Lighting. Any temporary construction lighting or permanent lighting introduced for the project shall avoid night time illumination of potentially suitable habitat features for special-status species (i.e., off-site adjacent woodlands or riparian habitat). Temporary construction lighting will be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces and/or drainages. To minimize the effects of future exterior lighting on

special-status wildlife species, all outdoor lighting fixtures shall be positioned and/or shielded to avoid direct lighting of off-site natural habitat areas.

66. The project would utilize an existing onsite well adjacent to the existing single family residence. 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.

67. This Minor Use Permit for cannabis cultivation shall expire in 5 years from the approval date. Within a 12-month period prior to expiration, the applicant may request the Minor Use Permit be renewed for an additional 5-year period. Any such request for renewal shall be in writing to the County Planning and Building Department and shall be submitted in conjunction with the appropriate land use permit application. The request for renewal shall be processed with the same type of permit for the original entitlement. If a request for renewal is not requested or not granted, the Minor Use Permit shall be deemed expired.
68. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the County Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to CZLUO Section 23.10.160.