



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

August 10, 2021

Ian McCarville
Kirk Consulting
8830 Morro Road
Atascadero, CA 93422
Via email: ian@kirk-consulting.net

Subject: DRC2021-00091 – Modification to Land Use Permit Application (Substantial Conformance) for Minor Use Permit DRC2018-00094

The County Department of Planning and Building has reviewed the substantial conformance request for Minor Use Permit DRC2018-00094 (Souji Farms, Inc.). The project was approved by the Planning Department Hearing Officer on June 5, 2020 and subsequent Modifications to the Land Use Permit (DRC2020-00135 & DRC2020-00218) were approved on October 5, 2020 and January 20, 2021, respectively. Based on the information provided and the County's review of the project approvals, the County has determined that the proposed changes are in substantial conformance with the approved development and the County's Land Use Ordinance (LUO). A review of the proposed changes and basis for the determination are provided below:

Description of Proposed Changes

1. Allow a maximum 1.25-acre outdoor cannabis cultivation area for a maximum one-acre of cannabis canopy under hoop structures, as shown on the revised site plan.
2. Allow hours of operation to be between dawn and dusk.

Substantial Conformance

Subject to all Conditions of Approval from Minor Use Permit DRC2018-00094, special requirements outlined in Modifications DRC2020-00135 & DRC2020-00218, and below. The proposed modification is deemed in substantial conformance with Minor Use Permit DRC2018-00094 as follows:

1. A request to increase the outdoor cannabis cultivation area from a maximum of one-acre to a maximum of 1.25 acre is in conformance with applicable standards of Title 22 because the increased cultivation area would be consistent with "Cannabis Cultivation Area" as defined in the LUO, does not modify or increase the maximum approved one-acre of cannabis cultivation canopy, is intended to accommodate walkway space for

employee access between cultivation aisles, and is located within an area previously reviewed and approved for outdoor cannabis cultivation under DRC2018-00094.

2. A request to modify the hours of operation from 5:00 a.m. – 6:00 p.m. to between dawn and dusk is in conformance with applicable standards of Title 22 because the modified hours of operation do not authorize an intensification of, or change in, the approved cannabis activities and would align daylight hours with seasonal variations in standard operational characteristics, including, but not limited to, extended plant maintenance tasks during harvest periods.

This determination is made pursuant to LUO Section 22.64.050 (Changes to an Approved Project) on the basis that the proposed modifications would not result in increased impacts that are not already addressed by mitigation measures in the Mitigated Negative Declaration, would not require modification to Conditions of Approval associated with DRC2018-00094, and were not specific considerations by the Review Authority in the approval of this Minor Use Permit.

Special Requirements

The proposed modifications shall comply with the original Conditions of Approval from Minor Use Permit DRC2018-00094, all special requirements outlined in Modifications DRC2020-00135 and DRC2020-00218, and below:

1. A maximum of 1.25-acre outdoor cannabis cultivation area for a maximum one-acre of cannabis canopy under hoop structures is permitted.
2. The proposed cannabis cultivation area shall be consistent with "Cannabis Cultivation Area" as defined in the LUO and incorporated below for reference:
 - a. Cannabis Cultivation Area – designated area(s) that will contain Cannabis Canopy plus additional area(s) for worker access and canopy spacing not to exceed twenty five percent (25%) of the approved Cannabis Canopy. More than one Cannabis Cultivation Area may be designated on a site, but each Cannabis Cultivation Area shall be inclusive of walkways and be separated by a non-temporary physical and readily identifiable boundary, which includes, but is not limited to: interior walls, hedgerows, fencing, fire access roads or other non-temporary natural or artificial physical demarcations that allow for easy and reliable identification by the County. Cannabis Cultivation Area(s) shall be identified in the site plan with sufficient particularity to enable ready determination of the bounds of the Cannabis Cultivation Area(s). If mature plants are being cultivated using a shelving system, the surface area of each level, plus additional area(s) for worker access and canopy spacing not to exceed twenty five percent (25%) of the approved Cannabis Canopy, shall be included in the total cultivation area calculation.

3. The proposed cannabis cultivation area and additional hoop structures shall be installed consistent with the location, configuration, and number of structures shown on the proposed site plan that is incorporated as an attachment for reference.
4. Hoop structures proposed for the additional outdoor cannabis cultivation area shall be consistent with "Hoop Structures" as defined in the LUO and incorporated below for reference:
 - a. Cannabis Hoop Structure – A plastic or fabric covered hoop structure that is temporary in nature, not more than 12 feet in height and does not have vertical sides exceeding five feet six inches (5'-6") in height. They shall not have permanent anchors or foundation, so they can be readily removable. In addition, cannabis hoop structures shall not include any of the following:
 - i. Trusses;
 - ii. Wood construction; or
 - iii. Plumbing (does not include irrigation of the cannabis crop), mechanical, or electrical systems.
5. Hours of operation shall be limited to between dawn and dusk.
6. For any unforeseen circumstances or specific activities that require the applicant and/or employee(s) to be onsite before dawn or after dusk, prior notification of the earliest extent possible to the County Sheriff and Code Enforcement shall be required.
7. In accordance with mitigation measure BIO-10, mitigation replacement plantings shall be conducted at a 4:1 ratio for each oak tree removed and a 2:1 ratio for each oak tree impacted upon installation of the additional hoop structures for the increased cultivation area. Replacement plantings shall be implemented, maintained, and monitored in compliance with the Oak Tree Restoration Plan, revised and dated June 18, 2021, that is incorporated as an attachment for reference.
8. 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

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the applicant of his obligation under this condition. Upon request of the County, the applicant shall also enter into a separate agreement with the County (the "Indemnity Agreement"), in a form approved by County Counsel, agreeing to defend, indemnify, save and hold harmless the County, its present or former officers, agents, or employees, against actions by a third party challenging either its decision to approve this land use permit or the manner in which the County is interpreting or enforcing the conditions of this land use permit, or any other action by a third party relating to or arising out of the approval or implementation of this land use permit. The agreement shall provide that the applicant will indemnify the County and reimburse it for any costs and/or attorney's fees which the County incurs as a result of such action, and that the County's participation or non-participation in any such litigation shall not relieve the applicant of his or her obligations under this condition or the agreement. The applicant shall also provide sufficient guarantees for the obligations hereunder as determined by County Counsel. Any violation of this condition, including the applicant's failure to execute the Indemnity Agreement or breach thereof, or failure to provide sufficient guarantees, is grounds for the County to rescind and/or revoke its approval of this land use permit. These defense and indemnity obligations shall survive any recission, revocation and/or set aside of this land use permit.

If you have any questions concerning these requirements, please contact me at (805) 781-4163 or hnguyen@co.slo.ca.us.

Sincerely,

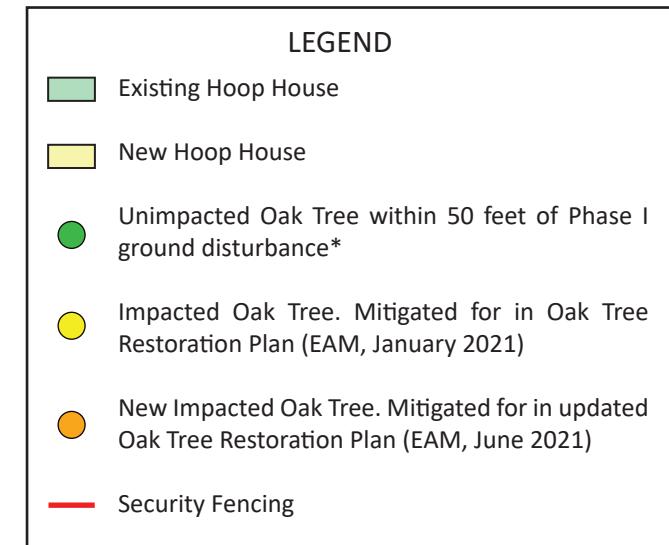
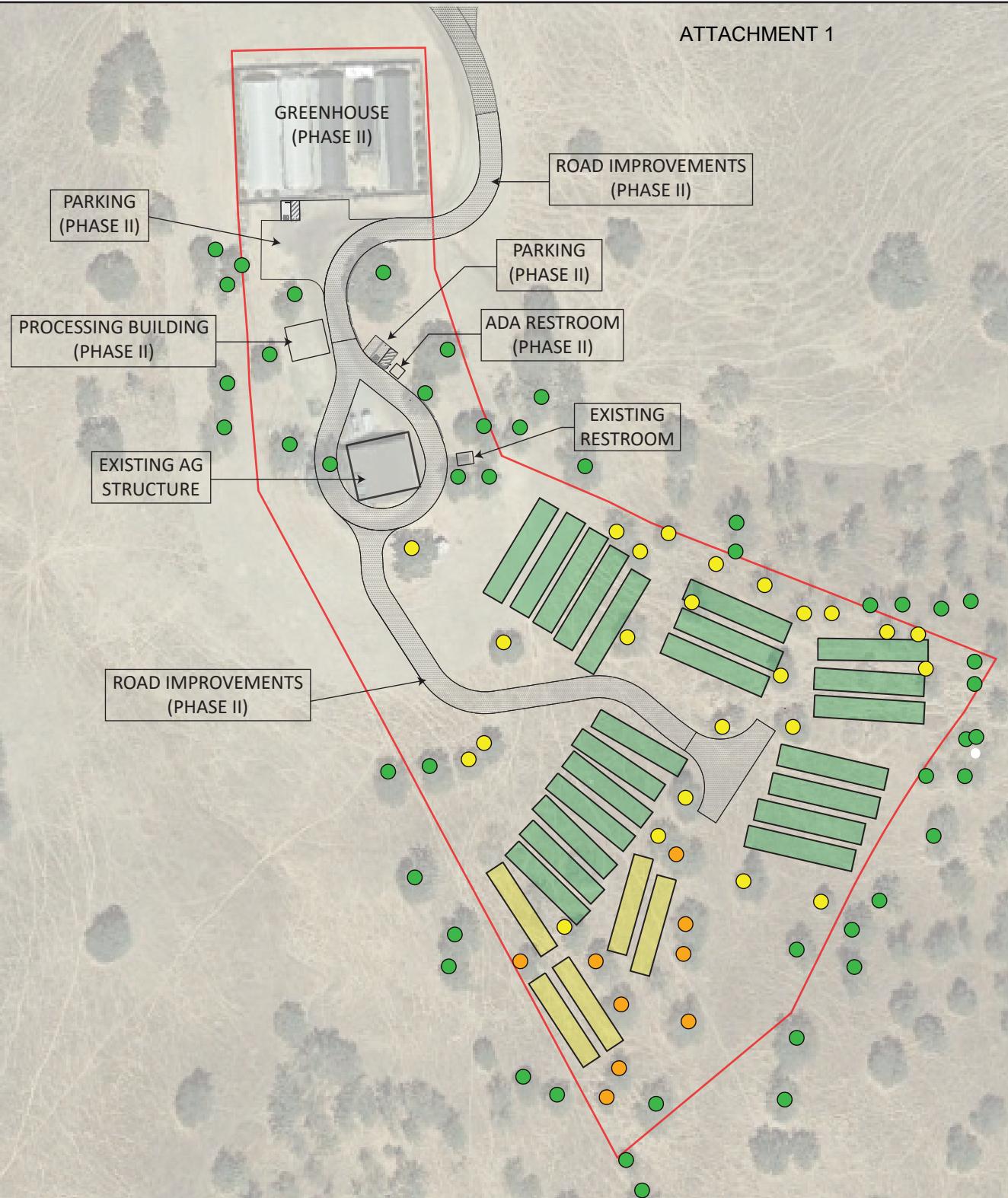


Hannah Nguyen
Planner

Attachment(s): (1) Site Plan, revised and dated June 2021.
 (2) Oak Tree Restoration Plan, revised and dated June 18, 2021.

ATTACHMENT 1

MODIFIED SITE PLAN
DRC2018-00094 - SOUJI FARMS



* Oak trees will be assessed for impacts during Phase II of the proposed project.

**Oak Tree Restoration Plan
Souji Farms, Inc. Minor Use Permit (DRC2018-00094)
12000 Nacimiento Lake Drive, APN 080-041-036
San Luis Obispo County, California**



Prepared for:

Souji Farms, Inc.
P.O. Box 1126
Redway, CA 95560

Prepared by:

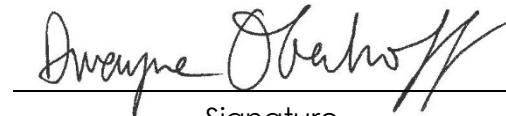


Original: January 28, 2021

Revised: June 18, 2021

Report prepared by:

Dwayne Oberhoff
Senior Biologist/LLC Manager
Ecological Assets Management, LLC
PO Box 6840
Los Osos, CA 93412
805.440.6137



Signature

June 18, 2021
Date

INTRODUCTION

This "Oak Tree Restoration Plan" (plan) has been prepared for Souji Farms, Inc. to address and mitigate previous and proposed impacts to thirty-three (33) blue oaks from project-related impacts associated with an existing and proposed cannabis cultivation sites on the 167-acre parcel located at 12000 Nacimiento Lake Drive (APN 080-041-036), north east of Paso Robles in San Luis Obispo County, California. The primary purpose of this restoration plan is to establish a methodology to mitigate project-related impacts to thirty-three (33) blue oak trees with sixty-six (66) new oak tree plantings (i.e., 2:1 ratio). This plan also details monitoring the restoration efforts and the success of all new plantings for a period of five years to confirm successful establishment. During this five-year period annual monitoring reports will be prepared detailing the progress of the restoration efforts and submitted to San Luis Obispo County Department of Planning and Building.

RESTORATION SITE LOCATION

The restoration site is located within a 167-acre parcel (APN 080-041-036) at 12000 Nacimiento Lake Drive in Northern San Luis Obispo County, California (refer to Figures 1 and 2). The subject parcel is located near the northern boundary of San Luis Obispo County, approximately 5.4 miles west of Highway 101, and is surrounded by similar rural properties. Camp Roberts is located immediately to the east and south of the subject parcel. Primary access is along an existing ranch road extending from State Route G19 (Nacimiento Lake Drive).

RESPONSIBLE PARTY FOR MITIGATION PROGRAM

The responsible party for implementing and ensuring success of the following Oak Tree Restoration Plan is:

Souji Farms, Inc., Attn: Trent Sanders
P.O. Box 1132
Redway, CA 95560
trent764@gmail.com
(707) 223-0486

SPECIES DESCRIPTION

Blue Oak (*Quercus douglasii*)

Federal Status - None

State Status – None

Other - County of San Luis Obispo General Plan Conservation and Open Space Element: Policy BR 1.4 No Net Loss and Policy BR 3.2 Protection of Native Trees in New Development

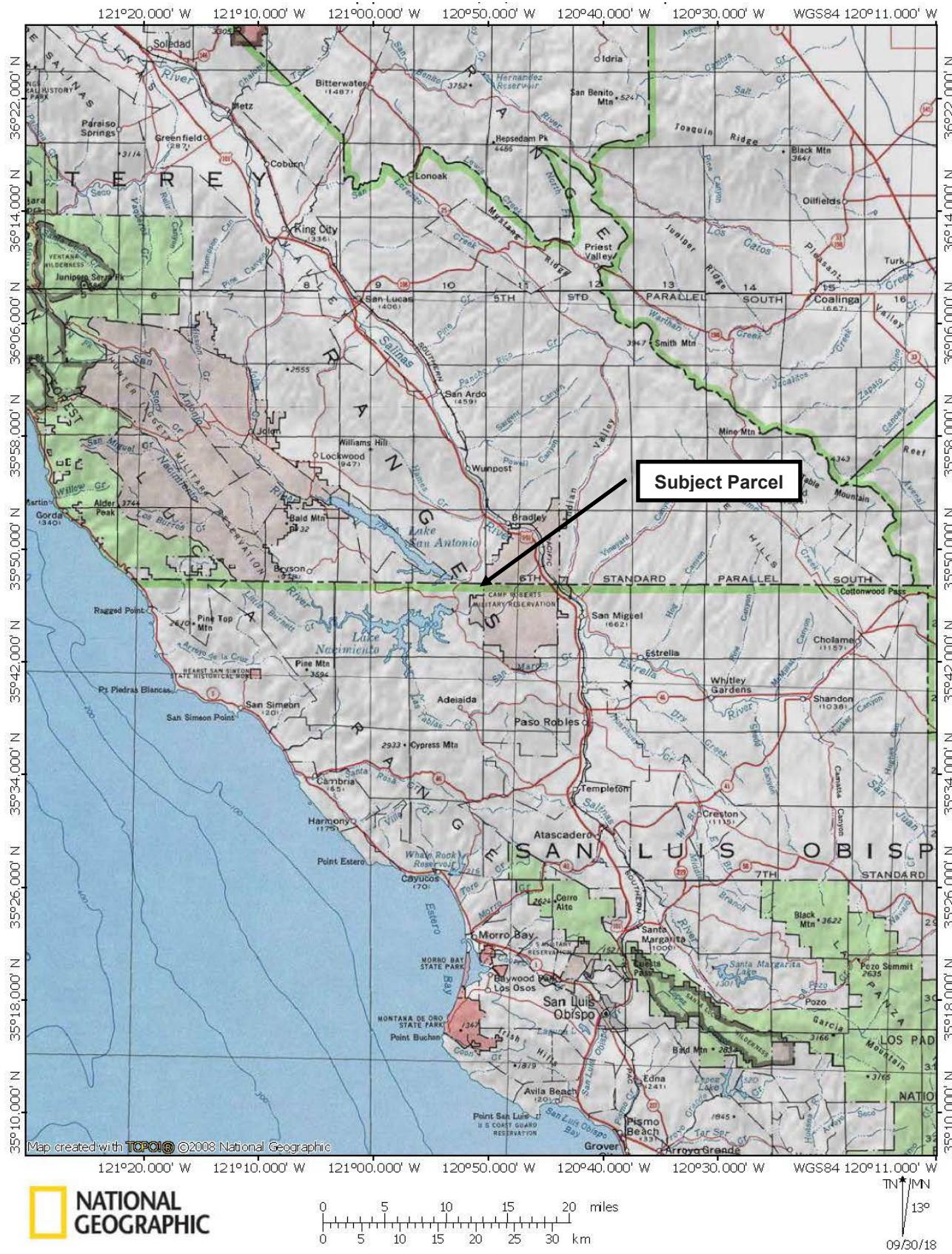


FIGURE 1. Location map of subject parcel in Los Osos, CA.

ATTACHMENT 2

Souji Farms, Inc. Minor Use Permit (DRC2018-00094)

Oak Tree Restoration Plan

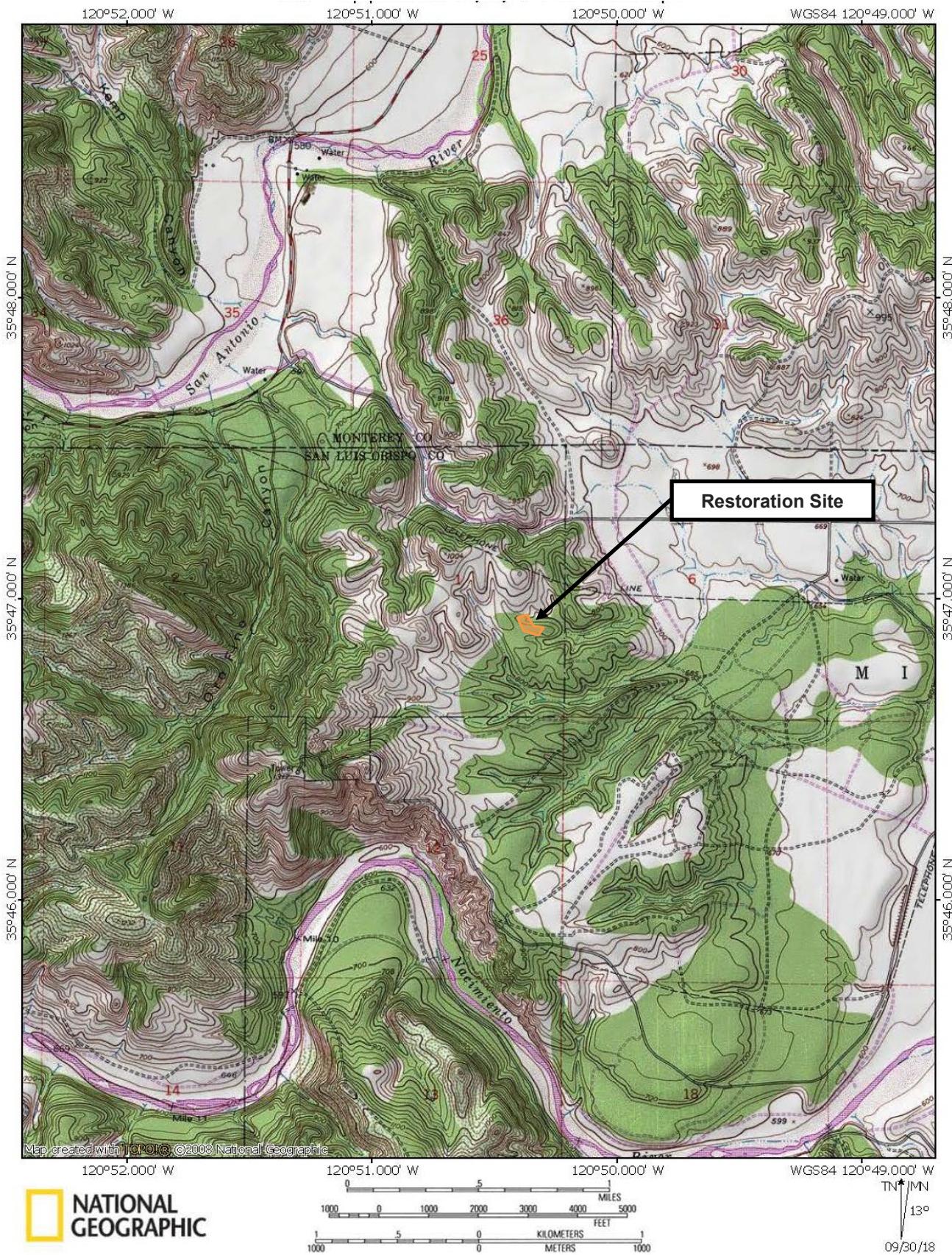


FIGURE 2. Location map of restoration site.

Blue oak is a native deciduous tree in the Fagaceae family (oak and beech family) that occurs along the western foothills of the Sierra Nevada-Cascade Ranges, the Tehachapi Mountains, and in the eastern foothills of the Coast Range, forming a nearly continuous ring around the Central Valley. The habitat is discontinuous in the valleys and on lower slopes of the interior and western foothills of the Coast Range from Mendocino County to Ventura County. It is generally found at elevations from 500 to 2000 ft at the northern end of its range and on the western slopes of the Sierra Nevada, from 250 to 3,000 ft in the central Coast Range, and from 550 to 4,500 ft in the Transverse and Peninsular Ranges. Within San Luis Obispo County it is a common oak tree found in the warmer and drier slopes surrounding the interior valleys.

RESTORATION DESIGN

This restoration plan will mitigate project-related impacts to thirty-three (33) blue oak trees on the subject parcel with new plantings being planted on-site at ratio of 2:1. A total of sixty-six (66) replacement oak trees as container stock will be planted along with a large number of acorns (>100) planted directly into the ground. The purpose of using acorns in addition to container stock is the ease of collecting and planting acorns, while also providing a generally hardier plant when compared to container stock. Planting both container stock and acorns will ensure success of this restoration project if site and/or climatic conditions change (i.e., long-term drought conditions). Success criteria and goals outlined in this plan will be achieved through a monitoring program which be performed annually for five years to determine the establishment and continued success of the blue oak tree plantings.

IMPLEMENTATION PLAN

- Restoration Site Selection

The proposed 0.82-acre restoration site has been chosen based on observed suitable conditions (i.e., northern slope aspect), accessibility, limited shading, and proximity to water for irrigation during the summer months. In addition, the location currently has blue oaks and the additional plantings at the proposed location will add to the overall density and habitat value of the blue oak woodland at this location.

- Acorn/Container Stock Source and Processing

Acorns and acorns for the container stock shall be collected from the subject parcel, if feasible, during September/October. If not feasible, acorns from the general vicinity (<2.0-mile) of the subject parcel will be utilized for direct acorn seeding and the container stock. All collected acorns should come directly from the tree and not collected off the ground after they have dropped. For this plan, sixty-six (66) container stock plants and at least one hundred (100) acorns will be sourced and planted within the 0.82-acre restoration area.

Collected acorns shall be processed immediately after collection. Processing acorns consists of cleaning, removing any caps, and checking for viability. The viability check requires dropping the acorns into a bucket of water: acorns that float are probably damaged and acorns that sink are likely viable.

- Restoration Site and Planting Location Preparation

To prevent damage to the restoration area and protect the oak tree plantings from livestock, the entire 0.82-acre restoration area will be fenced with a five (5) strand smooth wire fence. This fence will be inspected annually to ensure it continues protect the restoration site for the full duration of the monitoring program.

The individual planting locations shall be prepared by hand (no mechanical equipment) to ensure soil disturbances do not occur and result in additional erosion impacts during the rainy winter months. The planting locations shall be carefully weeded by hand to remove nonnative species within a four-foot radius to reduce competition with blue oak trees plantings prior to planting acorns or container stock. This level of weeding and clearing shall happen twice annually to ensure little competition with the oaks. In addition, each planting location shall be mulched with an appropriate material (i.e., wood chips, polypropylene landscape fabric) to retain soil moisture and reduce competition with weeds.

- Planting Plan

Implementation of this planting plan will be done or overseen by a qualified biologist with experience in plant/tree restoration to ensure the design and goals of the restoration plan are successfully met. The blue oak trees will be planted on the subject parcel and within the identified 0.82-acre restoration area, which does not conflict with the existing cannabis cultivation activities or any proposed future project (refer to Appendix A).

At least one hundred (100) acorns and sixty-six (66) oak seedlings in containers will be planted in locations chosen by the biologist within the 0.82-acre restoration area. In year one (2021) acorn collection will occur in September/October and at least one hundred (100) acorns will be planted directly into the ground in early winter (November/December) once winter rains have begun in order to maximize in-ground growing during high moisture conditions. Generally, planting shall be conducted in November and December and shall not be planted later than January. Soil at each acorn planting location shall be loosened to a depth of 4 inches over an 18-inch diameter circle, and three to five acorns shall be placed on their sides at a depth of 2 inches and covered with soil. Each acorn planting location shall be watered thoroughly.

In Year 1, collected acorns will also be utilized to start container stock in a nursery for planting in Year 2, early winter of 2022 (refer to Table 1). For container plantings each

location will be hand dug to a depth of two to three inches deeper and wider than the root ball of the container stock and backfilled with the excavated soil. Remaining soil will be formed around the plant along the outer diameter of the excavated hole to form a dam that will collect and direct rainfall and irrigation to the root system.

Table 1. Oak Tree Restoration Implementation and Monitoring Schedule

Implementation Period		Tasks	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
									X	X				
2021	Acorn Collection from Site									X	X			
	Install Fencing							X	X	X	X			
	Planting Location Prep, Weed Removal												X	X
	Plant Acorns On-site and Containers Off-site for Planting in 2022												X	X
	Erosion Monitoring													X
2022	Planting Location Prep, Weed Removal			X		X	(X)	(X)	(X)	(X)		X		
	Install Container Stock												X	X
	Erosion Monitoring	X	X											X
2023	First Year Tasks													
	Weeding/Maintenance*			X		X	(X)	(X)	(X)	(X)				
	Success Monitoring**					X								
	Annual Report													X
2024	Second Year Tasks													
	Weeding/Maintenance*			X		X	(X)	(X)	(X)	(X)				
	Success Monitoring**					X								
	Annual Report													X
2025	Third Year Tasks													
	Weeding/Maintenance*			X		X	(X)	(X)	(X)	(X)				
	Success Monitoring**					X								
	Annual Report													X
2026	Fourth Year Tasks													
	Weeding/Maintenance*			X		X	(X)	(X)	(X)	(X)				
	Success Monitoring**					X								
	Annual Report													X
2027	Fifth Year Tasks													
	Weeding/Maintenance*			X		X	(X)	(X)	(X)	(X)				
	Success Monitoring**					X								
	Final Annual Report													X

*At least two site visits to remove early and late germinating weed species. (X) = Additional weeding if applying supplemental summer watering.

**One annual site visit to monitor success of restoration efforts. If feasible, conducted during weeding/maintenance

To ensure higher survival rates all acorn plantings (once sprouted) and container stock shall also have either exclusionary cages or tree shelters (plastic, translucent protectors)

installed around each plant above ground and thin gauge wire baskets installed in each hole before planting to ensure burrowing animals do not damage the root systems. Exclusionary cages must be sized appropriately and monitored during the monitoring period to ensure the cages do not impede or deform growth.

If fertilizers are used, they should be slow-release tablets or applied as a balanced liquid with supplemental watering. Use of 0.74-ounce slow-release fertilizer tablet (20-10-5) three (3) to four (4) inches below each planted acorn or seedling has been shown to significantly increase the oak's growth in both height and diameter.

- Supplemental Irrigation

Depending on winter rainfall amounts it may be necessary to manually water all container stock and possibly the acorn plantings during the first summer if winter rains are below average and/or end in early spring (i.e., March). Any supplemental summer watering shall be infrequent and deep and be conducted at the discretion of the restoration biologist. Summer supplemental watering can cause excessive weed growth that can adversely affect the oak plantings. Weed control during any periods of supplemental watering will be imperative to remove competitive weeds and should occur monthly during supplemental watering during the summer.

MONITORING PLAN

In order to accomplish this plan's goals and objectives of mitigating for the loss of thirty-three (33) blue oak trees, the monitoring program must provide quantitative and qualitative data to be used to determine the success of the restoration efforts, and to identify whether remedial actions are necessary. To be successful, this Restoration Plan must preserve existing self-sustaining populations and establish viable and self-sustaining plants as evidenced by survival and natural reproduction of blue oak trees within the selected restoration area of the subject parcel. If monitoring data indicates that these goals are not being met, remedial efforts must be undertaken to identify and correct the inhibiting factors.

PERFORMANCE CRITERIA

The blue oak trees planted on the subject parcel per this restoration plan will be monitored for five years following the first-year implementation efforts with the central tenet of the monitoring program to measure whether or not the performance criteria have been met. The performance criteria used to assess the establishment of the new plantings will be based on comparisons of annual monitoring data. Data collected annually and used for comparison will consist of:

- *Survival rate (live blue oak trees present annually)* – minimum of 80% survival rate of plantings after five years (38 of the 48 blue oak trees surviving for five years); and,

- Condition of plantings – after five years the plantings will be self-maintaining and in good health with ample green foliage, with no signs of stress from drought, damage from insects or herbivorous animals, and free from disease and fungus.

FIELD MONITORING

Field monitoring efforts will collect and evaluate data on the success of restoration efforts and identify issues that could result in failure. Field monitoring will consist of brief visits timed to coincide with scheduled maintenance activities, and will include preparation of brief monitoring reports, which discuss factors such as current survival of plantings, condition of plantings, weed encroachment, erosion concerns, maintenance techniques, and potential need for remedial restoration efforts. Methods to be used for field sampling data collection are as follows:

- Photo Documentation - Permanent photo documentation points will be established for the overall restoration site and each quadrat location. This photographic record will assist in the qualitative assessment of the restoration effort.
- Data Standardization - All data of survival of plantings and condition of plantings obtained during sampling procedures shall be recorded in the field on data sheets by the implementing/monitoring biologist.

MONITORING SCHEDULE AND REPORTING

The plantings will be monitored once a year to document growth, survival rates and site protection during their respective growth and reproductive stages (refer to Table 1). Scheduled monitoring should take place in conjunction with weeding and maintenance work (if feasible). Additional monitoring visits may be necessary after heavy precipitation occurring during the implementation period, or during any grading or construction in the vicinity of the restoration site.

An annual monitoring report will be prepared following the implementation of the restoration plan and annually during the five-year monitoring period. The annual reports will be submitted to the County by December 31 of each year. The annual monitoring reports will summarize site conditions and maintenance practices, and include a discussion of success or failure, based on all collected data. Photo documentation will be included in annual reports.

A final project completion report, including an overall evaluation of the restoration effort will be prepared at the end of the five-year restoration period. The responsible party will ensure that the annual monitoring reports and the final completion report are submitted to County of San Luis Obispo, Planning and Building Department.

ADAPTIVE MANAGEMENT

If annual monitoring data analysis indicates the plantings are not surviving and healthy within the five-year time frame, the responsible party will begin an immediate assessment of why the restoration has failed. If the site trends indicate that the success criteria will eventually be met, but in a longer time frame than anticipated, maintenance and monitoring will continue until 80% of the plantings have become established. If a total site failure is evident, the responsible party will, in consultation with the appropriate agencies, determine what corrective action(s) should be taken.

LONG-TERM MAINTENANCE AND PROTECTION MEASURES

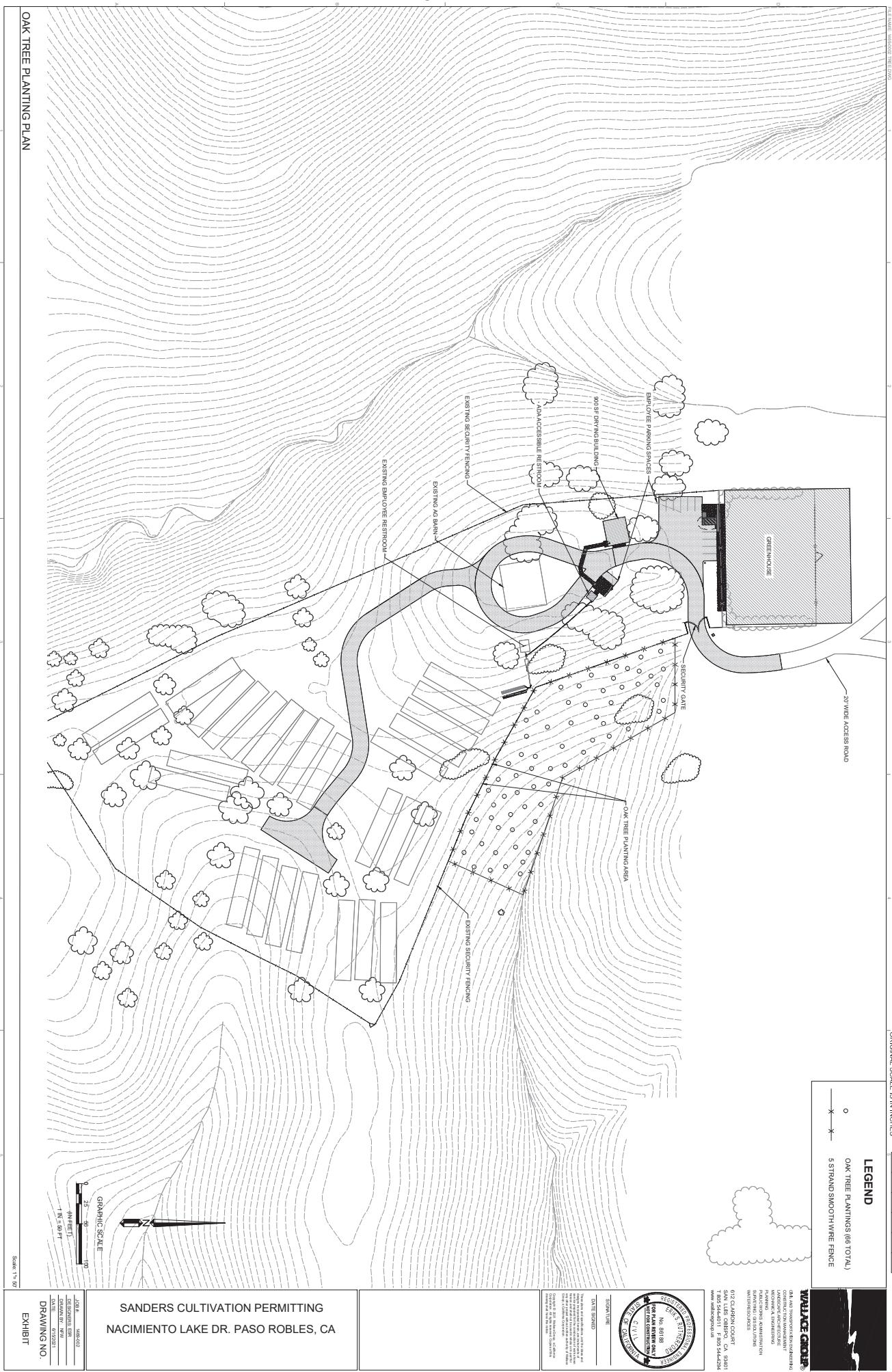
The responsible party will conduct long-term maintenance and protection of the restoration site. Protection measures will include installation of fencing to prevent herbivory, removal of invasive weed species, and erosion control. In addition, to reduce the potential for wildland fires to impact the blue oak trees, dense grass understory should be cut annually and all dying and dead branches on adjacent oak trees shall be removed from the restoration site by a qualified arborist.

COMPLETION OF MITIGATION

Following the five-year monitoring of the restoration efforts, the responsible party will request a final site inspection by the County of San Luis Obispo. If the performance criteria detailed in this plan have been met no additional monitoring or restoration efforts will be required.

Appendix A: Proposed Oak Tree Restoration Planting Plan

ATTACHMENT 2





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

June 16, 2020

SOUJI FARMS, INC
PO BOX 1126
REDWAY, CA 95560

SUBJECT: Notice of Final County Action, Minor Use Permit DRC2018-00094

Dear Sir/Madam,

On **June 05, 2020**, the above-referenced application was approved by the **Planning Department Hearing Officer** based on the approved Findings, and subject to the approved Conditions, which are both enclosed for your records.

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

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

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

Daniela Chavez

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

EXHIBIT A – FINDINGS
SOUJI FARMS INC. (DRC2018-00094)

ENVIRONMENTAL DETERMINATION

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq. and California Code of Regulations Section 15000 et seq.) has been prepared and released for public comment on April 1, 2020, for this project (SCH# 2020040008). Mitigation measures have been identified to address potential impacts related to aesthetics, air quality, biological resources, hazards and hazardous materials, and hydrology and water quality and have been included as conditions of approval.

MINOR USE PERMIT

- B. The proposed project or use is consistent with the County of San Luis Obispo General Plan because indoor (mixed-light) and outdoor cannabis cultivation and ancillary cannabis processing and transport are allowed uses and, as conditioned, is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project and uses satisfy all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use would not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed cannabis cultivation does not generate activity that presents a potential threat to the surrounding property or buildings. Water use of the project would be minimized and actual usage shall be monitored, energy usage shall be monitored, State water quality regulations shall be met, security fencing shall be installed, pesticide use shall comply with County of San Luis Obispo Department of Agriculture / Weights and Measures regulations, solid waste shall be properly disposed of, and nuisance odors shall be controlled and monitored. This project is subject to Land Use Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.
- E. The proposed project or use would not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed uses would be sited in a remote, rural location; the proposed uses would not be visible from surrounding public roadways; and all potential nuisance odors would be adequately controlled to not be detectable off-site.
- F. The proposed project or use would not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project. The project site is accessed by an unnamed road off Nacimiento Lake Drive, a County-owned and maintained road. As described in the Traffic Study prepared for the project, the project is anticipated to generate approximately 22 vehicle trips during the peak hour (4:00 p.m. to 6:00 p.m.). Projected trip generation from the project would be

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

COMMERCIAL CANNABIS ACTIVITIES

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

ADJUSTMENT

- L. A modification of required parking standards detailed in Land Use Ordinance Section 22.18 is justified because the characteristics of the use do not necessitate provision of 55 parking spaces on-site; the provision of 14 parking spaces with additional room for other vehicles on-site will be adequate to accommodate all parking needs on-site generated by the use, including the six proposed full-time employees and up to eight seasonal employees during harvest periods. No traffic problems will result from the proposed modification of parking standards.
- M. A modification from the fencing standards set forth in Land Use Ordinance (LUO) Section 22.40.050.D.6 is justified to waive the requirement for solid fencing. The project site is located in a very rural area bordered to the east and south by land owned by the Camp Roberts military base. The areas for proposed cultivation area would not be visible from any surrounding public roadway or other public viewpoint. Therefore, the request for a fencing modification meets the finding that the requirements for solid fencing materials at this location would be unnecessary, as no plants or other project component would be visible from surrounding public viewpoints.

EXHIBIT B – CONDITIONS OF APPROVAL
SOUJI FARMS INC. (DRC2018-00094)

APPROVED DEVELOPMENT

1. This approval authorizes use of the following cannabis activities:
 - a. A maximum of 1 acre of outdoor cannabis cultivation, as follows:
 - i. Construction of up to 1 acre (43,560 square feet) of hoop structures for outdoor cannabis cultivation.
 - ii. Should hoop structures not be utilized, the applicant shall be limited to 1 acre (43,560 square feet) of outdoor cannabis canopy within the areas shown on the approved site plan, as specified above in 1.a, and the areas measured shall be clearly identifiable in a boundary consistent with the definition of Cannabis Canopy found in County of San Luis Obispo Land Use Ordinance Section 22.80.030.
 - b. Construction of one greenhouse with a total floor area of 27,000 square feet and up to 22,000 square feet of indoor mixed-light cannabis canopy;
 - c. Construction of one 900-square-foot building for ancillary processing including drying, trimming, curing, and storage of cannabis grown on-site;
 - d. Ancillary transport of cannabis grown on-site; and
 - e. Maximum annual water demand for all uses on the project site of 2.36 acre-feet per year.
2. This Minor Use Permit authorizes the modification of the parking requirements set forth in Land Use Ordinance Section 22.18.050.C.1 to reduce the required number of spaces from 55 to 14.
3. The ancillary processing of cannabis, including drying, curing, grading, trimming, storing, packaging, and labeling, is limited to cannabis grown on-site only, and it shall be done consistent with applicable State regulations and license(s). Manufacturing of cannabis products is not authorized with this Use Permit.
4. The ancillary transport of cannabis or processed cannabis is limited to cannabis grown on-site only, and it shall be done consistent with applicable State regulations and license(s). Transport as a function of retail sales or as a cannabis dispensary is not authorized with this Use Permit.

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

5. **Prior to issuance of a County Business License**, the applicant shall enter the County of San Luis Obispo Cannabis Monitoring Program. Any associated fees shall be paid to the County of San Luis Obispo Planning and Building Department.
6. **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.

7. **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.
8. **Prior to issuance of a County Business License**, the applicant shall submit evidence that solid waste and recycling collection will be consistent with Land Use Ordinance Sections 22.10.150.B and C.
9. **Prior to issuance of a County Business License**, the applicant shall submit evidence that the project security plan has been reviewed and approved by the County of San Luis Obispo Sheriff's Office as required by Land Use Ordinance Section 22.40.040.D.
10. **Prior to issuance of a County Business License**, the applicant shall provide evidence to the County of San Luis Obispo Planning and Building Department that on-site circulation and pavement structural sections have been designed and shall be constructed in conformance with California Department of Forestry and Fire Protection (CAL FIRE) standards and specifications back to the nearest public maintained roadway.
11. **Prior to issuance of a County Business License**, the applicant shall obtain an Operator Identification Number (OIN), if required by the County of San Luis Obispo Department of Agriculture / Weights and Measures, prior to any pesticides being used in conjunction with the commercial cultivation of cannabis; "pesticide" is a broad term, which includes insecticides, herbicides, fungicides, rodenticides, etc., as well as organically approved pesticides.
12. **Prior to issuance of a County Business License**, the applicant shall install security fencing as approved by the County Sheriff's Department.
13. **Prior to issuance of a County Business License**, the applicant shall be responsible for the timely payment of all fees associated with this approval. Failure to pay fees in a timely manner may result in revocation of the permit.
14. **Prior to issuance of a County Business License**, and within 30 days of Land Use Permit approval, the applicant shall submit evidence to the County of San Luis Obispo Planning and Building Department that all necessary copies of any leases (ground, greenhouse, or otherwise) or production-sharing agreements related to "Cannabis Activities" on the subject property have been provided to the County of San Luis Obispo Assessor's Office.

CONDITIONS REQUIRED TO BE COMPLETED AT THE TIME OF APPLICATION FOR BUILDING PERMIT(S)

Site Development

15. **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.
16. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans and construction documents and shall be consistent with the currently adopted California Codes.
17. **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.

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

20. **At the time of application for construction permits**, the applicant shall obtain a Fire Safety Plan from CAL FIRE. All plans submitted to the County of San Luis Obispo Planning and Building Department shall meet the fire and life safety requirements of the California Fire Code and those outlined in the Fire Safety Plan.

[Drainage](#)

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

[Stormwater](#)

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

[Services](#)

24. **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-site.
25. **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, INITIATION OF CONSTRUCTION, OR DURING PROJECT CONSTRUCTION

[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.

Biological Resources

28. **BIO-1.** Site preparation, ground-disturbance, and construction activities, including tree and vegetation removal, shall be conducted outside of the migratory bird nesting season (February 1 through August 31). If such activities cannot be avoided during this period, the applicant shall retain a County of San Luis Obispo-approved qualified biologist to conduct a preconstruction nesting bird survey **no sooner than 1-4 weeks prior to tree removal activities** and shall verify whether migratory birds are nesting in the site. If nesting activity is detected, the following measures shall be implemented:
- a. The project shall be modified via the use of protective buffers, delaying construction activities, or other methods designated by the qualified biologist to avoid direct take of identified nests, eggs, and/or young protected under the Migratory Bird Treaty Act and/or California Fish and Game Code.
 - b. The qualified biologist shall monitor the nests within the vicinity of project-related disturbances and determine if construction activities are causing behavioral changes or affecting nesting activities. Monitoring results shall then be utilized to develop an appropriate buffer around the next site to minimize disturbance. Construction activities within the buffer zone shall be prohibited until the young have fledged the nest and achieved independence.
 - c. The qualified biologist shall document all active nests and submit a letter report to the County of San Luis Obispo documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures, within 14 days of survey completion.
29. **BIO-2. Prior to initiation of construction**, the applicant shall implement the following measure to minimize and avoid impacts to western burrowing owl habitat:
- a. No less than 14 days and no more than 30 days prior to ground-disturbing activities, a County of San Luis Obispo-approved qualified biologist shall conduct pre-activity surveys for the presence of western burrowing owl and/or active burrows within the work area and within a 500-foot buffer of the work area. Surveys shall be conducted by County of San Luis Obispo-approved qualified biologists walking straight-line transects spaced 20 feet to 60 feet, adjusting for vegetation height and density.
 - b. Exclusion zones, or no-disturbance buffers, shall be established around active burrows. No project-related disturbances shall occur within 160 feet of occupied burrows during the nonbreeding season of September 1 through January 31 or within 250 feet during the breeding season of February 1 through August 31.
 - c. If an active burrow is observed within 500 feet of the work area during the breeding season, construction activities shall not continue until a County of San Luis Obispo-approved qualified biologist confirms the burrow is no longer active. Proposed adjustments to the buffer shall be through consultation with the California Department of Fish and Wildlife.

- d. If an active burrow is observed within 160 feet of the work area during the non-breeding season, construction activities shall not continue until a County of San Luis Obispo-approved qualified biologist confirms the burrow is no longer active.
 - e. The County of San Luis Obispo-approved qualified biologist, with prior consultation and approval from the California Department of Fish and Wildlife, may institute passive relocation through use of one-way burrow doors that will not allow owls to reenter the burrow. Immediately before the start of construction activities, the biologists shall remove all doors and excavate the burrows to ensure that no animals are present at the burrow. The excavated burrows shall then be backfilled.
 - f. A County of San Luis Obispo-approved qualified biologist shall be present during the initial clearing and grading activity. If additional burrowing owl burrows are found, all work shall cease until the biologist can complete measure described above for inactive and active burrows. Once all burrows have been excavated, work on the site may resume.
 - g. The County of San Luis Obispo-approved qualified biologist shall submit a report to the County of San Luis Obispo within 14 days of completing initial surveys and every 14 days thereafter until grading activity is complete, documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures.
30. **BIO-3. Prior to initiation of and during construction**, the applicant shall retain a County of San Luis Obispo-approved qualified biologist to ensure the following protective measures are implemented to avoid impacts to roosting bats:
- a. Prior to commencement of tree removal associated with the project, the applicant shall schedule tree removal to occur outside of the typical bat maternity roosting and pupping season to avoid potential impacts to bats, if feasible. The typical bat maternal roosting season is defined as occurring from February 1 to August 31.
 - i. Prior to commencement of tree removal associated with construction, if tree removal must occur during the typical bat maternity roosting season (February 1 to August 31), tree removal activities will not be allowed unless a County of San Luis Obispo-approved qualified biologist has surveyed the impact area within 14 days prior to commencement of proposed construction activities and determined that no roosting bats will be adversely impacted. Roosting bat surveys will only be considered valid for 14 consecutive days before they will need to be repeated. At such time, if any evidence of bat roosting is found, the biologist will determine if any construction activities can occur during roosting and to what extent. The results of the surveys will be submitted to the County of San Luis Obispo and California Department of Fish and Wildlife, with recommendations for variable buffer zones, as needed, around individual roosting sites. Based on the results of the surveys, the following shall apply:
 1. If no bat roosting activities are detected within the proposed work area, tree-removal and noise-producing construction activities may proceed and no further mitigation is required.
 2. If bat roosting activity is confirmed during preconstruction roost surveys or at any time during the monitoring of construction activities, at a minimum, work activities shall be avoided within 100 feet of active roosts until bats have left the roosts. No trees with

- active bat roosts shall be removed until the bats have left the roosts or have been excluded from roosts.
3. The County of San Luis Obispo-approved qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County of San Luis Obispo within 14 days of completion of each survey.
31. **BIO-4. Prior to initiation of construction**, a survey for American badger dens should be conducted within the construction impact footprint and surrounding accessible areas of the property within 2 weeks of any ground-disturbing activities by a County of San Luis Obispo-approved biologist. The biologist shall evaluate all dens found to determine whether they are active. In order to avoid potential impacts to adults and nursing young, no grading shall occur within 50 feet of an active badger den as determined by the County of San Luis Obispo-approved biologist. Construction activities occurring between July 1 and February 28 shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers through the forced abandonment of dens:
- a. A County of San Luis Obispo-approved biologist shall conduct a biological survey at least 2 weeks prior to the start of construction to identify any potential badger dens. The survey shall cover the entire area proposed for development, including roadways.
 - b. If dens are too long to see the end, a fiber optic scope (or other acceptable method such as using tracking medium for a consecutive 3-night period) shall be used to assess the presence of badgers.
 - c. Inactive dens shall be excavated by hand with a shovel to prevent badgers from reusing them during construction.
 - d. Currently active den entrances shall be partially blocked with sticks, debris, and soil for 3 to 5 days to discourage badgers from continuing to use them. Access to the den shall be incrementally blocked to a greater degree over this period. After badgers have stopped using previously active den(s) within the project disturbance site, the den(s) shall be excavated by hand with a shovel to prevent re-entry.
 - e. The County of San Luis Obispo-approved biologist shall be present during the initial clearing and grading activity. If additional badger dens are found at this time, all work shall cease until the biologist completes the measures described above for inactive and active dens. Once all badger dens have been excavated, work may resume.
32. **BIO-5. Within 14 and 30 days prior to initiation of construction**, a County of San Luis Obispo-approved qualified biologist shall conduct presence/absence surveys of San Joaquin kit fox and/or their dens within 200 feet of the project site following the U.S. Fish and Wildlife Service's standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance (USFWS 2011). Surveys shall be conducted in areas of potentially suitable habitat no less than 14 days and no more than 30 days prior the beginning of ground disturbing activities. A copy of the surveys shall be provided to California Department of Fish and Wildlife and to the County of San Luis Obispo within 14 days of completion of the surveys.
33. **BIO-6. Prior to or during project activities**, if dens are found, no-disturbance buffers shall be established by the County of San Luis Obispo-approved biologist in accordance with the U.S. Fish and Wildlife Service recommendations (2011). If kit fox are found

occupying atypical (i.e., manmade structure) den sites, a 50-foot no-disturbance buffer should be established around the occupied den site. If potential dens are found during surveys (BIO-7), a 50-foot no-disturbance buffer should be established. If dens that are occupied or have been known to be occupied in the past, or a natal or pupping den is found during the survey, consultation with the California Department of Fish and Wildlife should occur and a 100-foot no-disturbance buffer shall be established.

34. **BIO-7.** If San Joaquin kit fox are detected during the survey, consultation between the applicant, County of San Luis Obispo, and California Department of Fish and Wildlife shall occur immediately to discuss how to implement the project and avoid take, or if avoidance is not feasible, an Incidental Take Permit shall be acquired pursuant to California Fish and Game Code Section 2081(b).
35. **BIO-8. During construction,** grading and construction activities after dusk shall be prohibited.
36. **BIO-9. Prior to issuance of a construction permit and within 30 days prior to initiation of construction,** all personnel associated with the project shall attend a worker education training program, conducted by a County of San Luis Obispo-approved qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e., San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the County of San Luis Obispo, as well as any related biological report(s) prepared for the project. The applicant shall notify the County of San Luis Obispo within 5 days prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employees, and other personnel involved with the construction of the project. The County of San Luis Obispo-approved qualified biologist shall prepare a summary report of the training and provide a copy of the report to the County of San Luis Obispo within 14 days of training completion.
37. **BIO-10. Prior to issuance of construction permit or prior to initiation of construction,** whichever occurs first, finalized site plans shall clearly delineate all native trees within 50 feet of areas where soil disturbance would occur and shall indicate which trees are to be removed or impacted (disturbance within the dripline/root zone), and which trees are to remain unimpacted.

Prior to issuance of a Business License, a County of San Luis Obispo-approved qualified biologist shall prepare an Oak Tree Replacement Plan that provides for the installation and maintenance of replacement oak trees on the project parcel and surrounding parcels owned by the applicant and shall be reviewed and approved by the County of San Luis Obispo Planning Department. Mitigation replacement plantings for each oak tree removed shall be at a 4:1 ratio (e.g., if 4 mature oak trees are removed, the applicant must plant 16 replacement juveniles), and at a 2:1 ratio for each oak tree impacted. The Oak Tree Replacement Plan shall include the following components:

- a. A brief narrative of the project location, description, and purpose;
- b. Clearly identified parties responsible for the mitigation program and their contact information;
- c. A landscape map showing and quantifying all oak tree planting areas;

- d. A detailed discussion of the methods for implementing the Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
 - e. Provisions for the collection of oak propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
 - f. Identification of locations, amounts, species, and sizes of the oak trees to be planted. For each individual of a species removed, the same species shall be planted.
 - g. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
 - h. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and
 - i. Methods for removing nonnative species from the replanting areas.
38. **BIO-11. Prior to initiation of construction**, the applicant shall retain a certified arborist to identify any limbs at risk and perform all necessary trimming of oak tree limbs that could be damaged by project activities. Pruning shall be conducted as needed along the access road and construction area. All pruning shall be conducted prior to construction equipment passage to minimize the potential for inadvertent damage to tree limbs. Removal of larger lower branches shall be minimized to: (1) avoid making trees top-heavy and more susceptible to "blow-overs;" (2) reduce larger limb cuts that take longer to heal and are more susceptible to disease and infestation; (3) retain wildlife habitat values associated with the lower branches; (4) retain shade to keep summer temperatures cooler; and (5) retain the natural shape of the tree. The certified arborist shall document all pruning impacts in a report submitted to the County of San Luis Obispo.

Hazardous Materials

39. **HAZ-1. During construction**, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.
40. **HAZ-2. During construction**, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.
41. **HAZ-3. Prior to issuance of a construction permit**, a Registered Fire Protection Engineer shall design and prepare a written analysis of all required fire suppression-related components as detailed in the County Fire/CAL FIRE referral response letter dated February 5, 2019, and provide this analysis to County Fire/CAL FIRE for review and approval.

Cultural Resources and Tribal Cultural Resources

42. **During construction**, in the event that buried or otherwise unknown cultural resources are discovered during construction activities in the area of the find, work shall be suspended and the County of San Luis Obispo should be contacted immediately. Prior to resuming construction activities, appropriate mitigation measures shall be developed by

a qualified archeologist or historian if necessary, at the developer's expense. In the event that human remains are discovered, the County of San Luis Obispo Coroner shall be contacted immediately. If the Coroner determines the remains are Native American, the Native American Heritage Commission (NAHC) would be contacted and the remains would be left in situ and protected until a decision is made on their final disposition.

Air Quality

43. **AQ-1. Prior to issuance of a construction permit or initiation of grading or other ground-disturbing activities**, whichever occurs first, the following measures shall be implemented during all site disturbance activities and shown on all applicable plans:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel-powered equipment with California Air Resources Board-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting the California Air Resources Board's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the California Air Resources Board's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or NO_x exempt area fleets) may be eligible by proving alternative compliance;
- f. All on- and off-road diesel equipment shall not idle for more than 5 minutes;
- g. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
- h. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- i. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- j. Electrify equipment when feasible;
- k. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
- l. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel

44. **AQ-2. Prior to issuance of a construction permit or initiation of grading or other ground-disturbing activities**, whichever occurs first, the following measures shall be implemented during all site disturbance activities and shown on all applicable plans:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control 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 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stockpile areas should be sprayed daily or covered with tarps or other dust barriers, as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil-disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District;
 - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;
 - j. Wheel washers or other devices should be installed to control tracking of mud and dirt onto adjacent roadways where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
 - k. Streets should be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible; and
 - l. The applicant shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period, and to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Engineering & Compliance Division prior to the start of any grading, site disturbance, or demolition.
45. **AQ-3. Prior to issuance of a construction permit or initiation of grading or other ground-disturbing activities**, whichever occurs first, the applicant shall prepare a Dust and Air Quality Plan that shall include, at a minimum, the following components:

- a. A mitigation plan for continuing dust control from the property frontage to the nearest County of San Luis Obispo-maintained road. The plan may be modified to adjust for changed conditions or to improve the effectiveness of the dust-reducing technology. The plan and all modifications to the plan are subject to review and approval by the Review Authority.

- b. Evidence of road maintenance provided by the County of San Luis Obispo, State of California, special district, homeowners association, or other organized maintenance, such as a road maintenance agreement.
- c. An agreement, to support and not protest; the formation of an assessment district; or the creation of another funding mechanism. The consenting person(s) retains all due process rights as to any term or condition that was unknown at the time of application approval. The consenting person(s) may contest the specific proportionality.
- d. The Dust and Air Quality Plan shall be submitted to the County of San Luis Obispo Planning and Building Department for review and approval. All measures identified in the final approved Dust and Air Quality Plan shall be adhered to for the life of the project.

Water Quality

46. **WQ-1. Prior to initiation of construction or grading,** the project site boundaries, access routes, and staging areas should be clearly flagged so that contractors are aware of the limits of allowable site access and disturbance. Equipment access should not occur during wet weather or when access would cause ruts or soil compaction due to saturated soil conditions. A County of San Luis Obispo-approved qualified biologist shall coordinate with the project contractors to install construction delineation fencing to protect unimpacted oak trees from accidental disturbance, prior to site disturbance. Prior to site disturbance, the County of San Luis Obispo-approved qualified biologist shall provide sufficient evidence to the County of San Luis Obispo that protective fencing has been installed.
47. **WQ-2. Prior to initiation of construction or grading,** the applicant shall prepare an Erosion Control and Sedimentation Control Plan. The plan shall address both temporary and permanent measures to control erosion and reduce sedimentation. Erosion and soil protection measures shall be provided on all disturbed soil areas prior to the onset of the rainy season (October 15). Project plans shall show that sedimentation and erosion control measures must be installed per the engineer's requirements. The plan should include specific Best Management Practices to minimize impacts to adjacent native habitats (e.g., washing of equipment should occur only in designated areas where polluted water and materials can be contained for subsequent removal from the site). Washing of equipment and tools should not be allowed in any location where the tainted water could leave the work area. Best Management Practices for dust abatement shall also be included.
48. **WQ-4. Prior to initiation of construction or grading,** grading on-site should be scheduled outside of the rainy season (October 15 through April 15). If grading is proposed during the rainy season, such activities must be authorized under relevant provisions of the County of San Luis Obispo's Grading Ordinance and must follow an approved Erosion and Sedimentation Control Plan (BIO-15).
49. **WQ-5. Prior to issuance of a construction permit or establishment of proposes uses,** all applicants for cannabis related activities within the Paso Robles Groundwater Basin shall provide to the County of San Luis Obispo Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by Land Use Ordinance Sections 22.40.050 D. 5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

- a. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by Land Use Ordinance Sections 22.40.050 C. 1 and 22.40.060 C.1.
 - b. A program for achieving a water demand offset of the quantified water demand as required by Land Use Ordinance Sections 22.40.050.D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:
 - i. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:
 - 1. Drip irrigation.
 - 2. Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapotranspiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
 - 3. Installation of float valves on water tanks to prevent tanks from overflowing.
 - 4. Converting from using overhead sprinklers to wind machines for frost protection. [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.]
 - 5. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.]
 - ii. Participation in an approved water conservation program within the Paso Robles Groundwater Basin that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.
 - iii. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.
 - c. The water demand offset documented by the Water Conservation Plan shall be verifiable and permanent, and shall not result in adverse environmental effects beyond those assessed by the California Environmental Quality Act compliance document for the proposed cannabis project.
50. **WQ-6. Prior to initiation of construction or establishment of proposed uses**, the applicant shall provide to the County of San Luis Obispo Department of Planning and Building for review, evidence that the water efficiency improvements associated with the

approved Water Conservation Program remain in full effect and are continuing to achieve the required water demand offset associated with the approved cannabis activities.

CONDITIONS TO BE COMPLETED PRIOR TO OCCUPANCY OR FINAL BUILDING INSPECTION / ESTABLISHMENT OF THE USE

51. **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.
52. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the County of San Luis Obispo Planning and Building Department to have the site inspected for compliance with the conditions of this approval.
53. **Prior to occupancy or final inspection**, the applicant shall obtain final inspection and approval from County of San Luis Obispo Fire/CAL FIRE of all required fire and life safety measures, including, but not limited to:
 - a. A Registered Fire Protection Engineer is required to design and approve of the required commercial fire sprinkler system(s), water storage system, underground piping, proposed fire hydrants, and fire pump. A comprehensive written technical analysis of all fire suppression system related components is required and must be provided to County of San Luis Obispo Fire/CAL FIRE prior to building permit application.
 - b. The following structures require the installation of a properly designed commercial fire sprinkler system: the existing "Ag. Exempt" Barn, the proposed Ag. Barn and the proposed 8,000-square-foot Propagation Building.
 - c. All proposed and existing greenhouse/hoop structures must be reviewed and approved by the County of San Luis Obispo Planning and Building Department and County of San Luis Obispo Fire/CAL FIRE. Occupancy of these greenhouse/hoop structures must meet all relative minimum requirements set forth within the 2016 California Building Code/California Fire Code. If these provisions are satisfied, fire sprinklers will not be required within the greenhouses and hoop structures.
 - d. Vehicular Access. The existing "dirt road" must be improved to provide a minimum edge to edge all-weather driving surface of no less than 20 feet wide. All portions exceeding a 12% grade must be paved and no portion shall exceed a 16% grade.
 - e. Water Storage. "Poly" and/or plastic-style water storage tanks shall not be allowed. Multiple or "daisy-chained" tanks are not allowed to be utilized to provide water held in storage dedicated to fire suppression purposes. The Registered Fire Protection Engineer shall determine the amount of water required to be held in storage dedicated to fire suppression purposes.
 - f. Fire Pump/Hydrants. If supported by the Registered Fire Protection Engineer, non-pressurized fire hydrants shall be allowed. Fire hydrants shall be placed in compliance with relative code(s) and must provide two 2-1/2 inch male connections and one 4-inch male connection. All connections must be National Standard threads.
 - g. Alarms/Detection. The required fire sprinkler system(s) shall be monitored in accordance with all relative standards set forth within National Fire Protection Association Standards 13 and 72. A properly designed and installed heat/smoke

detection system may be required within the Propagation Building. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, temperatures, critical air pressures, and water-flow switches on all sprinkler systems shall be electrically monitored for integrity and to ensure valves are locked in the open position. Monitoring shall be provided by a central station listed by Underwriters Laboratories for receiving fire alarms.

- h. Occupancy Classification. An occupancy classification change to any existing structure located on-site shall require the installation of an appropriately designed and installed commercial fire sprinkler system.
 - i. Emergency Access. A Knox Corporation key switch shall be installed on all electric vehicular gates and rapid-entry Knox boxes shall be attached to commercial structures (where required and agreed upon). The Knox boxes shall be located where approved by County of San Luis Obispo Fire.
 - j. Addressing. Address numbers and placement shall meet current commercial standards. The minimum address numbering size of 8-inch tall numbers with a 1/2-inch stroke shall be placed at the entrance to the proposed project. Numbering shall contrast to their background. Building identification may be required due to the size of the proposed project. Proper signage shall be required on-site in order to properly identify access and egress routes.
54. **HAZ-4. Prior to occupancy or final inspection**, the applicant shall establish a fire clearance area of 30 feet around all existing and proposed structures including greenhouses, hoop houses, barns, and fences. If any blue oak trees occur within this 30-foot clearance area, the applicant shall retain a certified arborist to perform trimming on these trees as necessary to reduce fire risk, including removal of any limbs that are within 10 feet of existing and/or proposed structures. All leaves, needles, or dead growth shall be removed from all rooftops within the project site. The applicant shall maintain all fire clearances throughout the life of the project.
55. **WQ-3. Prior to establishment of the use**, the applicant shall apply the following native seed mix to disturbed soil areas through either direct hand seeding or hydroseeding methods:

Species	Application Rate (lbs/acres)
California brome (<i>Bromus carinatus</i>)	5
Meadow barley (<i>Hordeum brachyantherum</i>)	5
Six weeks fescue (<i>Vulpia microstachys</i>)	10
Nodding needlegrass (<i>Stipa cernua</i>)	3
Tomcat clover (<i>Trifolium waldenovii</i>)	5
Total	28

CONDITIONS REQUIRED TO BE COMPLETED PRIOR TO COMMENCING PERMITTED ACTIVITIES

56. **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.

57. **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.
58. **Prior to commencing permitted activities**, the applicant shall demonstrate to the County of San Luis Obispo Planning and Building Department how cannabis activities will be physically and adequately separated from vacant areas or other non-cannabis uses on-site. The applicant shall obtain any necessary building permits to create the separation between uses.
59. **Prior to commencing permitted activities**, the applicant shall complete and submit a Hazardous Materials Declaration Flowchart to the Environmental Health Services office.
60. **Prior to commencing permitted activities**, the applicant shall have a water meter installed on any new or existing water source proposed for cannabis activities. Installation of the meter must be performed to the satisfaction of the County of San Luis Obispo Planning and Building Inspector.
61. **Prior to commencing permitted activities**, the applicant shall secure an easement or contract with the County of San Luis Obispo for open space preservation of the areas not intended for development.

ONGOING CONDITIONS FOR THE LIFE OF THE PROJECT

62. **Throughout the life of the project**, to minimize project related traffic impacts in accordance with the project description, the permit is restricted as follows:
 - a. Maximum 43,560 square feet of outdoor cannabis cultivation; and
 - b. Maximum of 22,000 square feet of mixed light (indoor) cultivation.
63. **Throughout the life of the project**, parcels APN 080-041-035, 080-041-037 and 080-041-015 shall remain under common ownership.
64. **Throughout the life of the project**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage, landscaping, agricultural operations, etc., without a valid Encroachment Permit issued by the County of San Luis Obispo Public Works Department.
65. This Land Use Permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the Land Use Permit is considered vested. This Land Use Permit is considered to be vested once a construction permit has been issued and substantial site work has been completed, or pursuant to Land Use Ordinance Section 22.64.090.B, the Director verifies that the use or activity not involving a building or grading permit is occurring on the subject site in compliance with all applicable provisions of the Land Use Ordinance and these Conditions of Approval. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations and construction occurring above grade.
66. **Throughout the life of the project**, all conditions of this approval shall be strictly adhered to, within the time frames specified, and in an ongoing manner for the life of the

project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the County of San Luis Obispo Planning and Building Department. If it is determined that violation(s) of these Conditions of Approval have occurred, or are occurring, this approval may be revoked pursuant to Land Use Ordinance Sections 22.74.160, 22.40.110, and 22.40.120. Revocation may require restoration to pre-existing conditions of areas of disturbance for cannabis-related activities authorized by this permit.

67. **Throughout the life of the project**, and in accordance with the request for a modification from the parking standards set forth in Land Use Ordinance Section 22.18.050.H, the applicant shall maintain no less than 14 parking spaces on-site for the life of the project.
68. **Throughout the life of the project**, the applicant shall post on-site all required Land Use Permit approvals and all required County of San Luis Obispo and State of California 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.
69. **Throughout the life of the project**, the applicant shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations. The County of San Luis Obispo shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County of San Luis Obispo upon request.
70. **Throughout the life of the project**, the applicant shall conduct all cannabis activities in compliance with the approved Operations Plan, as well as all required State of California licenses, laws, and regulations and County of San Luis Obispo permits and ordinances. The applicant shall be responsible for the payment of all required fees and taxes.
71. **Throughout the life of the project**, the cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected off-site so as to not invoke any verified nuisance complaints. 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 off-site. In the event of a verified nuisance complaint, the County of San Luis Obispo may pursue remedial action that may include the reduction or cessation of operations until a revised operations plan is reviewed and approved by the County of San Luis Obispo Planning and Building Department, abatement of the violation pursuant to Land Use Ordinance Section 22.40.130 and permit revocation pursuant to Land Use Ordinance Sections 22.40.110 and 22.40.120.
72. **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.
73. **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.

74. **Throughout the life of the project**, solid waste and recycling shall be conducted in accordance with Land Use Ordinance Sections 22.10.150.B and C.
75. **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.
76. **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.
77. **Throughout the life of the project**, no outdoor lighting for the purposes of photosynthesis, or plant manipulation is allowed with this Land Use Permit. Indoor lights shall be screened to not be seen from off-site and consistent with dark-sky standards.
78. **Throughout the life of the project**, the applicant or responsible party designated by the applicant shall maintain daily records of all water used for cannabis activities. The County of San Luis Obispo shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County of San Luis Obispo upon request.
79. **Throughout the life of the project**, the applicant shall meter electricity used for cannabis activities and provide the County of San Luis Obispo Planning and Building Department with quarterly energy usage monitoring reports based on meter readings.
80. **Throughout the life of the project**, cannabis cultivation grading activities shall be consistent with the conservation practices and standards contained in the U.S. Department of Agriculture Natural Resources Conservation Service Field Office Technical Guide. Practices shall not adversely affect slope stability or groundwater recharge and shall prevent off-site drainage and erosion and sedimentation impacts. Erosion and sedimentation control activities shall adhere to the standards in Land Use Ordinance Section 22.52.150C.
81. **Throughout the life of the project**, the property owner(s) shall grant access to the County of San Luis Obispo and its officers, agents, and employees, and any other governmental entities and their respective officers, agents, and employees, to enter onto the subject property to conduct site inspections for the purposes of compliance with this Use Permit. Inspections may occur any day of the week, without prior notice, between the hours of 8:00 a.m. and 6:00 p.m.
82. The project would utilize an existing on-site well located approximately 640 feet northeast of the project site. 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 State Water Resources Control Board.
83. **Throughout the life of the project**, the applicant shall submit to the County of San Luis Obispo Planning and Building Department any proposed changes to the approved Site Plans, Operations Plan, Security Plan, or other plan approved through this Use Permit prior to the proposed change. Changes shall be submitted in writing and must be approved by the County of San Luis Obispo Planning and Building Department prior to the implementation of the proposed changes. Any changes to the approved project, including features identified in the Conditions of Approval stated herein, may require additional environmental analysis and/or revisions to the approved Use Permit that requires review and approval by the appropriate Review Authority.

84. **Throughout the life of the project**, the applicant shall submit to the County of San Luis Obispo Planning and Building Department any changes to the applicant name, business name, business owners, State license status, landowner, or changes in ownership requiring approval from the County of San Luis Obispo Tax Collector's Office or Sheriff's Office prior to the proposed change. Changes shall be submitted in writing and must be approved by the County of San Luis Obispo Planning and Building Department prior to the implementation of the proposed changes.

LAND USE PERMIT EXPIRATION

85. This Minor Use Permit for cannabis cultivation shall expire in 5 years from the approval date. Within a 12-month period prior to expiration, the applicant may request the Minor Use Permit be renewed for an additional 5-year period. Any such request for renewal shall be in writing to the County of San Luis Obispo Planning and Building Department and shall be submitted in conjunction with the appropriate Land Use Permit application. The request for renewal shall be processed with the same type of permit for the original entitlement. If a request for renewal is not requested or not granted, the Minor Use Permit shall be deemed expired.



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

October 5, 2020

Shannon Jessica / Wallace Group Inc
612 Clarion Ct.
San Luis Obispo, CA 93401
Via email: shannonj@wallacegroup.us

SUBJECT: DRC2020-00135 - Modification to Land Use Permit Application (Substantial Conformance) for Minor Use Permit DRC2018-00094 (Souji Farms LLC).

Dear Shannon,

The County Planning and Building Department has reviewed the substantial conformance request for Minor Use Permit DRC2018-00094 (Souji Farms). Based on the information provided and the County's review of the approved project, the County has determined that the proposed changes are in substantial conformance with the approved development and County's Land Use Ordinance. A review of the proposed changes and reason for the determination are provided below.

Description of Proposed Changes:

1. Proposed Phasing Plan:

- a. Phase 1: Shall consist of the initiation of outdoor cultivation operations as approved by DRC2018-00094. Phase 1 would also include installation of one acre of hoop houses resulting in 2.3 acres of site disturbance. Phase 1 would also include installation of security fencing and cameras consistent with the security requirements by the SLO County Sheriff's office and the following:
- i. Satisfy the 0.60 AFY water demand required for Phase 1 based on the calculations provided in your request as follows:

Retire 10,000 square feet of existing cannabis cultivation	0.14 AFY
Retire 25 head of cattle	0.84 AFY
	0.98 AFY

- b. Phase 2: Construction of the 900-square-foot drying building, 27,000-square-foot greenhouse, ADA accessible restroom, leach-field expansion access road grading and

improvements, and parking lot improvements resulting in 2.4 acres of site disturbance (Phase 1 + 2 = 4.7-acre total site disturbance).

- i. Satisfy the 1.76 AFY water demand required for Phase 2 as follows:

Retire 25 head of horses	0.38 AFY
Retire 25 head of cattle	0.84 AFY
Stormwater capture/reuse from rooftops (29,436 sf)	0.73 AFY
	1.95 AFY

Please Note – The applicant must provide evidence that the water offset being proposed has been reviewed and approved by the Department of Planning and Building's water conservation team. Please submit the water offset proposal and supporting evidence (e.g. irrigation records) to Kylie Hensley at khensley@co.slo.ca.us or (805) 781-4979.

Substantial Conformance

Subject to all conditions of approval from Minor Use Permit DRC2018-00094 and the special requirements outlined below, the recommended phasing and the proposed modifications are deemed in conformance with Minor Use Permit DRC2018-00094. This determination is made pursuant to Land Use Ordinance Section 22.64.050 (Changes to an Approved Project) on the basis that: A) The proposed modifications will not result in an increased impact to the project or require modification of DRC2018-00094's conditions of approval.

Special Requirements:

The proposed modifications shall comply with all original conditions from Minor Use Permit DRC2018-00094 as well as the following requirements:

1. **Prior to commencing activities**, the applicant shall meet the conditions of approval associated with each phase of Minor Use Permit DRC2018-00094 as shown in Attachment A.
2. **At the time of application for a construction permit**, this letter and all conditions of approval from Minor Use Permit DRC2018-00094 and DRC2020-00135 shall be printed on the projects plans.
3. **For the life of the permit**, the approved canopy for indoor and outdoor cultivation shall not exceed that which was established with approval of Minor Use Permit DRC2018-00094. Canopy shall be clearly determined as defined by local and State regulations.

Please note, this determination to approve the substantial conformance request does not grant any right to continue cultivation under Souji Farm's previous CCM Registration. No cannabis activities may occur on the site until applicable conditions have been satisfied and verified by the Department.

If you have any questions regarding this determination, please contact me at ilandreth@co.slo.ca.us or 805-781-1298.

Sincerely,



Ian Landreth, Project Manager

Cc: Eric Hughes, Senior Planner

ATTACHMENT A

Souji Farms LLC Phasing Outline

DRC2020-00135 (DRC2018-00084)

The following conditions of approval (COA) shall be met as outlined below. The development is split up into two phases. **Phase 1** is identified by COAs in **Red font**. **Phase 2** is identified by COAs in **Purple font**.

Note: COAs applicable to all phases are in **Black font**.

Phase 1

60, 61

Phase 2

15-18

24 – 27

41

-
1. This approval authorizes use of the following cannabis activities:
 - a. A maximum of 1 acre of outdoor cannabis cultivation, as follows:
 - i. Construction of up to 1 acre (43,560 square feet) of hoop structures for outdoor cannabis cultivation.
 - ii. Should hoop structures not be utilized, the applicant shall be limited to 1 acre (43,560 square feet) of outdoor cannabis canopy within the areas shown on the approved site plan, as specified above in i.a, and the areas measured shall be clearly identifiable in a boundary consistent with the definition of Cannabis Canopy found in County of San Luis Obispo Land Use Ordinance Section 22.80.030.
 - b. Construction of one greenhouse with a total floor area of 27,000 square feet and up to 22,000 square feet of indoor mixed-light cannabis canopy;
 - c. Construction of one 900-square-foot building for ancillary processing including drying, trimming, curing, and storage of cannabis grown on-site;
 - d. Ancillary transport of cannabis grown on-site; and
 - e. Maximum annual water demand for all uses on the project site of 2.36 acre-feet per year.
 2. This Minor Use Permit authorizes the modification of the parking requirements set forth in Land Use Ordinance Section 22.18.050.C.1 to reduce the required number of spaces from 55 to 14.
 3. The ancillary processing of cannabis, including drying, curing, grading, trimming, storing, packaging, and labeling, is limited to cannabis grown on-site only, and it shall be done consistent with applicable State regulations and license(s). Manufacturing of cannabis

products is not authorized with this Use Permit.

4. The ancillary transport of cannabis or processed cannabis is limited to cannabis grown on-site only, and it shall be done consistent with applicable State regulations and license(s). Transport as a function of retail sales or as a cannabis dispensary is not authorized with this Use Permit.
5. **Prior to issuance of a County Business License**, the applicant shall enter the County of San Luis Obispo Cannabis Monitoring Program. Any associated fees shall be paid to the County of San Luis Obispo Planning and Building Department.
6. **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.
7. **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.
8. **Prior to issuance of a County Business License**, the applicant shall submit evidence that solid waste and recycling collection will be consistent with Land Use Ordinance Sections 22.10.150.B and C.
9. **Prior to issuance of a County Business License**, the applicant shall submit evidence that the project security plan has been reviewed and approved by the County of San Luis Obispo Sheriff's Office as required by Land Use Ordinance Section 22.40.040.D.
10. **Prior to issuance of a County Business License**, the applicant shall provide evidence to the County of San Luis Obispo Planning and Building Department that on-site circulation and pavement structural sections have been designed and shall be constructed in conformance with California Department of Forestry and Fire Protection (CAL FIRE) standards and specifications back to the nearest public maintained roadway.
11. **Prior to issuance of a County Business License**, the applicant shall obtain an Operator Identification Number (OIN), if required by the County of San Luis Obispo Department of Agriculture / Weights and Measures, prior to any pesticides being used in conjunction with the commercial cultivation of cannabis; "pesticide" is a broad term, which includes insecticides, herbicides, fungicides, rodenticides, etc., as well as organically approved pesticides.
12. **Prior to issuance of a County Business License**, the applicant shall install security fencing as approved by the County Sheriff's Department.
13. **Prior to issuance of a County Business License**, the applicant shall be responsible for the timely payment of all fees associated with this approval. Failure to pay fees in a timely manner may result in revocation of the permit.
14. **Prior to issuance of a County Business License**, and within 30 days of Land Use Permit approval, the applicant shall submit evidence to the County of San Luis Obispo Planning and Building Department that all necessary copies of any leases (ground, greenhouse, or otherwise) or production-sharing agreements related to "Cannabis Activities" on the subject property have been provided to the County of San Luis Obispo Assessor's Office.
15. **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.

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

20. **At the time of application for construction permits**, the applicant shall obtain a Fire Safety Plan from CAL FIRE. All plans submitted to the County of San Luis Obispo Planning and Building Department shall meet the fire and life safety requirements of the California Fire Code and those outlined in the Fire Safety Plan.

Drainage

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

Stormwater

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

Services

24. **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-site.
25. **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.

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.

Biological Resources

28. **BIO-1.** Site preparation, ground-disturbance, and construction activities, including tree and vegetation removal, shall be conducted outside of the migratory bird nesting season (February 1 through August 31). If such activities cannot be avoided during this period, the applicant shall retain a County of San Luis Obispo-approved qualified biologist to conduct a preconstruction nesting bird survey **no sooner than 1-4 weeks prior to tree removal activities** and shall verify whether migratory birds are nesting in the site. If nesting activity is detected, the following measures shall be implemented:
 - a. The project shall be modified via the use of protective buffers, delaying construction activities, or other methods designated by the qualified biologist to avoid direct take of identified nests, eggs, and/or young protected under the Migratory Bird Treaty Act and/or California Fish and Game Code.
 - b. The qualified biologist shall monitor the nests within the vicinity of project-related disturbances and determine if construction activities are causing behavioral changes or affecting nesting activities. Monitoring results shall then be utilized to develop an appropriate buffer around the next site to minimize disturbance. Construction activities within the buffer zone shall be prohibited until the young have fledged the nest and achieved independence.
 - c. The qualified biologist shall document all active nests and submit a letter report to the County of San Luis Obispo documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures, within 14 days of survey completion.
29. **BIO-2. Prior to initiation of construction**, the applicant shall implement the following measure to minimize and avoid impacts to western burrowing owl habitat:
 - a. No less than 14 days and no more than 30 days prior to ground-disturbing activities, a County of San Luis Obispo-approved qualified biologist shall conduct pre-activity surveys for the presence of western burrowing owl and/or active burrows within the work area and within a 500-foot buffer of the work area. Surveys shall be conducted by County of San Luis Obispo-approved qualified biologists walking straight-line transects spaced 20 feet to 60 feet, adjusting for vegetation height and density.
 - b. Exclusion zones, or no-disturbance buffers, shall be established around active burrows. No project-related disturbances shall occur within 160 feet of occupied burrows during the nonbreeding season of September 1 through January 31 or within 250 feet during the breeding season of February 1 through August 31.
 - c. If an active burrow is observed within 500 feet of the work area during the breeding season, construction activities shall not continue until a County of San Luis Obispo-approved qualified biologist confirms the burrow is no longer active. Proposed adjustments to the buffer shall be through consultation with the California Department of Fish and Wildlife.
 - d. If an active burrow is observed within 160 feet of the work area during the non- breeding

season, construction activities shall not continue until a County of San Luis Obispo-approved qualified biologist confirms the burrow is no longer active.

- e. The County of San Luis Obispo-approved qualified biologist, with prior consultation and approval from the California Department of Fish and Wildlife, may institute passive relocation through use of one-way burrow doors that will not allow owls to reenter the burrow. Immediately before the start of construction activities, the biologists shall remove all doors and excavate the burrows to ensure that no animals are present at the burrow. The excavated burrows shall then be backfilled.
 - f. A County of San Luis Obispo-approved qualified biologist shall be present during the initial clearing and grading activity. If additional burrowing owl burrows are found, all work shall cease until the biologist can complete measure described above for inactive and active burrows. Once all burrows have been excavated, work on the site may resume.
 - g. The County of San Luis Obispo-approved qualified biologist shall submit a report to the County of San Luis Obispo within 14 days of completing initial surveys and every 14 days thereafter until grading activity is complete, documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures.
30. **BIO-3. Prior to initiation of and during construction**, the applicant shall retain a County of San Luis Obispo-approved qualified biologist to ensure the following protective measures are implemented to avoid impacts to roosting bats:
- a. Prior to commencement of tree removal associated with the project, the applicant shall schedule tree removal to occur outside of the typical bat maternity roosting and pupping season to avoid potential impacts to bats, if feasible. The typical bat maternal roosting season is defined as occurring from February 1 to August 31.
 - i. Prior to commencement of tree removal associated with construction, if tree removal must occur during the typical bat maternity roosting season (February 1 to August 31), tree removal activities will not be allowed unless a County of San Luis Obispo-approved qualified biologist has surveyed the impact area within 14 days prior to commencement of proposed construction activities and determined that no roosting bats will be adversely impacted. Roosting bat surveys will only be considered valid for 14 consecutive days before they will need to be repeated. At such time, if any evidence of bat roosting is found, the biologist will determine if any construction activities can occur during roosting and to what extent. The results of the surveys will be submitted to the County of San Luis Obispo and California Department of Fish and Wildlife, with recommendations for variable buffer zones, as needed, around individual roosting sites. Based on the results of the surveys, the following shall apply:
 1. If no bat roosting activities are detected within the proposed work area, tree-removal and noise-producing construction activities may proceed and no further mitigation is required.
 2. If bat roosting activity is confirmed during preconstruction roost surveys or at any time during the monitoring of construction activities, at a minimum, work activities shall be avoided within 100 feet of active roosts until bats have left the roosts. No trees with

active bat roosts shall be removed until the bats have left the roosts or have been excluded from roosts.

3. The County of San Luis Obispo-approved qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County of San Luis Obispo within 14 days of completion of each survey.
31. **BIO-4. Prior to initiation of construction**, a survey for American badger dens should be conducted within the construction impact footprint and surrounding accessible areas of the property within 2 weeks of any ground-disturbing activities by a County of San Luis Obispo-approved biologist. The biologist shall evaluate all dens found to determine whether they are active. In order to avoid potential impacts to adults and nursing young, no grading shall occur within 50 feet of an active badger den as determined by the County of San Luis Obispo-approved biologist. Construction activities occurring between July 1 and February 28 shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers through the forced abandonment of dens:
 - a. A County of San Luis Obispo-approved biologist shall conduct a biological survey at least 2 weeks prior to the start of construction to identify any potential badger dens. The survey shall cover the entire area proposed for development, including roadways.
 - b. If dens are too long to see the end, a fiber optic scope (or other acceptable method such as using tracking medium for a consecutive 3-night period) shall be used to assess the presence of badgers.
 - c. Inactive dens shall be excavated by hand with a shovel to prevent badgers from reusing them during construction.
 - d. Currently active den entrances shall be partially blocked with sticks, debris, and soil for 3 to 5 days to discourage badgers from continuing to use them. Access to the den shall be incrementally blocked to a greater degree over this period. After badgers have stopped using previously active den(s) within the project disturbance site, the den(s) shall be excavated by hand with a shovel to prevent re-entry.
 - e. The County of San Luis Obispo-approved biologist shall be present during the initial clearing and grading activity. If additional badger dens are found at this time, all work shall cease until the biologist completes the measures described above for inactive and active dens. Once all badger dens have been excavated, work may resume.
32. **BIO-5. Within 14 and 30 days prior to initiation of construction**, a County of San Luis Obispo-approved qualified biologist shall conduct presence/absence surveys of San Joaquin kit fox and/or their dens within 200 feet of the project site following the U.S. Fish and Wildlife Service's standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance (USFWS 2011). Surveys shall be conducted in areas of potentially suitable habitat no less than 14 days and no more than 30 days prior the beginning of ground disturbing activities. A copy of the surveys shall be provided to California Department of Fish and Wildlife and to the County of San Luis Obispo within 14 days of completion of the surveys.
33. **BIO-6. Prior to or during project activities**, if dens are found, no-disturbance buffers shall be established by the County of San Luis Obispo-approved biologist in accordance with the U.S. Fish and Wildlife Service recommendations (2011). If kit fox are found

occupying atypical (i.e., manmade structure) den sites, a 50-foot no-disturbance buffer should be established around the occupied den site. If potential dens are found during surveys (BIO-7), a 50-foot no-disturbance buffer should be established. If dens that are occupied or have been known to be occupied in the past, or a natal or pupping den is found during the survey, consultation with the California Department of Fish and Wildlife should occur and a 100-foot no-disturbance buffer shall be established.

34. **BIO-7.** If San Joaquin kit fox are detected during the survey, consultation between the applicant, County of San Luis Obispo, and California Department of Fish and Wildlife shall occur immediately to discuss how to implement the project and avoid take, or if avoidance is not feasible, an Incidental Take Permit shall be acquired pursuant to California Fish and Game Code Section 2081(b).
35. **BIO-8. During construction,** grading and construction activities after dusk shall be prohibited.
36. **BIO-9. Prior to issuance of a construction permit and within 30 days prior to initiation of construction,** all personnel associated with the project shall attend a worker education training program, conducted by a County of San Luis Obispo-approved qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e., San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the County of San Luis Obispo, as well as any related biological report(s) prepared for the project. The applicant shall notify the County of San Luis Obispo within 5 days prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employees, and other personnel involved with the construction of the project. The County of San Luis Obispo-approved qualified biologist shall prepare a summary report of the training and provide a copy of the report to the County of San Luis Obispo within 14 days of training completion.
37. **BIO-10. Prior to issuance of construction permit or prior to initiation of construction,** whichever occurs first, finalized site plans shall clearly delineate all native trees within 50 feet of areas where soil disturbance would occur and shall indicate which trees are to be removed or impacted (disturbance within the dripline/root zone), and which trees are to remain unimpacted.

Prior to issuance of a Business License, a County of San Luis Obispo-approved qualified biologist shall prepare an Oak Tree Replacement Plan that provides for the installation and maintenance of replacement oak trees on the project parcel and surrounding parcels owned by the applicant and shall be reviewed and approved by the County of San Luis Obispo Planning Department. Mitigation replacement plantings for each oak tree removed shall be at a 4:1 ratio (e.g., if 4 mature oak trees are removed, the applicant must plant 16 replacement juveniles), and at a 2:1 ratio for each oak tree impacted. The Oak Tree Replacement Plan shall include the following components:

- a. A brief narrative of the project location, description, and purpose;
- b. Clearly identified parties responsible for the mitigation program and their contact information;
- c. A landscape map showing and quantifying all oak tree planting areas;

- d. A detailed discussion of the methods for implementing the Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
 - e. Provisions for the collection of oak propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
 - f. Identification of locations, amounts, species, and sizes of the oak trees to be planted. For each individual of a species removed, the same species shall be planted.
 - g. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
 - h. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and
 - i. Methods for removing nonnative species from the replanting areas.
38. **BIO-11. Prior to initiation of construction,** the applicant shall retain a certified arborist to identify any limbs at risk and perform all necessary trimming of oak tree limbs that could be damaged by project activities. Pruning shall be conducted as needed along the access road and construction area. All pruning shall be conducted prior to construction equipment passage to minimize the potential for inadvertent damage to tree limbs. Removal of larger lower branches shall be minimized to: (1) avoid making trees top-heavy and more susceptible to "blow-overs;" (2) reduce larger limb cuts that take longer to heal and are more susceptible to disease and infestation; (3) retain wildlife habitat values associated with the lower branches; (4) retain shade to keep summer temperatures cooler; and (5) retain the natural shape of the tree. The certified arborist shall document all pruning impacts in a report submitted to the County of San Luis Obispo.
39. **HAZ-1. During construction,** all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.
40. **HAZ-2. During construction,** the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.
41. **HAZ-3. Prior to issuance of a construction permit,** a Registered Fire Protection Engineer shall design and prepare a written analysis of all required fire suppression- related components as detailed in the County Fire/CAL FIRE referral response letter dated February 5, 2019, and provide this analysis to County Fire/CAL FIRE for review and approval.
42. **During construction,** in the event that buried or otherwise unknown cultural resources are discovered during construction activities in the area of the find, work shall be suspended and the County of San Luis Obispo should be contacted immediately. Prior to resuming construction activities, appropriate mitigation measures shall be developed by

a qualified archeologist or historian if necessary, at the developer's expense. In the event that human remains are discovered, the County of San Luis Obispo Coroner shall be contacted immediately. If the Coroner determines the remains are Native American, the Native American Heritage Commission (NAHC) would be contacted and the remains would be left in situ and protected until a decision is made on their final disposition.

43. **AQ-1. Prior to issuance of a construction permit or initiation of grading or other ground-disturbing activities**, whichever occurs first, the following measures shall be implemented during all site disturbance activities and shown on all applicable plans:
- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - b. Fuel all off-road and portable diesel-powered equipment with California Air Resources Board-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - c. Use diesel construction equipment meeting the California Air Resources Board's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
 - d. Use on-road heavy-duty trucks that meet the California Air Resources Board's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
 - e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or NO_x exempt area fleets) may be eligible by proving alternative compliance;
 - f. All on- and off-road diesel equipment shall not idle for more than 5 minutes;
 - g. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
 - h. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
 - i. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - j. Electrify equipment when feasible;
 - k. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
 - l. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel
44. **AQ-2. Prior to issuance of a construction permit or initiation of grading or other ground-disturbing activities**, whichever occurs first, the following measures shall be implemented during all site disturbance activities and shown on all applicable plans:
- a. Reduce the amount of the disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control 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 miles per hour (mph). Reclaimed (non- potable) water should be used whenever possible;

- c. All dirt stockpile areas should be sprayed daily or covered with tarps or other dust barriers, as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil-disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District;
 - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;
 - j. Wheel washers or other devices should be installed to control tracking of mud and dirt onto adjacent roadways where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
 - k. Streets should be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible; and
 - l. The applicant shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period, and to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Engineering & Compliance Division prior to the start of any grading, site disturbance, or demolition.
45. **AQ-3. Prior to issuance of a construction permit or initiation of grading or other ground-disturbing activities**, whichever occurs first, the applicant shall prepare a Dust and Air Quality Plan that shall include, at a minimum, the following components:
- a. A mitigation plan for continuing dust control from the property frontage to the nearest County of San Luis Obispo-maintained road. The plan may be modified to adjust for changed conditions or to improve the effectiveness of the dust-reducing technology. The plan and all modifications to the plan are subject to review and approval by the Review Authority.

- b. Evidence of road maintenance provided by the County of San Luis Obispo, State of California, special district, homeowners association, or other organized maintenance, such as a road maintenance agreement.
 - c. An agreement, to support and not protest; the formation of an assessment district; or the creation of another funding mechanism. The consenting person(s) retains all due process rights as to any term or condition that was unknown at the time of application approval. The consenting person(s) may contest the specific proportionality.
 - d. The Dust and Air Quality Plan shall be submitted to the County of San Luis Obispo Planning and Building Department for review and approval. All measures identified in the final approved Dust and Air Quality Plan shall be adhered to for the life of the project.
46. **WQ-1. Prior to initiation of construction or grading**, the project site boundaries, access routes, and staging areas should be clearly flagged so that contractors are aware of the limits of allowable site access and disturbance. Equipment access should not occur during wet weather or when access would cause ruts or soil compaction due to saturated soil conditions. A County of San Luis Obispo-approved qualified biologist shall coordinate with the project contractors to install construction delineation fencing to protect unimpacted oak trees from accidental disturbance, prior to site disturbance. Prior to site disturbance, the County of San Luis Obispo-approved qualified biologist shall provide sufficient evidence to the County of San Luis Obispo that protective fencing has been installed.
47. **WQ-2. Prior to initiation of construction or grading**, the applicant shall prepare an Erosion Control and Sedimentation Control Plan. The plan shall address both temporary and permanent measures to control erosion and reduce sedimentation. Erosion and soil protection measures shall be provided on all disturbed soil areas prior to the onset of the rainy season (October 15). Project plans shall show that sedimentation and erosion control measures must be installed per the engineer's requirements. The plan should include specific Best Management Practices to minimize impacts to adjacent native habitats (e.g., washing of equipment should occur only in designated areas where polluted water and materials can be contained for subsequent removal from the site). Washing of equipment and tools should not be allowed in any location where the tainted water could leave the work area. Best Management Practices for dust abatement shall also be included.
48. **WQ-4. Prior to initiation of construction or grading**, grading on-site should be scheduled outside of the rainy season (October 15 through April 15). If grading is proposed during the rainy season, such activities must be authorized under relevant provisions of the County of San Luis Obispo's Grading Ordinance and must follow an approved Erosion and Sedimentation Control Plan (BIO-15).
49. **WQ-5. Prior to issuance of a construction permit or establishment of proposes uses**, all applicants for cannabis related activities within the Paso Robles Groundwater Basin shall provide to the County of San Luis Obispo Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by Land Use Ordinance Sections 22.40.050 D. 5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

- a. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by Land Use Ordinance Sections 22.40.050 C. 1 and 22.40.060 C.1.
 - b. A program for achieving a water demand offset of the quantified water demand as required by Land Use Ordinance Sections 22.40.050.D.5, 22.40.060.D.5, and F and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:
 - i. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:
 - 1. Drip irrigation.
 - 2. Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapotranspiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
 - 3. Installation of float valves on water tanks to prevent tanks from overflowing.
 - 4. Converting from using overhead sprinklers to wind machines for frost protection. [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.]
 - 5. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.]
 - ii. Participation in an approved water conservation program within the Paso Robles Groundwater Basin that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.
 - iii. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.
 - c. The water demand offset documented by the Water Conservation Plan shall be verifiable and permanent, and shall not result in adverse environmental effects beyond those assessed by the California Environmental Quality Act compliance document for the proposed cannabis project.
50. **WQ-6. Prior to initiation of construction or establishment of proposed uses**, the applicant shall provide to the County of San Luis Obispo Department of Planning and Building for review, evidence that the water efficiency improvements associated with the

approved Water Conservation Program remain in full effect and are continuing to achieve the required water demand offset associated with the approved cannabis activities.

51. **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.
52. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the County of San Luis Obispo Planning and Building Department to have the site inspected for compliance with the conditions of this approval.
53. **Prior to occupancy or final inspection**, the applicant shall obtain final inspection and approval from County of San Luis Obispo Fire/CAL FIRE of all required fire and life safety measures, including, but not limited to:
 - a. A Registered Fire Protection Engineer is required to design and approve of the required commercial fire sprinkler system(s), water storage system, underground piping, proposed fire hydrants, and fire pump. A comprehensive written technical analysis of all fire suppression system related components is required and must be provided to County of San Luis Obispo Fire/CAL FIRE prior to building permit application.
 - b. The following structures require the installation of a properly designed commercial fire sprinkler system: the existing "Ag. Exempt" Barn, the proposed Ag. Barn and the proposed 8,000-square-foot Propagation Building.
 - c. All proposed and existing greenhouse/hoop structures must be reviewed and approved by the County of San Luis Obispo Planning and Building Department and County of San Luis Obispo Fire/CAL FIRE. Occupancy of these greenhouse/hoop structures must meet all relative minimum requirements set forth within the 2016 California Building Code/California Fire Code. If these provisions are satisfied, fire sprinklers will not be required within the greenhouses and hoop structures.
 - d. Vehicular Access. The existing "dirt road" must be improved to provide a minimum edge to edge all-weather driving surface of no less than 20 feet wide. All portions exceeding a 12% grade must be paved and no portion shall exceed a 16% grade.
 - e. Water Storage. "Poly" and/or plastic-style water storage tanks shall not be allowed. Multiple or "daisy-chained" tanks are not allowed to be utilized to provide water held in storage dedicated to fire suppression purposes. The Registered Fire Protection Engineer shall determine the amount of water required to be held in storage dedicated to fire suppression purposes.
 - f. Fire Pump/Hydrants. If supported by the Registered Fire Protection Engineer, non-pressurized fire hydrants shall be allowed. Fire hydrants shall be placed in compliance with relative code(s) and must provide two 2-1/2 inch male connections and one 4-inch male connection. All connections must be National Standard threads.
 - g. Alarms/Detection. The required fire sprinkler system(s) shall be monitored in accordance with all relative standards set forth within National Fire Protection Association Standards 13 and 72. A properly designed and installed heat/smoke

detection system may be required within the Propagation Building. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, temperatures, critical air pressures, and water-flow switches on all sprinkler systems shall be electrically monitored for integrity and to ensure valves are locked in the open position. Monitoring shall be provided by a central station listed by Underwriters Laboratories for receiving fire alarms.

- h. Occupancy Classification. An occupancy classification change to any existing structure located on-site shall require the installation of an appropriately designed and installed commercial fire sprinkler system.
 - i. Emergency Access. A Knox Corporation key switch shall be installed on all electric vehicular gates and rapid-entry Knox boxes shall be attached to commercial structures (where required and agreed upon). The Knox boxes shall be located where approved by County of San Luis Obispo Fire.
 - j. Addressing. Address numbers and placement shall meet current commercial standards. The minimum address numbering size of 8-inch tall numbers with a 1/2-inch stroke shall be placed at the entrance to the proposed project. Numbering shall contrast to their background. Building identification may be required due to the size of the proposed project. Proper signage shall be required on-site in order to properly identify access and egress routes.
54. **HAZ-4. Prior to occupancy or final inspection**, the applicant shall establish a fire clearance area of 30 feet around all existing and proposed structures including greenhouses, hoop houses, barns, and fences. If any blue oak trees occur within this 30-foot clearance area, the applicant shall retain a certified arborist to perform trimming on these trees as necessary to reduce fire risk, including removal of any limbs that are within 10 feet of existing and/or proposed structures. All leaves, needles, or dead growth shall be removed from all rooftops within the project site. The applicant shall maintain all fire clearances throughout the life of the project.
55. **WQ-3. Prior to establishment of the use**, the applicant shall apply the following native seed mix to disturbed soil areas through either direct hand seeding or hydroseeding methods:

Species	Application Rate (lbs/acres)
California brome (<i>Bromus carinatus</i>)	5
Meadow barley (<i>Hordeum brachyantherum</i>)	5
Six weeks fescue (<i>Vulpia microstachys</i>)	10
Nodding needlegrass (<i>Stipa cernua</i>)	3
Tomcat clover (<i>Trifolium widdenovii</i>)	5
Total	28

56. **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.

57. **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.
58. **Prior to commencing permitted activities**, the applicant shall demonstrate to the County of San Luis Obispo Planning and Building Department how cannabis activities will be physically and adequately separated from vacant areas or other non-cannabis uses on-site. The applicant shall obtain any necessary building permits to create the separation between uses.
59. **Prior to commencing permitted activities**, the applicant shall complete and submit a Hazardous Materials Declaration Flowchart to the Environmental Health Services office.
60. **Prior to commencing permitted activities**, the applicant shall have a water meter installed on any new or existing water source proposed for cannabis activities. Installation of the meter must be performed to the satisfaction of the County of San Luis Obispo Planning and Building Inspector.
61. **Prior to commencing permitted activities**, the applicant shall secure an easement or contract with the County of San Luis Obispo for open space preservation of the areas not intended for development.

ONGOING CONDITIONS FOR THE LIFE OF THE PROJECT

62. **Throughout the life of the project**, to minimize project related traffic impacts in accordance with the project description, the permit is restricted as follows:
 - a. Maximum 43,560 square feet of outdoor cannabis cultivation; and
 - b. Maximum of 22,000 square feet of mixed light (indoor) cultivation.
63. **Throughout the life of the project**, parcels APN 080-041-035, 080-041-037 and 080-041-015 shall remain under common ownership.
64. **Throughout the life of the project**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage, landscaping, agricultural operations, etc., without a valid Encroachment Permit issued by the County of San Luis Obispo Public Works Department.
65. This Land Use Permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the Land Use Permit is considered vested. This Land Use Permit is considered to be vested once a construction permit has been issued and substantial site work has been completed, or pursuant to Land Use Ordinance Section 22.64.090.B, the Director verifies that the use or activity not involving a building or grading permit is occurring on the subject site in compliance with all applicable provisions of the Land Use Ordinance and these Conditions of Approval. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations and construction occurring above grade.
66. **Throughout the life of the project**, all conditions of this approval shall be strictly adhered to, within the time frames specified, and in an ongoing manner for the life of the

project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the County of San Luis Obispo Planning and Building Department. If it is determined that violation(s) of these Conditions of Approval have occurred, or are occurring, this approval may be revoked pursuant to Land Use Ordinance Sections 22.74.160, 22.40.110, and 22.40.120. Revocation may require restoration to pre-existing conditions of areas of disturbance for cannabis-related activities authorized by this permit.

67. **Throughout the life of the project**, and in accordance with the request for a modification from the parking standards set forth in Land Use Ordinance Section 22.18.050.H, the applicant shall maintain no less than 14 parking spaces on-site for the life of the project.
68. **Throughout the life of the project**, the applicant shall post on-site all required Land Use Permit approvals and all required County of San Luis Obispo and State of California 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.
69. **Throughout the life of the project**, the applicant shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations. The County of San Luis Obispo shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County of San Luis Obispo upon request.
70. **Throughout the life of the project**, the applicant shall conduct all cannabis activities in compliance with the approved Operations Plan, as well as all required State of California licenses, laws, and regulations and County of San Luis Obispo permits and ordinances. The applicant shall be responsible for the payment of all required fees and taxes.
71. **Throughout the life of the project**, the cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected off- site so as to not invoke any verified nuisance complaints. 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 off-site. In the event of a verified nuisance complaint, the County of San Luis Obispo may pursue remedial action that may include the reduction or cessation of operations until a revised operations plan is reviewed and approved by the County of San Luis Obispo Planning and Building Department, abatement of the violation pursuant to Land Use Ordinance Section 22.40.130 and permit revocation pursuant to Land Use Ordinance Sections 22.40.110 and 22.40.120.
72. **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.
73. **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.

74. **Throughout the life of the project**, solid waste and recycling shall be conducted in accordance with Land Use Ordinance Sections 22.10.150.B and C.
75. **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.
76. **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.
77. **Throughout the life of the project**, no outdoor lighting for the purposes of photosynthesis, or plant manipulation is allowed with this Land Use Permit. Indoor lights shall be screened to not be seen from off-site and consistent with dark-sky standards.
78. **Throughout the life of the project**, the applicant or responsible party designated by the applicant shall maintain daily records of all water used for cannabis activities. The County of San Luis Obispo shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County of San Luis Obispo upon request.
79. **Throughout the life of the project**, the applicant shall meter electricity used for cannabis activities and provide the County of San Luis Obispo Planning and Building Department with quarterly energy usage monitoring reports based on meter readings.
80. **Throughout the life of the project**, cannabis cultivation grading activities shall be consistent with the conservation practices and standards contained in the U.S. Department of Agriculture Natural Resources Conservation Service Field Office Technical Guide. Practices shall not adversely affect slope stability or groundwater recharge and shall prevent off-site drainage and erosion and sedimentation impacts. Erosion and sedimentation control activities shall adhere to the standards in Land Use Ordinance Section 22.52.150C.
81. **Throughout the life of the project**, the property owner(s) shall grant access to the County of San Luis Obispo and its officers, agents, and employees, and any other governmental entities and their respective officers, agents, and employees, to enter onto the subject property to conduct site inspections for the purposes of compliance with this Use Permit. Inspections may occur any day of the week, without prior notice, between the hours of 8:00 a.m. and 6:00 p.m.
82. The project would utilize an existing on-site well located approximately 640 feet northeast of the project site. 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 State Water Resources Control Board.
83. **Throughout the life of the project**, the applicant shall submit to the County of San Luis Obispo Planning and Building Department any proposed changes to the approved Site Plans, Operations Plan, Security Plan, or other plan approved through this Use Permit prior to the proposed change. Changes shall be submitted in writing and must be approved by the County of San Luis Obispo Planning and Building Department prior to the implementation of the proposed changes. Any changes to the approved project, including features identified in the Conditions of Approval stated herein, may require additional environmental analysis and/or revisions to the approved Use Permit that requires review and approval by the appropriate Review Authority.

84. **Throughout the life of the project**, the applicant shall submit to the County of San Luis Obispo Planning and Building Department any changes to the applicant name, business name, business owners, State license status, landowner, or changes in ownership requiring approval from the County of San Luis Obispo Tax Collector's Office or Sheriff's Office prior to the proposed change. Changes shall be submitted in writing and must be approved by the County of San Luis Obispo Planning and Building Department prior to the implementation of the proposed changes.
85. This Minor Use Permit for cannabis cultivation shall expire in 5 years from the approval date. Within a 12-month period prior to expiration, the applicant may request the Minor Use Permit be renewed for an additional 5-year period. Any such request for renewal shall be in writing to the County of San Luis Obispo Planning and Building Department and shall be submitted in conjunction with the appropriate Land Use Permit application. The request for renewal shall be processed with the same type of permit for the original entitlement. If a request for renewal is not requested or not granted, the Minor Use Permit shall be deemed expired.



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

VIA ELECTRONIC MAIL

May 2, 2024

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8830 Morro Road
Atascadero, CA 93422

SUBJECT: Substantial Conformity Determination (MOD2024-00019) for Souji Farms Inc. for Minor Use Permit DRC2018-00094

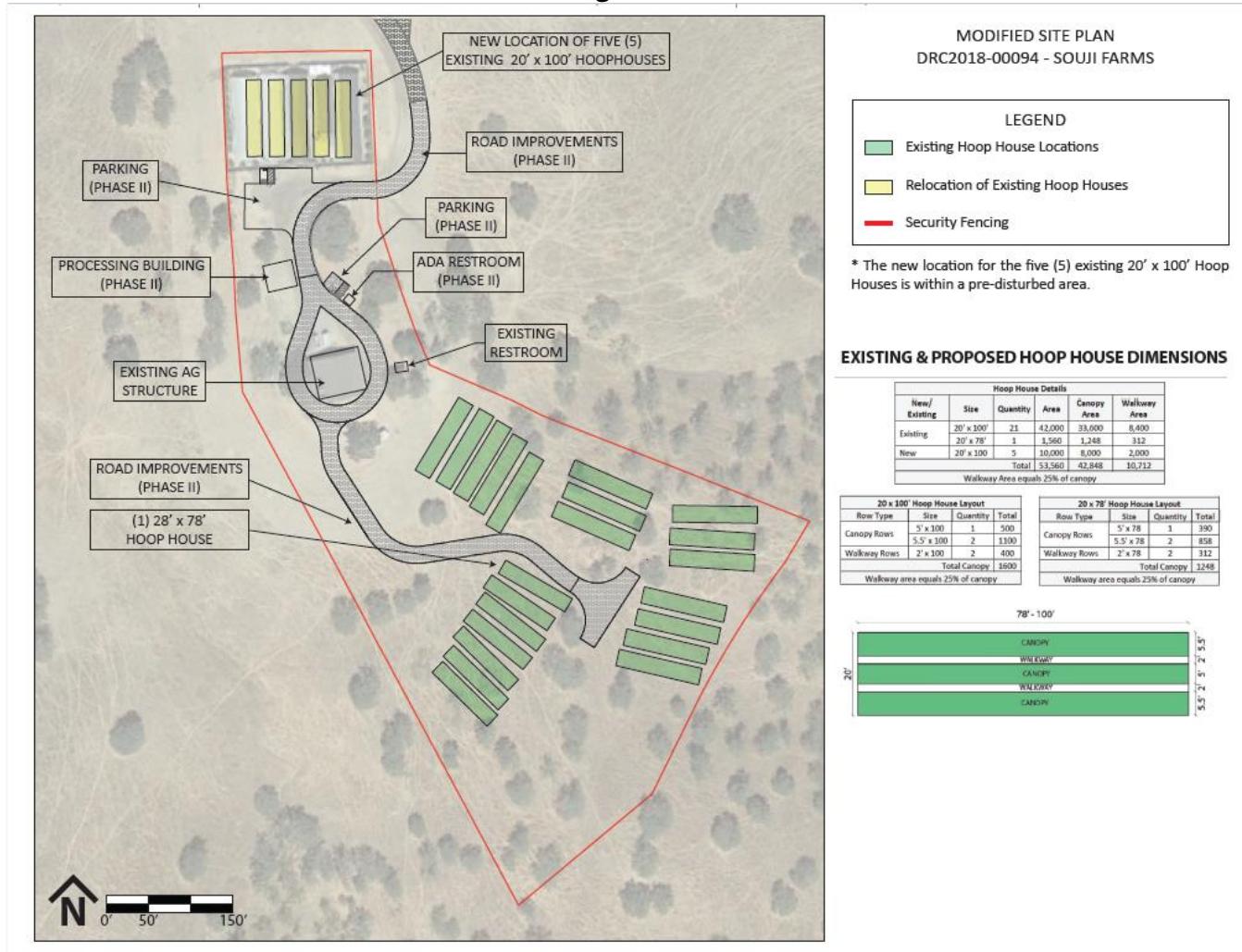
Subject to all conditions of approval from Minor Use Permit DRC2018-00094, the proposed modifications are deemed in substantial conformance with this project. This determination is made pursuant to Land Use Ordinance Section 22.64.050 (Changes to an Approved Project) on the basis that the proposed changes would not substantially increase the environmental effects of the approved project, would not substantially increase the size of the approved (footprint) development, would not be outside of the scope of the existing biological resources survey, would not alter the conditions of approval for DRC2018-00094, would not affect any specific issue raised by the review authority, and would not substantially alter the appearance or operations of the approved project.

Therefore, the land use permit and the environmental determination approved for the above-referenced project have been reviewed and the County has determined that the proposed changes are in substantial conformity.

Description of Proposed Modifications:

1. To allow for the following modifications to the approved site plan, as shown in Figure 1:
 - a. The relocation of five (5) approved 20' x 100' hoop structures from a location on the southern end of the project site to the approved Phase 2 greenhouse location located on the northern end of the project site.

Figure 1:



Basis for Substantial Conformance Determination:

1. The proposed changes cannot result in any new or increased environmental impacts.
 - a. The proposed relocation of previously approved hoop structures will not result in any new ground disturbance and will be located within the footprint of a proposed Phase 2 greenhouse. The proposed relocation will result in a reduced impact to oak trees on the project site.
2. The proposed changes do not result in the need to modify any of the Conditions of Approval.
 - a. The proposed changes are consistent with the approved development as stated in the Conditions of Approval. No conditions of approval will be modified.
3. The proposed changes do not result in any changes to the project that were specifically considered by the review authority.
 - a. The proposed changes were not specific considerations of the review authority. Therefore, the proposed changes are acceptable.

Special Requirements:

The proposed modifications shall comply with all original conditions from Minor Use Permit DRC2018-00094, as well as the following requirements:

1. **Prior to commencing activities**, the applicant shall implement digital video surveillance cameras as shown in approved security plan. Applicant shall confirm compliance with San Luis Obispo County Sheriff's Office.
2. **Prior to commencing activities**, the applicant shall meet the conditions of approval associated with the Minor Use Permit DRC2018-00094 as shown in Attachment A.
3. **At the time of application for a construction permit**, this letter, and a copy of the Minor Use Permit DRC2018-00094 shall be provided with the construction permit application.
4. **Indemnification**, the applicant shall, as a condition of approval of this land use permit application, defend, hold harmless and indemnify, at his or her sole expense (including attorney's fees, with Counsel approved by the County), any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this land use permit or the manner in which the County is interpreting or enforcing the conditions of this land use permit, or any other action by a third party relating to approval or implementation of this land use permit. The applicant shall reimburse the County for any court costs and attorney fees that the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition. Upon request of the County, the applicant shall also enter into a separate agreement with the County (the "Indemnity Agreement"), in a form approved by County Counsel, agreeing to defend, indemnify, save and hold harmless the County, its present or former officers, agents, or employees, against actions by a third party challenging either its decision to approve this land use permit or the manner in which the County is interpreting or enforcing the conditions of this land use permit, or any other action by a third party relating to or arising out of the approval or implementation of this land use permit. The agreement shall provide that the applicant will indemnify the County and reimburse it for any costs and/or attorney's fees which the County incurs as a result of such action, and that the County's participation or non-participation in any such litigation shall not relieve the applicant of his or her obligations under this condition or the agreement. The applicant shall also provide sufficient guarantees for the obligations hereunder as determined by County Counsel. Any violation of this condition, including the applicant's failure to execute the Indemnity Agreement or breach thereof, or failure to provide sufficient guarantees, is grounds for the County to rescind and/or revoke its approval of this land use permit. These defense and indemnity obligations shall survive any recission, revocation and/or set aside of this land use permit.

No cannabis activities may occur on the site until applicable conditions have been satisfied and verified by the Department. If you have any questions regarding this determination, please contact me at etolle@co.slo.ca.us or (805) 788-2148.

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Eric Tolle, Senior Planner

Attachments:

- A. DRC2018-00094 Conditions of Approval
- B. Revised Site Plan

Attachment A
EXHIBIT A – FINDINGS
SOUJI FARMS INC. (DRC2018-00094)

ENVIRONMENTAL DETERMINATION

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq. and California Code of Regulations Section 15000 et seq.) has been prepared and released for public comment on April 1, 2020, for this project (SCH# 2020040008). Mitigation measures have been identified to address potential impacts related to aesthetics, air quality, biological resources, hazards and hazardous materials, and hydrology and water quality and have been included as conditions of approval.

MINOR USE PERMIT

- B. The proposed project or use is consistent with the County of San Luis Obispo General Plan because indoor (mixed-light) and outdoor cannabis cultivation and ancillary cannabis processing and transport are allowed uses and, as conditioned, is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project and uses satisfy all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use would not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed cannabis cultivation does not generate activity that presents a potential threat to the surrounding property or buildings. Water use of the project would be minimized and actual usage shall be monitored, energy usage shall be monitored, State water quality regulations shall be met, security fencing shall be installed, pesticide use shall comply with County of San Luis Obispo Department of Agriculture / Weights and Measures regulations, solid waste shall be properly disposed of, and nuisance odors shall be controlled and monitored. This project is subject to Land Use Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.
- E. The proposed project or use would not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed uses would be sited in a remote, rural location; the proposed uses would not be visible from surrounding public roadways; and all potential nuisance odors would be adequately controlled to not be detectable off-site.
- F. The proposed project or use would not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project. The project site is accessed by an unnamed road off Nacimiento Lake Drive, a County-owned and maintained road. As described in the Traffic Study prepared for the project, the project is anticipated to generate approximately 22 vehicle trips during the peak hour (4:00 p.m. to 6:00 p.m.). Projected trip generation from the project would be

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

COMMERCIAL CANNABIS ACTIVITIES

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

ADJUSTMENT

- L. A modification of required parking standards detailed in Land Use Ordinance Section 22.18 is justified because the characteristics of the use do not necessitate provision of 55 parking spaces on-site; the provision of 14 parking spaces with additional room for other vehicles on-site will be adequate to accommodate all parking needs on-site generated by the use, including the six proposed full-time employees and up to eight seasonal employees during harvest periods. No traffic problems will result from the proposed modification of parking standards.
- M. A modification from the fencing standards set forth in Land Use Ordinance (LUO) Section 22.40.050.D.6 is justified to waive the requirement for solid fencing. The project site is located in a very rural area bordered to the east and south by land owned by the Camp Roberts military base. The areas for proposed cultivation area would not be visible from any surrounding public roadway or other public viewpoint. Therefore, the request for a fencing modification meets the finding that the requirements for solid fencing materials at this location would be unnecessary, as no plants or other project component would be visible from surrounding public viewpoints.

EXHIBIT B – CONDITIONS OF APPROVAL
SOUJI FARMS INC. (DRC2018-00094)

APPROVED DEVELOPMENT

1. This approval authorizes use of the following cannabis activities:
 - a. A maximum of 1 acre of outdoor cannabis cultivation, as follows:
 - i. Construction of up to 1 acre (43,560 square feet) of hoop structures for outdoor cannabis cultivation.
 - ii. Should hoop structures not be utilized, the applicant shall be limited to 1 acre (43,560 square feet) of outdoor cannabis canopy within the areas shown on the approved site plan, as specified above in 1.a, and the areas measured shall be clearly identifiable in a boundary consistent with the definition of Cannabis Canopy found in County of San Luis Obispo Land Use Ordinance Section 22.80.030.
 - b. Construction of one greenhouse with a total floor area of 27,000 square feet and up to 22,000 square feet of indoor mixed-light cannabis canopy;
 - c. Construction of one 900-square-foot building for ancillary processing including drying, trimming, curing, and storage of cannabis grown on-site;
 - d. Ancillary transport of cannabis grown on-site; and
 - e. Maximum annual water demand for all uses on the project site of 2.36 acre-feet per year.
2. This Minor Use Permit authorizes the modification of the parking requirements set forth in Land Use Ordinance Section 22.18.050.C.1 to reduce the required number of spaces from 55 to 14.
3. The ancillary processing of cannabis, including drying, curing, grading, trimming, storing, packaging, and labeling, is limited to cannabis grown on-site only, and it shall be done consistent with applicable State regulations and license(s). Manufacturing of cannabis products is not authorized with this Use Permit.
4. The ancillary transport of cannabis or processed cannabis is limited to cannabis grown on-site only, and it shall be done consistent with applicable State regulations and license(s). Transport as a function of retail sales or as a cannabis dispensary is not authorized with this Use Permit.

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

5. **Prior to issuance of a County Business License**, the applicant shall enter the County of San Luis Obispo Cannabis Monitoring Program. Any associated fees shall be paid to the County of San Luis Obispo Planning and Building Department.
6. **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.

7. **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.
8. **Prior to issuance of a County Business License**, the applicant shall submit evidence that solid waste and recycling collection will be consistent with Land Use Ordinance Sections 22.10.150.B and C.
9. **Prior to issuance of a County Business License**, the applicant shall submit evidence that the project security plan has been reviewed and approved by the County of San Luis Obispo Sheriff's Office as required by Land Use Ordinance Section 22.40.040.D.
10. **Prior to issuance of a County Business License**, the applicant shall provide evidence to the County of San Luis Obispo Planning and Building Department that on-site circulation and pavement structural sections have been designed and shall be constructed in conformance with California Department of Forestry and Fire Protection (CAL FIRE) standards and specifications back to the nearest public maintained roadway.
11. **Prior to issuance of a County Business License**, the applicant shall obtain an Operator Identification Number (OIN), if required by the County of San Luis Obispo Department of Agriculture / Weights and Measures, prior to any pesticides being used in conjunction with the commercial cultivation of cannabis; "pesticide" is a broad term, which includes insecticides, herbicides, fungicides, rodenticides, etc., as well as organically approved pesticides.
12. **Prior to issuance of a County Business License**, the applicant shall install security fencing as approved by the County Sheriff's Department.
13. **Prior to issuance of a County Business License**, the applicant shall be responsible for the timely payment of all fees associated with this approval. Failure to pay fees in a timely manner may result in revocation of the permit.
14. **Prior to issuance of a County Business License**, and within 30 days of Land Use Permit approval, the applicant shall submit evidence to the County of San Luis Obispo Planning and Building Department that all necessary copies of any leases (ground, greenhouse, or otherwise) or production-sharing agreements related to "Cannabis Activities" on the subject property have been provided to the County of San Luis Obispo Assessor's Office.

CONDITIONS REQUIRED TO BE COMPLETED AT THE TIME OF APPLICATION FOR BUILDING PERMIT(S)

Site Development

15. **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.
16. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans and construction documents and shall be consistent with the currently adopted California Codes.
17. **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.

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

20. **At the time of application for construction permits**, the applicant shall obtain a Fire Safety Plan from CAL FIRE. All plans submitted to the County of San Luis Obispo Planning and Building Department shall meet the fire and life safety requirements of the California Fire Code and those outlined in the Fire Safety Plan.

[Drainage](#)

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

[Stormwater](#)

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

[Services](#)

24. **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-site.
25. **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, INITIATION OF CONSTRUCTION, OR DURING PROJECT CONSTRUCTION

[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.

Biological Resources

28. **BIO-1.** Site preparation, ground-disturbance, and construction activities, including tree and vegetation removal, shall be conducted outside of the migratory bird nesting season (February 1 through August 31). If such activities cannot be avoided during this period, the applicant shall retain a County of San Luis Obispo-approved qualified biologist to conduct a preconstruction nesting bird survey **no sooner than 1-4 weeks prior to tree removal activities** and shall verify whether migratory birds are nesting in the site. If nesting activity is detected, the following measures shall be implemented:
- a. The project shall be modified via the use of protective buffers, delaying construction activities, or other methods designated by the qualified biologist to avoid direct take of identified nests, eggs, and/or young protected under the Migratory Bird Treaty Act and/or California Fish and Game Code.
 - b. The qualified biologist shall monitor the nests within the vicinity of project-related disturbances and determine if construction activities are causing behavioral changes or affecting nesting activities. Monitoring results shall then be utilized to develop an appropriate buffer around the next site to minimize disturbance. Construction activities within the buffer zone shall be prohibited until the young have fledged the nest and achieved independence.
 - c. The qualified biologist shall document all active nests and submit a letter report to the County of San Luis Obispo documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures, within 14 days of survey completion.
29. **BIO-2. Prior to initiation of construction**, the applicant shall implement the following measure to minimize and avoid impacts to western burrowing owl habitat:
- a. No less than 14 days and no more than 30 days prior to ground-disturbing activities, a County of San Luis Obispo-approved qualified biologist shall conduct pre-activity surveys for the presence of western burrowing owl and/or active burrows within the work area and within a 500-foot buffer of the work area. Surveys shall be conducted by County of San Luis Obispo-approved qualified biologists walking straight-line transects spaced 20 feet to 60 feet, adjusting for vegetation height and density.
 - b. Exclusion zones, or no-disturbance buffers, shall be established around active burrows. No project-related disturbances shall occur within 160 feet of occupied burrows during the nonbreeding season of September 1 through January 31 or within 250 feet during the breeding season of February 1 through August 31.
 - c. If an active burrow is observed within 500 feet of the work area during the breeding season, construction activities shall not continue until a County of San Luis Obispo-approved qualified biologist confirms the burrow is no longer active. Proposed adjustments to the buffer shall be through consultation with the California Department of Fish and Wildlife.

- d. If an active burrow is observed within 160 feet of the work area during the non-breeding season, construction activities shall not continue until a County of San Luis Obispo-approved qualified biologist confirms the burrow is no longer active.
 - e. The County of San Luis Obispo-approved qualified biologist, with prior consultation and approval from the California Department of Fish and Wildlife, may institute passive relocation through use of one-way burrow doors that will not allow owls to reenter the burrow. Immediately before the start of construction activities, the biologists shall remove all doors and excavate the burrows to ensure that no animals are present at the burrow. The excavated burrows shall then be backfilled.
 - f. A County of San Luis Obispo-approved qualified biologist shall be present during the initial clearing and grading activity. If additional burrowing owl burrows are found, all work shall cease until the biologist can complete measure described above for inactive and active burrows. Once all burrows have been excavated, work on the site may resume.
 - g. The County of San Luis Obispo-approved qualified biologist shall submit a report to the County of San Luis Obispo within 14 days of completing initial surveys and every 14 days thereafter until grading activity is complete, documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures.
30. **BIO-3. Prior to initiation of and during construction**, the applicant shall retain a County of San Luis Obispo-approved qualified biologist to ensure the following protective measures are implemented to avoid impacts to roosting bats:
- a. Prior to commencement of tree removal associated with the project, the applicant shall schedule tree removal to occur outside of the typical bat maternity roosting and pupping season to avoid potential impacts to bats, if feasible. The typical bat maternal roosting season is defined as occurring from February 1 to August 31.
 - i. Prior to commencement of tree removal associated with construction, if tree removal must occur during the typical bat maternity roosting season (February 1 to August 31), tree removal activities will not be allowed unless a County of San Luis Obispo-approved qualified biologist has surveyed the impact area within 14 days prior to commencement of proposed construction activities and determined that no roosting bats will be adversely impacted. Roosting bat surveys will only be considered valid for 14 consecutive days before they will need to be repeated. At such time, if any evidence of bat roosting is found, the biologist will determine if any construction activities can occur during roosting and to what extent. The results of the surveys will be submitted to the County of San Luis Obispo and California Department of Fish and Wildlife, with recommendations for variable buffer zones, as needed, around individual roosting sites. Based on the results of the surveys, the following shall apply:
 1. If no bat roosting activities are detected within the proposed work area, tree-removal and noise-producing construction activities may proceed and no further mitigation is required.
 2. If bat roosting activity is confirmed during preconstruction roost surveys or at any time during the monitoring of construction activities, at a minimum, work activities shall be avoided within 100 feet of active roosts until bats have left the roosts. No trees with

- active bat roosts shall be removed until the bats have left the roosts or have been excluded from roosts.
3. The County of San Luis Obispo-approved qualified biologist shall prepare a report after each survey and a copy of the report shall be provided to the County of San Luis Obispo within 14 days of completion of each survey.
31. **BIO-4. Prior to initiation of construction**, a survey for American badger dens should be conducted within the construction impact footprint and surrounding accessible areas of the property within 2 weeks of any ground-disturbing activities by a County of San Luis Obispo-approved biologist. The biologist shall evaluate all dens found to determine whether they are active. In order to avoid potential impacts to adults and nursing young, no grading shall occur within 50 feet of an active badger den as determined by the County of San Luis Obispo-approved biologist. Construction activities occurring between July 1 and February 28 shall comply with the following measures to avoid direct take of adult and weaned juvenile badgers through the forced abandonment of dens:
- a. A County of San Luis Obispo-approved biologist shall conduct a biological survey at least 2 weeks prior to the start of construction to identify any potential badger dens. The survey shall cover the entire area proposed for development, including roadways.
 - b. If dens are too long to see the end, a fiber optic scope (or other acceptable method such as using tracking medium for a consecutive 3-night period) shall be used to assess the presence of badgers.
 - c. Inactive dens shall be excavated by hand with a shovel to prevent badgers from reusing them during construction.
 - d. Currently active den entrances shall be partially blocked with sticks, debris, and soil for 3 to 5 days to discourage badgers from continuing to use them. Access to the den shall be incrementally blocked to a greater degree over this period. After badgers have stopped using previously active den(s) within the project disturbance site, the den(s) shall be excavated by hand with a shovel to prevent re-entry.
 - e. The County of San Luis Obispo-approved biologist shall be present during the initial clearing and grading activity. If additional badger dens are found at this time, all work shall cease until the biologist completes the measures described above for inactive and active dens. Once all badger dens have been excavated, work may resume.
32. **BIO-5. Within 14 and 30 days prior to initiation of construction**, a County of San Luis Obispo-approved qualified biologist shall conduct presence/absence surveys of San Joaquin kit fox and/or their dens within 200 feet of the project site following the U.S. Fish and Wildlife Service's standardized recommendations for protection of the San Joaquin kit fox prior to or during ground disturbance (USFWS 2011). Surveys shall be conducted in areas of potentially suitable habitat no less than 14 days and no more than 30 days prior the beginning of ground disturbing activities. A copy of the surveys shall be provided to California Department of Fish and Wildlife and to the County of San Luis Obispo within 14 days of completion of the surveys.
33. **BIO-6. Prior to or during project activities**, if dens are found, no-disturbance buffers shall be established by the County of San Luis Obispo-approved biologist in accordance with the U.S. Fish and Wildlife Service recommendations (2011). If kit fox are found

occupying atypical (i.e., manmade structure) den sites, a 50-foot no-disturbance buffer should be established around the occupied den site. If potential dens are found during surveys (BIO-7), a 50-foot no-disturbance buffer should be established. If dens that are occupied or have been known to be occupied in the past, or a natal or pupping den is found during the survey, consultation with the California Department of Fish and Wildlife should occur and a 100-foot no-disturbance buffer shall be established.

34. **BIO-7.** If San Joaquin kit fox are detected during the survey, consultation between the applicant, County of San Luis Obispo, and California Department of Fish and Wildlife shall occur immediately to discuss how to implement the project and avoid take, or if avoidance is not feasible, an Incidental Take Permit shall be acquired pursuant to California Fish and Game Code Section 2081(b).
35. **BIO-8. During construction,** grading and construction activities after dusk shall be prohibited.
36. **BIO-9. Prior to issuance of a construction permit and within 30 days prior to initiation of construction,** all personnel associated with the project shall attend a worker education training program, conducted by a County of San Luis Obispo-approved qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e., San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the County of San Luis Obispo, as well as any related biological report(s) prepared for the project. The applicant shall notify the County of San Luis Obispo within 5 days prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employees, and other personnel involved with the construction of the project. The County of San Luis Obispo-approved qualified biologist shall prepare a summary report of the training and provide a copy of the report to the County of San Luis Obispo within 14 days of training completion.
37. **BIO-10. Prior to issuance of construction permit or prior to initiation of construction,** whichever occurs first, finalized site plans shall clearly delineate all native trees within 50 feet of areas where soil disturbance would occur and shall indicate which trees are to be removed or impacted (disturbance within the dripline/root zone), and which trees are to remain unimpacted.

Prior to issuance of a Business License, a County of San Luis Obispo-approved qualified biologist shall prepare an Oak Tree Replacement Plan that provides for the installation and maintenance of replacement oak trees on the project parcel and surrounding parcels owned by the applicant and shall be reviewed and approved by the County of San Luis Obispo Planning Department. Mitigation replacement plantings for each oak tree removed shall be at a 4:1 ratio (e.g., if 4 mature oak trees are removed, the applicant must plant 16 replacement juveniles), and at a 2:1 ratio for each oak tree impacted. The Oak Tree Replacement Plan shall include the following components:

- a. A brief narrative of the project location, description, and purpose;
- b. Clearly identified parties responsible for the mitigation program and their contact information;
- c. A landscape map showing and quantifying all oak tree planting areas;

- d. A detailed discussion of the methods for implementing the Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
 - e. Provisions for the collection of oak propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
 - f. Identification of locations, amounts, species, and sizes of the oak trees to be planted. For each individual of a species removed, the same species shall be planted.
 - g. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
 - h. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and
 - i. Methods for removing nonnative species from the replanting areas.
38. **BIO-11. Prior to initiation of construction**, the applicant shall retain a certified arborist to identify any limbs at risk and perform all necessary trimming of oak tree limbs that could be damaged by project activities. Pruning shall be conducted as needed along the access road and construction area. All pruning shall be conducted prior to construction equipment passage to minimize the potential for inadvertent damage to tree limbs. Removal of larger lower branches shall be minimized to: (1) avoid making trees top-heavy and more susceptible to “blow-overs;” (2) reduce larger limb cuts that take longer to heal and are more susceptible to disease and infestation; (3) retain wildlife habitat values associated with the lower branches; (4) retain shade to keep summer temperatures cooler; and (5) retain the natural shape of the tree. The certified arborist shall document all pruning impacts in a report submitted to the County of San Luis Obispo.

Hazardous Materials

39. **HAZ-1. During construction**, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.
40. **HAZ-2. During construction**, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.
41. **HAZ-3. Prior to issuance of a construction permit**, a Registered Fire Protection Engineer shall design and prepare a written analysis of all required fire suppression-related components as detailed in the County Fire/CAL FIRE referral response letter dated February 5, 2019, and provide this analysis to County Fire/CAL FIRE for review and approval.

Cultural Resources and Tribal Cultural Resources

42. **During construction**, in the event that buried or otherwise unknown cultural resources are discovered during construction activities in the area of the find, work shall be suspended and the County of San Luis Obispo should be contacted immediately. Prior to resuming construction activities, appropriate mitigation measures shall be developed by

a qualified archeologist or historian if necessary, at the developer's expense. In the event that human remains are discovered, the County of San Luis Obispo Coroner shall be contacted immediately. If the Coroner determines the remains are Native American, the Native American Heritage Commission (NAHC) would be contacted and the remains would be left in situ and protected until a decision is made on their final disposition.

Air Quality

43. **AQ-1. Prior to issuance of a construction permit or initiation of grading or other ground-disturbing activities**, whichever occurs first, the following measures shall be implemented during all site disturbance activities and shown on all applicable plans:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel-powered equipment with California Air Resources Board-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting the California Air Resources Board's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the California Air Resources Board's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or NO_x exempt area fleets) may be eligible by proving alternative compliance;
- f. All on- and off-road diesel equipment shall not idle for more than 5 minutes;
- g. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
- h. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- i. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- j. Electrify equipment when feasible;
- k. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
- l. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel

44. **AQ-2. Prior to issuance of a construction permit or initiation of grading or other ground-disturbing activities**, whichever occurs first, the following measures shall be implemented during all site disturbance activities and shown on all applicable plans:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control 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 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stockpile areas should be sprayed daily or covered with tarps or other dust barriers, as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil-disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District;
 - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;
 - j. Wheel washers or other devices should be installed to control tracking of mud and dirt onto adjacent roadways where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
 - k. Streets should be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible; and
 - l. The applicant shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period, and to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Engineering & Compliance Division prior to the start of any grading, site disturbance, or demolition.
45. **AQ-3. Prior to issuance of a construction permit or initiation of grading or other ground-disturbing activities**, whichever occurs first, the applicant shall prepare a Dust and Air Quality Plan that shall include, at a minimum, the following components:

- a. A mitigation plan for continuing dust control from the property frontage to the nearest County of San Luis Obispo-maintained road. The plan may be modified to adjust for changed conditions or to improve the effectiveness of the dust-reducing technology. The plan and all modifications to the plan are subject to review and approval by the Review Authority.

- b. Evidence of road maintenance provided by the County of San Luis Obispo, State of California, special district, homeowners association, or other organized maintenance, such as a road maintenance agreement.
- c. An agreement, to support and not protest; the formation of an assessment district; or the creation of another funding mechanism. The consenting person(s) retains all due process rights as to any term or condition that was unknown at the time of application approval. The consenting person(s) may contest the specific proportionality.
- d. The Dust and Air Quality Plan shall be submitted to the County of San Luis Obispo Planning and Building Department for review and approval. All measures identified in the final approved Dust and Air Quality Plan shall be adhered to for the life of the project.

Water Quality

46. **WQ-1. Prior to initiation of construction or grading,** the project site boundaries, access routes, and staging areas should be clearly flagged so that contractors are aware of the limits of allowable site access and disturbance. Equipment access should not occur during wet weather or when access would cause ruts or soil compaction due to saturated soil conditions. A County of San Luis Obispo-approved qualified biologist shall coordinate with the project contractors to install construction delineation fencing to protect unimpacted oak trees from accidental disturbance, prior to site disturbance. Prior to site disturbance, the County of San Luis Obispo-approved qualified biologist shall provide sufficient evidence to the County of San Luis Obispo that protective fencing has been installed.
47. **WQ-2. Prior to initiation of construction or grading,** the applicant shall prepare an Erosion Control and Sedimentation Control Plan. The plan shall address both temporary and permanent measures to control erosion and reduce sedimentation. Erosion and soil protection measures shall be provided on all disturbed soil areas prior to the onset of the rainy season (October 15). Project plans shall show that sedimentation and erosion control measures must be installed per the engineer's requirements. The plan should include specific Best Management Practices to minimize impacts to adjacent native habitats (e.g., washing of equipment should occur only in designated areas where polluted water and materials can be contained for subsequent removal from the site). Washing of equipment and tools should not be allowed in any location where the tainted water could leave the work area. Best Management Practices for dust abatement shall also be included.
48. **WQ-4. Prior to initiation of construction or grading,** grading on-site should be scheduled outside of the rainy season (October 15 through April 15). If grading is proposed during the rainy season, such activities must be authorized under relevant provisions of the County of San Luis Obispo's Grading Ordinance and must follow an approved Erosion and Sedimentation Control Plan (BIO-15).
49. **WQ-5. Prior to issuance of a construction permit or establishment of proposes uses,** all applicants for cannabis related activities within the Paso Robles Groundwater Basin shall provide to the County of San Luis Obispo Department of Planning and Building for review and approval a Water Conservation Plan with a package of measures that, when implemented, will achieve the water demand offset required by Land Use Ordinance Sections 22.40.050 D. 5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). The Water Conservation Plan shall include the following:

- a. The quantification of water demand expressed in total acre-feet per year, consistent with the Water Management Plan required by Land Use Ordinance Sections 22.40.050 C. 1 and 22.40.060 C.1.
 - b. A program for achieving a water demand offset of the quantified water demand as required by Land Use Ordinance Sections 22.40.050.D.5, 22.40.060 D.5, and 22.94.025 F and Building Ordinance Section 19.07.042 (4). Such a program may include, but is not limited to, the following:
 - i. The permanent installation of water facilities and/or infrastructure to improve the efficient use of water on existing irrigated agricultural lands within the basin. Such improvements shall be accompanied by an audit of existing agricultural water demand prepared by an Agricultural Engineer, or other licensed engineer or qualified professional as approved by the Director of Planning and Building. Water efficiency improvements may include, but are not limited to, the following:
 - 1. Drip irrigation.
 - 2. Smart controllers. Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapotranspiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
 - 3. Installation of float valves on water tanks to prevent tanks from overflowing.
 - 4. Converting from using overhead sprinklers to wind machines for frost protection. [Note: The installation of wind machines shall be included in the project description for cannabis activities and subject to environmental review.]
 - 5. Installation of rainwater catchment systems to reduce demand on groundwater. [Note: The installation of rainwater catchment facilities shall be included in the project description for cannabis activities and subject to environmental review.]
 - ii. Participation in an approved water conservation program within the Paso Robles Groundwater Basin that is verifiable, results in a permanent reduction of water demand equal to, or exceeding, the required water demand offset, and has been subject to environmental review.
 - iii. Any combination of the above or other qualifying strategies or programs that would achieve the required water demand offset.
 - c. The water demand offset documented by the Water Conservation Plan shall be verifiable and permanent, and shall not result in adverse environmental effects beyond those assessed by the California Environmental Quality Act compliance document for the proposed cannabis project.
50. **WQ-6. Prior to initiation of construction or establishment of proposed uses**, the applicant shall provide to the County of San Luis Obispo Department of Planning and Building for review, evidence that the water efficiency improvements associated with the

approved Water Conservation Program remain in full effect and are continuing to achieve the required water demand offset associated with the approved cannabis activities.

CONDITIONS TO BE COMPLETED PRIOR TO OCCUPANCY OR FINAL BUILDING INSPECTION / ESTABLISHMENT OF THE USE

51. **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.
52. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the County of San Luis Obispo Planning and Building Department to have the site inspected for compliance with the conditions of this approval.
53. **Prior to occupancy or final inspection**, the applicant shall obtain final inspection and approval from County of San Luis Obispo Fire/CAL FIRE of all required fire and life safety measures, including, but not limited to:
 - a. A Registered Fire Protection Engineer is required to design and approve of the required commercial fire sprinkler system(s), water storage system, underground piping, proposed fire hydrants, and fire pump. A comprehensive written technical analysis of all fire suppression system related components is required and must be provided to County of San Luis Obispo Fire/CAL FIRE prior to building permit application.
 - b. The following structures require the installation of a properly designed commercial fire sprinkler system: the existing "Ag. Exempt" Barn, the proposed Ag. Barn and the proposed 8,000-square-foot Propagation Building.
 - c. All proposed and existing greenhouse/hoop structures must be reviewed and approved by the County of San Luis Obispo Planning and Building Department and County of San Luis Obispo Fire/CAL FIRE. Occupancy of these greenhouse/hoop structures must meet all relative minimum requirements set forth within the 2016 California Building Code/California Fire Code. If these provisions are satisfied, fire sprinklers will not be required within the greenhouses and hoop structures.
 - d. Vehicular Access. The existing "dirt road" must be improved to provide a minimum edge to edge all-weather driving surface of no less than 20 feet wide. All portions exceeding a 12% grade must be paved and no portion shall exceed a 16% grade.
 - e. Water Storage. "Poly" and/or plastic-style water storage tanks shall not be allowed. Multiple or "daisy-chained" tanks are not allowed to be utilized to provide water held in storage dedicated to fire suppression purposes. The Registered Fire Protection Engineer shall determine the amount of water required to be held in storage dedicated to fire suppression purposes.
 - f. Fire Pump/Hydrants. If supported by the Registered Fire Protection Engineer, non-pressurized fire hydrants shall be allowed. Fire hydrants shall be placed in compliance with relative code(s) and must provide two 2-1/2 inch male connections and one 4-inch male connection. All connections must be National Standard threads.
 - g. Alarms/Detection. The required fire sprinkler system(s) shall be monitored in accordance with all relative standards set forth within National Fire Protection Association Standards 13 and 72. A properly designed and installed heat/smoke

detection system may be required within the Propagation Building. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels, temperatures, critical air pressures, and water-flow switches on all sprinkler systems shall be electrically monitored for integrity and to ensure valves are locked in the open position. Monitoring shall be provided by a central station listed by Underwriters Laboratories for receiving fire alarms.

- h. Occupancy Classification. An occupancy classification change to any existing structure located on-site shall require the installation of an appropriately designed and installed commercial fire sprinkler system.
 - i. Emergency Access. A Knox Corporation key switch shall be installed on all electric vehicular gates and rapid-entry Knox boxes shall be attached to commercial structures (where required and agreed upon). The Knox boxes shall be located where approved by County of San Luis Obispo Fire.
 - j. Addressing. Address numbers and placement shall meet current commercial standards. The minimum address numbering size of 8-inch tall numbers with a 1/2-inch stroke shall be placed at the entrance to the proposed project. Numbering shall contrast to their background. Building identification may be required due to the size of the proposed project. Proper signage shall be required on-site in order to properly identify access and egress routes.
54. **HAZ-4. Prior to occupancy or final inspection**, the applicant shall establish a fire clearance area of 30 feet around all existing and proposed structures including greenhouses, hoop houses, barns, and fences. If any blue oak trees occur within this 30-foot clearance area, the applicant shall retain a certified arborist to perform trimming on these trees as necessary to reduce fire risk, including removal of any limbs that are within 10 feet of existing and/or proposed structures. All leaves, needles, or dead growth shall be removed from all rooftops within the project site. The applicant shall maintain all fire clearances throughout the life of the project.
55. **WQ-3. Prior to establishment of the use**, the applicant shall apply the following native seed mix to disturbed soil areas through either direct hand seeding or hydroseeding methods:

Species	Application Rate (lbs/acres)
California brome (<i>Bromus carinatus</i>)	5
Meadow barley (<i>Hordeum brachyantherum</i>)	5
Six weeks fescue (<i>Vulpia microstachys</i>)	10
Nodding needlegrass (<i>Stipa cernua</i>)	3
Tomcat clover (<i>Trifolium waldenovii</i>)	5
Total	28

CONDITIONS REQUIRED TO BE COMPLETED PRIOR TO COMMENCING PERMITTED ACTIVITIES

56. **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.

57. **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.
58. **Prior to commencing permitted activities**, the applicant shall demonstrate to the County of San Luis Obispo Planning and Building Department how cannabis activities will be physically and adequately separated from vacant areas or other non-cannabis uses on-site. The applicant shall obtain any necessary building permits to create the separation between uses.
59. **Prior to commencing permitted activities**, the applicant shall complete and submit a Hazardous Materials Declaration Flowchart to the Environmental Health Services office.
60. **Prior to commencing permitted activities**, the applicant shall have a water meter installed on any new or existing water source proposed for cannabis activities. Installation of the meter must be performed to the satisfaction of the County of San Luis Obispo Planning and Building Inspector.
61. **Prior to commencing permitted activities**, the applicant shall secure an easement or contract with the County of San Luis Obispo for open space preservation of the areas not intended for development.

ONGOING CONDITIONS FOR THE LIFE OF THE PROJECT

62. **Throughout the life of the project**, to minimize project related traffic impacts in accordance with the project description, the permit is restricted as follows:
 - a. Maximum 43,560 square feet of outdoor cannabis cultivation; and
 - b. Maximum of 22,000 square feet of mixed light (indoor) cultivation.
63. **Throughout the life of the project**, parcels APN 080-041-035, 080-041-037 and 080-041-015 shall remain under common ownership.
64. **Throughout the life of the project**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage, landscaping, agricultural operations, etc., without a valid Encroachment Permit issued by the County of San Luis Obispo Public Works Department.
65. This Land Use Permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the Land Use Permit is considered vested. This Land Use Permit is considered to be vested once a construction permit has been issued and substantial site work has been completed, or pursuant to Land Use Ordinance Section 22.64.090.B, the Director verifies that the use or activity not involving a building or grading permit is occurring on the subject site in compliance with all applicable provisions of the Land Use Ordinance and these Conditions of Approval. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations and construction occurring above grade.
66. **Throughout the life of the project**, all conditions of this approval shall be strictly adhered to, within the time frames specified, and in an ongoing manner for the life of the

project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the County of San Luis Obispo Planning and Building Department. If it is determined that violation(s) of these Conditions of Approval have occurred, or are occurring, this approval may be revoked pursuant to Land Use Ordinance Sections 22.74.160, 22.40.110, and 22.40.120. Revocation may require restoration to pre-existing conditions of areas of disturbance for cannabis-related activities authorized by this permit.

67. **Throughout the life of the project**, and in accordance with the request for a modification from the parking standards set forth in Land Use Ordinance Section 22.18.050.H, the applicant shall maintain no less than 14 parking spaces on-site for the life of the project.
68. **Throughout the life of the project**, the applicant shall post on-site all required Land Use Permit approvals and all required County of San Luis Obispo and State of California 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.
69. **Throughout the life of the project**, the applicant shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations. The County of San Luis Obispo shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County of San Luis Obispo upon request.
70. **Throughout the life of the project**, the applicant shall conduct all cannabis activities in compliance with the approved Operations Plan, as well as all required State of California licenses, laws, and regulations and County of San Luis Obispo permits and ordinances. The applicant shall be responsible for the payment of all required fees and taxes.
71. **Throughout the life of the project**, the cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected off-site so as to not invoke any verified nuisance complaints. 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 off-site. In the event of a verified nuisance complaint, the County of San Luis Obispo may pursue remedial action that may include the reduction or cessation of operations until a revised operations plan is reviewed and approved by the County of San Luis Obispo Planning and Building Department, abatement of the violation pursuant to Land Use Ordinance Section 22.40.130 and permit revocation pursuant to Land Use Ordinance Sections 22.40.110 and 22.40.120.
72. **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.
73. **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.

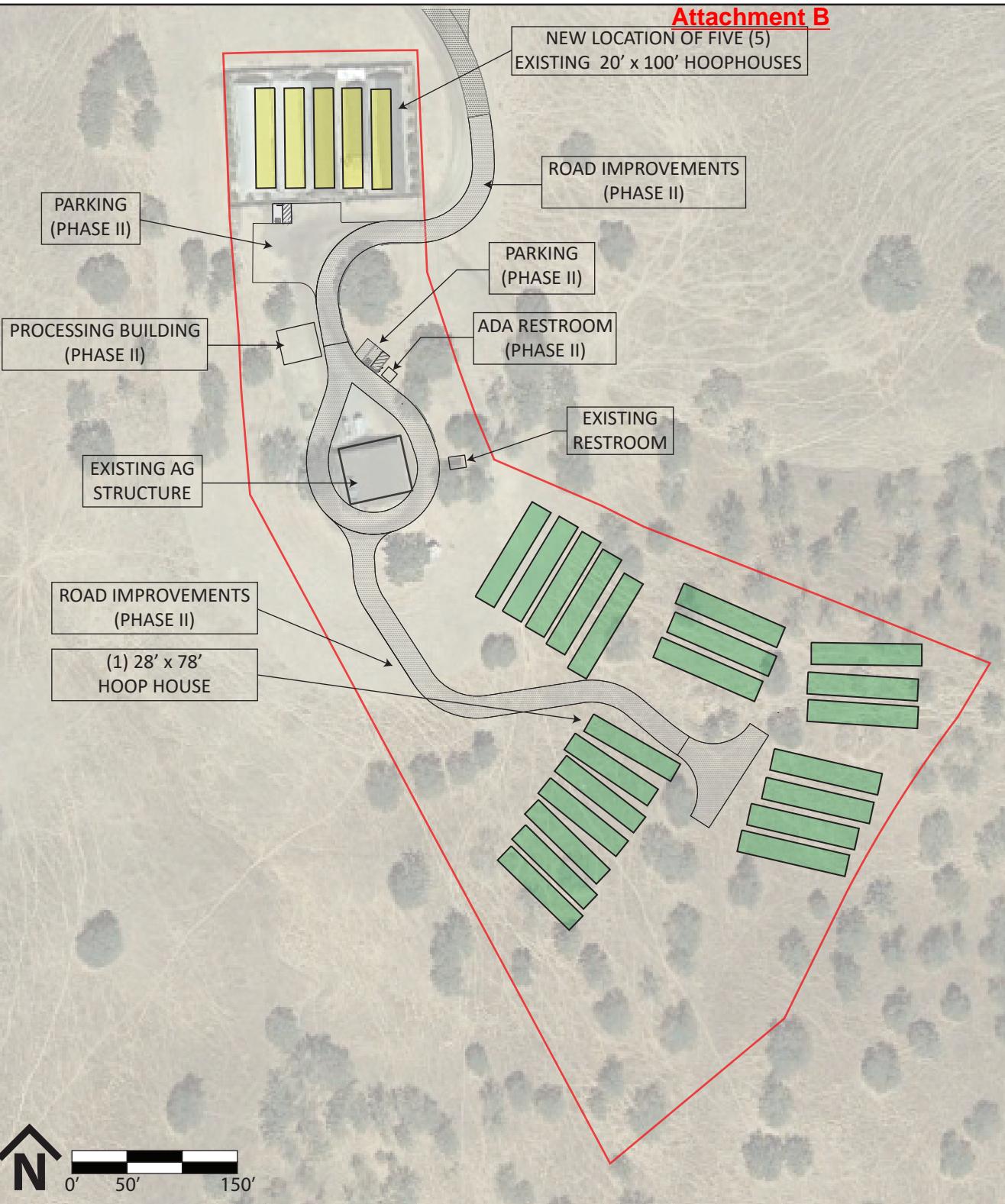
74. **Throughout the life of the project**, solid waste and recycling shall be conducted in accordance with Land Use Ordinance Sections 22.10.150.B and C.
75. **Throughout the life of the project**, immature plants and clones shall only be used for the cultivation on the project site and shall not be sold or transported off-site.
76. **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.
77. **Throughout the life of the project**, no outdoor lighting for the purposes of photosynthesis, or plant manipulation is allowed with this Land Use Permit. Indoor lights shall be screened to not be seen from off-site and consistent with dark-sky standards.
78. **Throughout the life of the project**, the applicant or responsible party designated by the applicant shall maintain daily records of all water used for cannabis activities. The County of San Luis Obispo shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County of San Luis Obispo upon request.
79. **Throughout the life of the project**, the applicant shall meter electricity used for cannabis activities and provide the County of San Luis Obispo Planning and Building Department with quarterly energy usage monitoring reports based on meter readings.
80. **Throughout the life of the project**, cannabis cultivation grading activities shall be consistent with the conservation practices and standards contained in the U.S. Department of Agriculture Natural Resources Conservation Service Field Office Technical Guide. Practices shall not adversely affect slope stability or groundwater recharge and shall prevent off-site drainage and erosion and sedimentation impacts. Erosion and sedimentation control activities shall adhere to the standards in Land Use Ordinance Section 22.52.150C.
81. **Throughout the life of the project**, the property owner(s) shall grant access to the County of San Luis Obispo and its officers, agents, and employees, and any other governmental entities and their respective officers, agents, and employees, to enter onto the subject property to conduct site inspections for the purposes of compliance with this Use Permit. Inspections may occur any day of the week, without prior notice, between the hours of 8:00 a.m. and 6:00 p.m.
82. The project would utilize an existing on-site well located approximately 640 feet northeast of the project site. 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 State Water Resources Control Board.
83. **Throughout the life of the project**, the applicant shall submit to the County of San Luis Obispo Planning and Building Department any proposed changes to the approved Site Plans, Operations Plan, Security Plan, or other plan approved through this Use Permit prior to the proposed change. Changes shall be submitted in writing and must be approved by the County of San Luis Obispo Planning and Building Department prior to the implementation of the proposed changes. Any changes to the approved project, including features identified in the Conditions of Approval stated herein, may require additional environmental analysis and/or revisions to the approved Use Permit that requires review and approval by the appropriate Review Authority.

84. **Throughout the life of the project**, the applicant shall submit to the County of San Luis Obispo Planning and Building Department any changes to the applicant name, business name, business owners, State license status, landowner, or changes in ownership requiring approval from the County of San Luis Obispo Tax Collector's Office or Sheriff's Office prior to the proposed change. Changes shall be submitted in writing and must be approved by the County of San Luis Obispo Planning and Building Department prior to the implementation of the proposed changes.

LAND USE PERMIT EXPIRATION

85. This Minor Use Permit for cannabis cultivation shall expire in 5 years from the approval date. Within a 12-month period prior to expiration, the applicant may request the Minor Use Permit be renewed for an additional 5-year period. Any such request for renewal shall be in writing to the County of San Luis Obispo Planning and Building Department and shall be submitted in conjunction with the appropriate Land Use Permit application. The request for renewal shall be processed with the same type of permit for the original entitlement. If a request for renewal is not requested or not granted, the Minor Use Permit shall be deemed expired.

Attachment B



MODIFIED SITE PLAN DRC2018-00094 - SOUJI FARMS

LEGEND

- Existing Hoop House Locations
- Relocation of Existing Hoop Houses
- Security Fencing

* The new location for the five (5) existing 20' x 100' Hoop Houses is within a pre-disturbed area.

EXISTING & PROPOSED HOOP HOUSE DIMENSIONS

Hoop House Details					
New/ Existing	Size	Quantity	Area	Canopy Area	Walkway Area
Existing	20' x 100'	21	42,000	33,600	8,400
	20' x 78'	1	1,560	1,248	312
New	20' x 100	5	10,000	8,000	2,000
		Total	53,560	42,848	10,712
Walkway Area equals 25% of canopy					

20 x 100' Hoop House Layout			
Row Type	Size	Quantity	Total
Canopy Rows	5' x 100	1	500
	5.5' x 100	2	1100
Walkway Rows	2' x 100	2	400
Total Canopy			1600
Walkway area equals 25% of canopy			

20 x 78' Hoop House Layout			
Row Type	Size	Quantity	Total
Canopy Rows	5' x 78	1	390
	5.5' x 78	2	858
Walkway Rows	2' x 78	2	312
Total Canopy			1248
Walkway area equals 25% of canopy			

