



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

January 20, 2021

Jessica Miller
Kirk Consulting
8830 Morro Road
Atascadero, CA 93422
Via email: jessica@kirk-consulting.net

Subject: DRC2020-00228 – Modification to Land Use Permit Application (Substantial Conformance) for Conditional Use Permit DRC2019-00087 and Modification DRC2020-00020 (Nipomo AG LLC)

The County Planning and Building Department has reviewed the substantial conformance request for Conditional Use Permit DRC2019-00087 (Nipomo AG LLC). Based on the information provided and the County's review of the approved project on September 12, 2019 and subsequent approval of Modification DRC2020-00020 to allow phasing and relocation of the commercial nursery on May 21, 2020, the County has determined that these proposed changes are in substantial conformance with the approved development and County's Land Use Ordinance. A review of the proposed changes and basis for the determination are provided below:

Description of Proposed Changes

1. Alternate proposed activities in Phases 2 & 3 of the previously approved Modification DRC2020-00020 and implement the following modified phasing plan:
 - a. Phase 1 – Greenhouse B4: Upgrades to allow indoor mixed-light cannabis cultivation and indoor cannabis nursery.
 - b. Phase 2 – Greenhouse B3: Upgrades to allow an indoor cannabis nursery.
 - c. Phase 3 – P Building: Updates to allow processing (drying, curing, and trimming).

Substantial Conformance

Subject to all conditions of approval from Conditional Use Permit DRC2019-00087 and special requirements outlined in Modification DRC2020-00020 and below. The proposed modifications are deemed in conformance with Conditional Use Permit DRC2019-00087 and Modification DRC2020-00020. This determination is made pursuant to Land Use Ordinance Section 22.64.050 (Changes to an Approved Project) on the basis that the proposed modifications would not result

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in an increased impact to the project or require modification to the conditions of approval associated with DRC2019-00087 or special requirements of DRC2020-00020.

Special Requirements

The proposed modifications shall comply with the original conditions of approval from Conditional Use Permit DRC2019-00087 and all special requirements outlined in Modification DRC2020-00020 and below:

1. **At the time of application for a construction permit**, all conditions of approval associated with DRC2019-00087 and approval letters for Modification DRC2020-00020 and this request shall be printed on the projects plans.

If you have any questions concerning these requirements, please contact me at ehughes@co.slo.ca.us or at (805) 781-1591.

Sincerely,



Eric Hughes, Project Manager



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

June 18, 2021

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

Subject: DRC2021-00074 – Modification to Land Use Permit Application (Substantial Conformance) for Conditional Use Permit DRC2019-00087 (Nipomo AG, LLC) and Modifications DRC2020-00020 and DRC2020-00228.

The San Luis Obispo County Department of Planning and Building has reviewed the substantial conformance request for Conditional Use Permit DRC2019-00087 (Nipomo AG, LLC). The project was approved by the Planning Commission on September 12, 2019 and subsequent Modifications to the Land Use Permit (DRC2020-00020 & -00228) were approved on May 21, 2020 and January 20, 2021 to allow for project phasing and relocation of the commercial nursery. Based on the information provided and the County's review of the approved project and its subsequent Modifications, the County has determined that this proposed change is in substantial conformance with the approved development and County's Land Use Ordinance. A review of the proposed change and basis for the determination are provided below:

Description of Proposed Changes

- Use of an engineered odor control system, as described by BMA Mechanical + and incorporated as attachments for reference, in all structures utilized for indoor cannabis cultivation.

Substantial Conformance

Subject to all Conditions of Approval from Conditional Use Permit DRC2019-00087, special requirements outlined in DRC2020-00200 and DRC2020-00228, and below. The proposed modification is deemed in substantial conformance with Conditional Use Permit DRC2019-00087. 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 an increased impact to the project or require modifications to the Conditions of Approval associated with DRC2019-00087.

Special Requirements

The proposed modification shall comply with the original Conditions of Approval from Conditional Use Permit DRC2019-00087, all special requirements outlined in Modifications DRC2020-00020 and DRC2020-00228, and below:

1. At the time of application for a construction permit, all Conditions of Approval associated with DRC2019-00087 and special requirements for Modifications DRC2020-00020, DRC2020-00228, and DRC2021-00074 shall be printed on the project plans.
2. 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.

June 18, 2021

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If you have any questions concerning these requirements, please contact me at (805) 781-1591 or ehughes@co.slo.ca.us.

Sincerely,



Eric Hughes, Project Manager

Attachment(s): (1) BMA Mechanical + Memo, dated March 11, 2021.
 (2) Greenhouse Odor Control System Exhibit.



MEMORANDUM

Date: 3/11/21
To: Eric Hughes, Senior Planner – San Luis Obispo County Planning

Project: Nipomo Ag
Agency No.: DRC2019-00087 Nipomo AG
BMA Job No.: 19272.00
Re: Greenhouse Odor Control System

Dear Mr. Hughes,

Per your request, please consider the following comparison between the cannabis odor control system that was presented to the Planning Commission on 9/12/2019 by Todd Statzer (Urban Grow) and what is currently being proposed as the preferred cannabis odor control system by our office.

While there is substantial parity between the two systems under examination – the engineered system being presented for approval represents the application of *best available technology* for sustainable odor control systems in commercial cannabis farming.

Following is a summary description of the system being presented, along with a quantitative comparison between the site-specific *Urban Grow* [vendor] system, and the site-specific *engineered* solution that we are currently seeking approval for. It is our hope that the side-by-side presentation of the relevant information will demonstrate the superiority of the engineered system being presented for approval for odor control at the Nipomo AG facility.

Sincerely,

Brandon Rodgers, PE
Principal Engineer, President

Idea in Brief:

Both the Urban Grow system and the engineered odor control solution are comprised of (3) separate technologies that, when combined, provide a highly effective odor mitigation system. The core technologies being applied are as follows:

<i>Ionization</i>	Ionization safely creates and releases ions into the airstream where they are circulated through the space and bond with VOC (odor causing) particles through a physical process called <i>agglomeration</i> . This process causes VOC particles to cluster with other airborne particles – VOC's, dust, etc... – where they increase in size and become much easier to effectively filter out of the space
<i>99.97% HEPA Filtration</i>	HEPA filters are pleated mechanical air-filters that are designed and engineered to remove 99.97% of airborne particles with a size of 0.3 microns. Both larger and

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ph: 805.544.4269 | www.bmaslo.com



	smaller particles are captured at high efficiency – the 0.3 micron particle size corresponds to the worst case penetrating particle size when testing; the same 0.3 micron particle that passed through the filter in the first pass is very likely to be filtered out in subsequent passes through recirculating filters
<i>Carbon Adsorption Filtration</i>	Carbon adsorption filters <i>capture</i> airborne VOC's through the physical process known as <i>adsorption</i> . Adsorption is the process where molecules are physically attached/bonded to a substrate/surface – combining Carbon filters with ionization increases their effectiveness by increasing the attractive forces that sequester airborne VOC's in the filter's carbon matrix

Proposed System Summary:

The means by which the engineered odor control system will be deployed is as follows:

- 1) Ionizers will be deployed at each of (56) operable roof vents to ensure that all air movement into/out of the greenhouses is ionized/treated
- 2) Ionizers will be deployed at each of (20) greenhouse circulation fans for concentrated delivery of ionized air to the plant canopy level where VOC's are being released by the flowering plants
- 3) Recirculating combination carbon & HEPA filters will be deployed (5) units per house – (20) units total

Refer to MSK-1 & MSK-2 (attached herewith) for floorplan(s) of the system layout.

Differentiating Factors:

- 1) The Element Air/Urban Grow system requires (28) ducted fan enclosures in which their PCO devices are mounted – these fans would be in addition to the existing circulation fans in the greenhouse presently and when mounted overhead stand to cause significant *shading* to the plants below
- 2) The Element Air/Urban Grow system produced by RGF Environmental for ionization is a known ozone generator. The RGF system uses a process known as *photo-catalytic oxidation (PCO)* where UV light at the 254nm wavelength is shown on an oxidizing substrate to generate ions.
- 3) UV lights create ozone – ASHRAE research project RP-1457 was conducted to study the mechanisms and effects of PCO – it was concluded that that the ozone generated and the constituent particles in the ionization plasma was substantially worse than the naturally occurring [airborne] contaminants in the test environment.
- 4) RGF PCO system works by shining UV light on a metal substrate coated with *titanium dioxide*. TiO₂ is a known carcinogen by NIOSH and is known to be especially toxic when inhaled as nano-particles (as is used in the TiO₂ coating for PCO applications). UV lamps can break down the organic binders that hold the oxidative coating to the metal substrate leading to the release of carcinogenic nano-particles into the air.
- 5) The Ionization system being proposed as part of the engineered solution does NOT use UV light or any of the processes/equipment used in the PCO process – instead, carbon fiber brushes are electrically charged, and it is this process that produces such a low concentration of ozone that it is considered an *ozone free* ionization technology. This process is known as *Needle Point, Bi-Polar Ionization* and it allows for significantly higher ion generation rate than PCO with negligible ozone creation, and no serviceable parts for replacement (ie; quartz UV lamps as needed in PCO solutions).
- 6) The Ionization system being proposed does NOT require additional fans, and will NOT result in excessive shading of the plants below

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QUANTITATIVE COMPARISON – IONIZATION SYSTEM:

Control	Element Air/Urban Grow Solution			[Proposed] Engineered Solution		
	Specifications	Qty	As Proposed	Specifications	Qty	As Proposed
Output Per Unit (ions/cc)	<i>Not published</i>	28	unknown	>200,000,000	76 ²	>1.52x10 ¹⁰
Airflow per Unit (cfm)	763 cfm	28	21,364 cfm	3,840 cfm	20 ³	76,800 cfm
Coverage area per unit ¹	-	28	1000 sf/unit	-	76 ²	368 sf/unit
Ionization System Air-changes per hour (control vol. to 17' AFF) ¹	-	-	2.7 ACH	-	-	9.7 ACH
Power Req'd	120-1-60	-	-	24vdc	-	-
Self-Cleaning	No	-	-	Yes	-	-
Digital Display	No	-	-	Yes	-	-
Service Req'd	Yes	56	Bulb replacement every 18k-25 hrs (3 bulbs per unit)	No	-	-
Ozone Output	>300 PPB	56	>16,800 PPB	<5 PPB	84	<420 PPB
UL 2998 / 867 Certified	No	-	-	Yes	-	-
Contains nano-particle metal oxides	Yes	-		No	-	-
Produces Hydrogen Peroxide	Yes	-	-	No	-	-
Potential to produce Formaldehyde	Yes	-	-	No	-	-
Contains Mercury	Yes	-	-	No	-	-
Requires enclosure to avoid direct UV light exposure	Yes	-	-	No	-	

Notes:

1. Assumes 28,000sf of greenhouse
2. Includes (20) ionizers at (e)circulation fans and (56) ionizers at roof-vents
3. Units deployed on (e)circulation fans
4. Urban Grow solution requires all new fans

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QUANTITATIVE COMPARISON – HEPA & CARBON RECIRCULATING SCRUBBING:

Control	Element Air/Urban Grow Solution			[Proposed] Engineered Solution		
	Specifications	Qty	As Proposed	Specifications	Qty	As Proposed
Model	EAM-350	16	-	EAM-675	24	-
Airflow Per Unit	350 cfm	16	5,600 cfm	675 cfm	24	16,200 cfm
Coverage area per unit ¹	-	16	1,750 sf/unit	-	24	1,167 sf/unit
Air-changes per hour (control vol. to 8' AFF) ¹	-	-	1.5 ACH	-	-	4.33 ACH
Power Req'd	120-1-60	-	-	120-1-60	-	-
Electrical Demand	1.0amp	-	-	1.8amp	-	-
Rated Service Life	50,000+ hrs continuous	-	-	50,000+ hrs continuous	-	-

Notes:

1. Assumes 28,000sf of greenhouse

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MECHANICAL ODOR MITIGATION PLAN - IONIZATION SUBSYSTEM

SCALE: 1/16" = 1' - 0"



REFERENCE NOTES

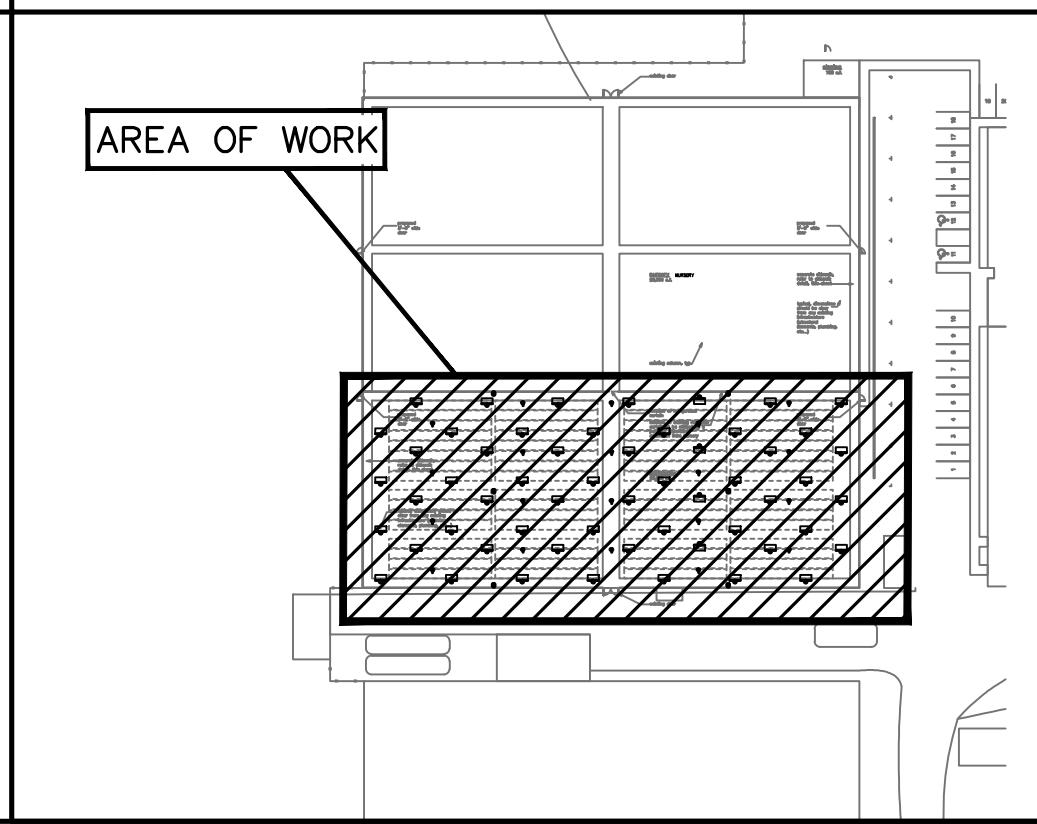
- ① 72"x36" operable roof vent (existing):
 - Vents are computer controlled by ARGUS greenhouse environmental controls system
 - Provide 72" long GPS-iMOD modular ionization bar at roof opening
 - Typ. at all operable roof vents – (14) per house; (56) total
 - Ionization devices shall be enabled whenever roof vents are open

- ② Greenhouse circulation fan (existing) w/ionization:
 - Holland Heater model CAF45
 - Airflow: 3840cfm
 - Provide GPS-FC-24AC auto-cleaning ionization system at fan inlet
 - Ionization devices shall be enabled whenever fans are energized
 - (5) per house typ. – (20) total

- ③ Greenhouse circulation fan (existing):
 - Holland Heater model CAF45
 - Airflow: 3,840cfm
 - Fan provided for circulation function within greenhouse
 - (5) per house typ. – (20) total

- ④ IAQ Monitoring Station:
 - Provide GPS-iMEASURE wall mounted ion meter with audible/visible strobe (trigger measurement to be confirmed)
 - Provide CO2 monitor with audible/visible strobe, set to alarm at 800ppm above ambient conditions

KEY PLAN


PROGRESS PRINT
 NOT FOR CONSTRUCTION


DATE: _____

REVISIONS: _____

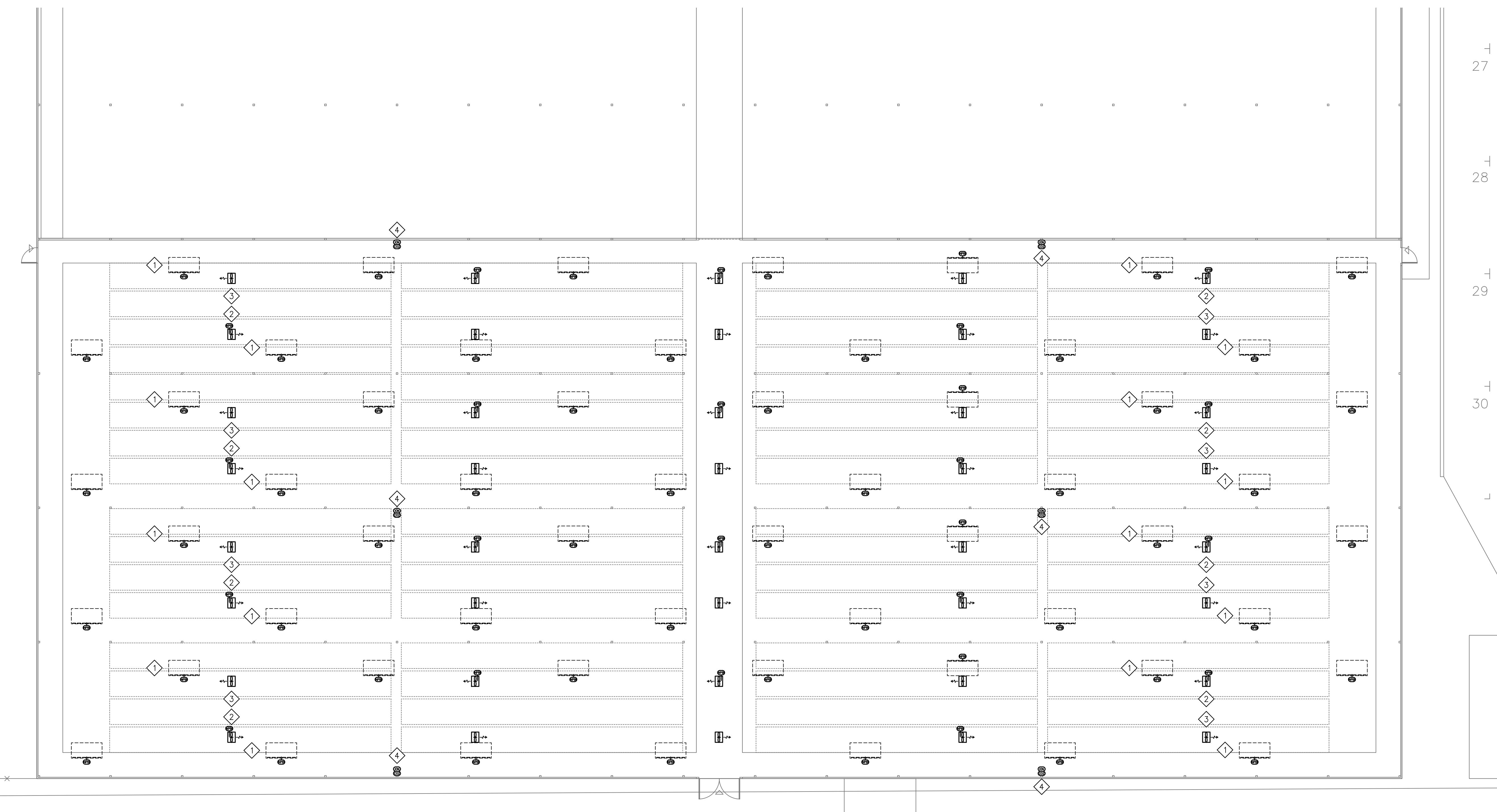
JOB NUMBER: _____

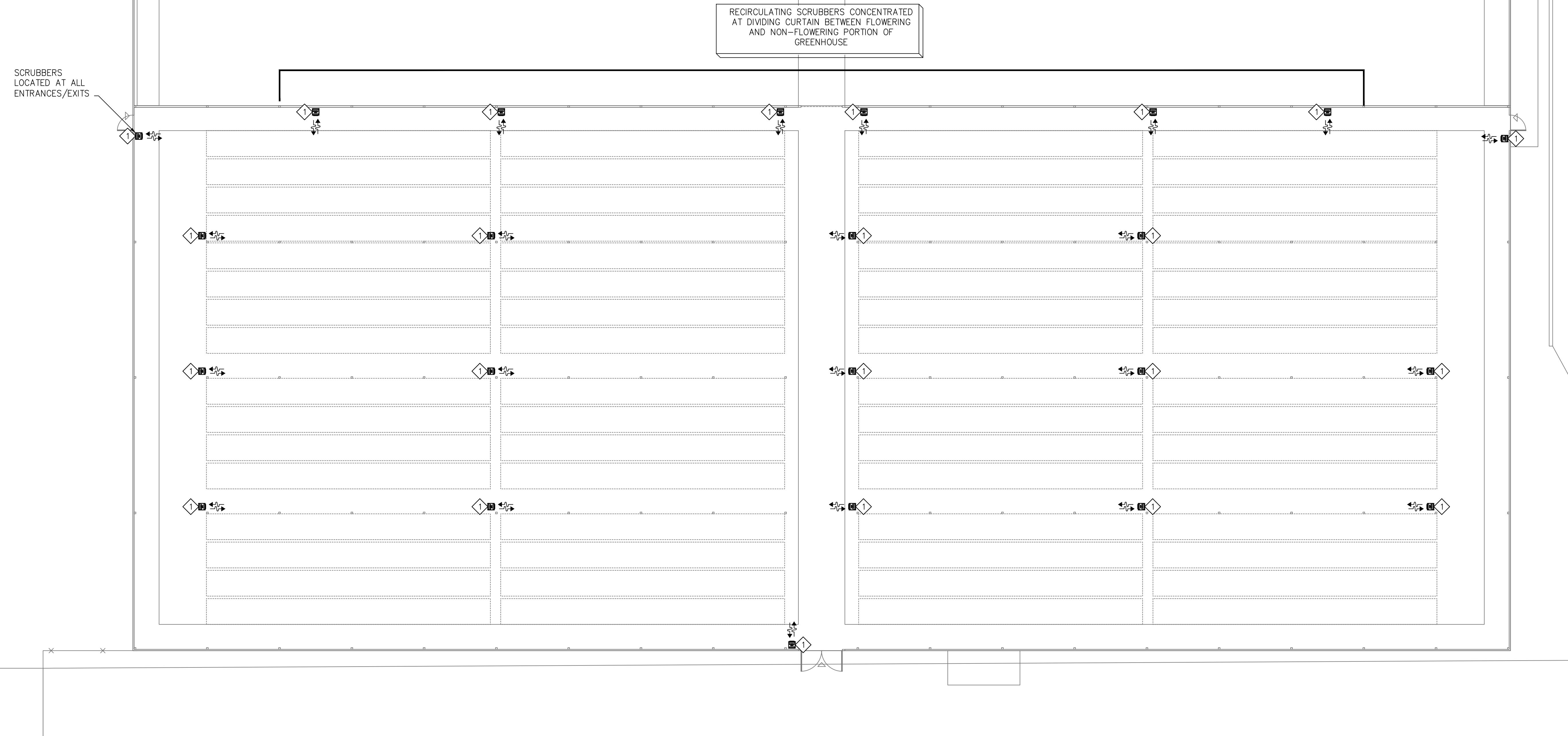
SHEET MSK-1

 PROJECT:
NIPOMO AG
 662 Eucalyptus Road
 Nipomo CA, 93444
 CLIENT:

 SHEET CONTENTS:
MECHANICAL ODOR MITIGATION PLAN

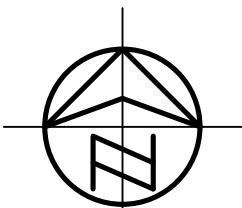
 CONSULTANT:

BMA Mechanical +
 100 Cross Street, Ste 204
 SLO, CA 93401
 OFF: (805) 544-4269
 BMA JOB# 19272.00




MECHANICAL ODOR MITIGATION PLAN - RECIRCULATING ODOR SCRUBBING SUBSYSTEM

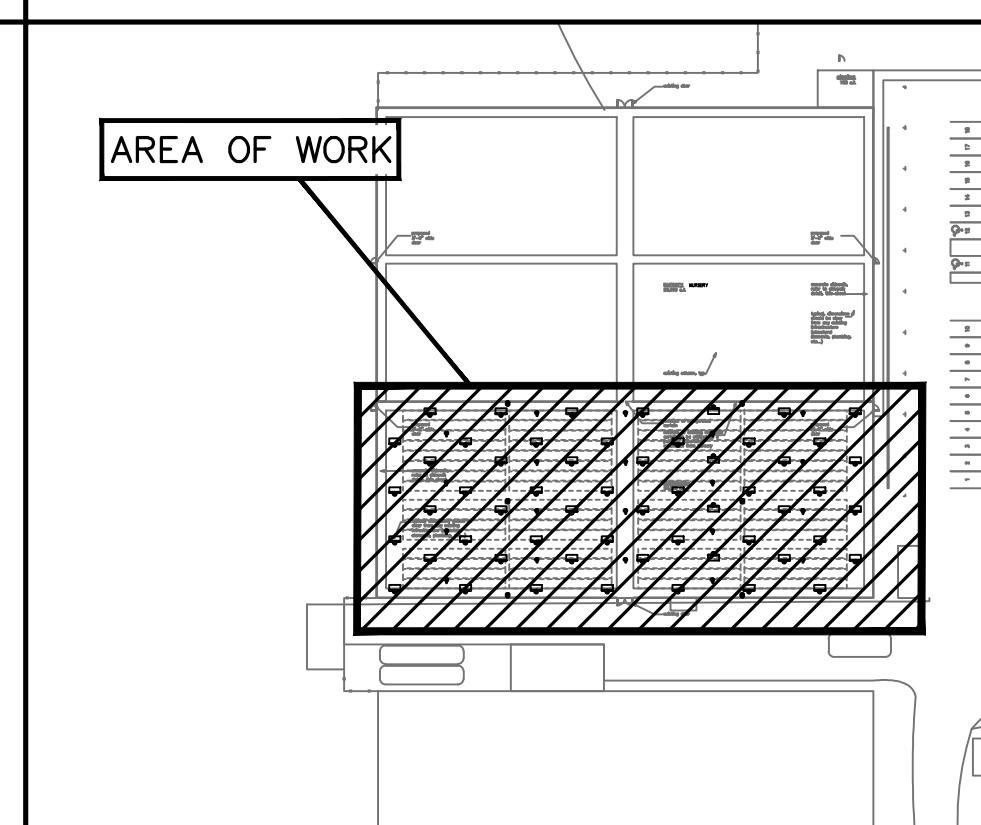
SCALE: 1/16" = 1'-0"



REFERENCE NOTES

- ◆ EAM-675 Recirculating HEPA/Carbon Filter (Provided by owner)
 - Airflow: 675 cfm (non-ducted), 10" collar
 - Provide 120-1-60 power (1.8 amp ea.)
 - Includes: 99.97% HEPA, Carbon Filter, VOC Canister
 - Fan to run continuously during all flowering cycles

KEY PLAN



DATE:

REVISIONS:

JOB NUMBER:

MSK-2

PROJECT:

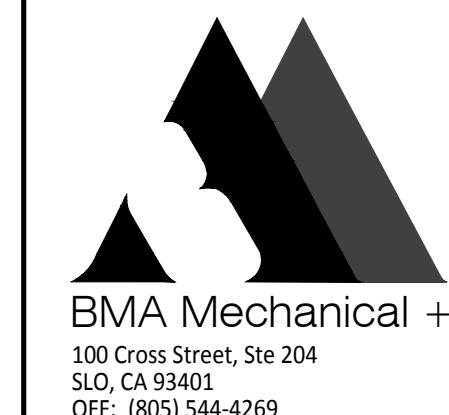
NIPOMO AG

662 Eucalyptus Road
Nipomo CA, 93444

CLIENT:

MECHANICAL ODOR
MITIGATION PLAN

CONSULTANT:



STAMP:

DRC2019-00087 NIPOMO AG
GREENHOUSE ODOR CONTROL SYSTEM EXHIBIT

Step 2

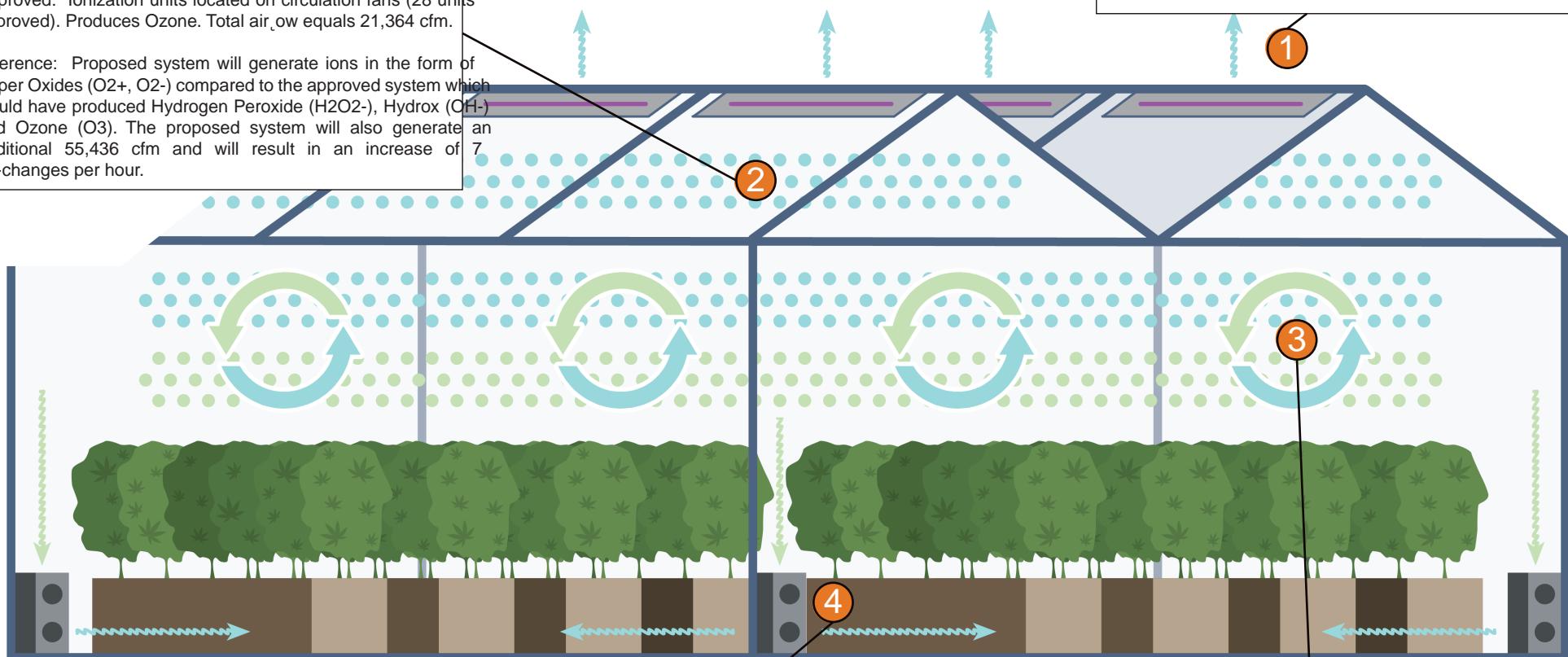
Proposed: Active air purification and ionization units located on circulation fans (20 units proposed). This system will provide a concentrated delivery of ionized air to the plant canopy level where VOC™s are being released by the flowering plants. Total air flow will equal 76,800 cfm (3,840 cfm/unit x 20 units).

Approved: Ionization units located on circulation fans (28 units approved). Produces Ozone. Total air flow equals 21,364 cfm.

Difference: Proposed system will generate ions in the form of Super Oxides (O_2^+ , O_2^-) compared to the approved system which would have produced Hydrogen Peroxide ($H_2O_2^-$), Hydrox (OH^-) and Ozone (O_3). The proposed system will also generate an additional 55,436 cfm and will result in an increase of 7 air-changes per hour.

Proposed: Ionization units located on all vents (56 units total). Creates and releases ions into the air-stream where they are circulated through the space and bond with VOC (odor causing) particles through agglomeration. This process causes VOC particles to cluster with other airborne particles, where they increase in size, become easier to effectively filter, and are drawn to the bottom of the greenhouse where they encounter HEPA Filtration systems and carbon filters (Step 4).

Approved: Ionization units located at the vents were not previously proposed/approved.



Step 4

Proposed: Passive air scrubbing through carbon & HEPA filtration. Mechanical removal of contaminants. 24 Units are proposed, with a total air flow of 16,200 cfm (675 cfm/unit), resulting in 4.33 air-changes per hour.

Approved: Passive air scrubbing through carbon & HEPA filtration. Mechanical removal of contaminants. 16 Units were approved, with a total air flow of 5,600 cfm (350 cfm/unit), resulting in 1.5 air-changes per hour.

Difference: Improved carbon & HEPA filtration technology, an increased air flow of 10,600 cfm and an additional 2.83 air-changes per hour.

Step 3

Proposed: iMEASURE ion meters and CO₂ monitors will be mounted to greenhouse walls and will provide measurements of ions and CO₂ for enhanced control of ambient conditions. Ionized air is circulated to the flowering plants where VOC™s are released, and recirculated through carbon & HEPA filters (Step 4), while scrubbed air from the carbon & HEPA filters are recirculated to the ionizers. Process repeats.

Approved: Circulation of ionized air to (inferior) carbon and HEPA filters (see Step 4).

Difference: No ion meters or CO₂ monitors were proposed/approved.



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

March 13, 2020

Jamie Jones Kirk Consulting
8830 Morro Road
Atascadero, CA 93422
Via email: jamie@kirk-consulting.net

SUBJECT: Modification to Land Use Permit Application (Substantial Conformance) for Conditional Use DRC2019-00087 (Nipomo AG).

Dear Ms. Jones,

The County Planning and Building Department has reviewed the substantial conformance request for Conditional Use DRC2019-00087 (Nipomo AG). Based on the information provided and the County's review of the approved project on September 12, 2019, the County has determined that the proposed changes are in substantial conformance with the approved development and County's Land Use Ordinance.

The applicant will need to meet the conditions of approval associated with each phase. Conditions of approval shall be completed to the satisfaction of the Planning Department. Planning Staff are currently working with other County Departments to determine the applicable conditions of approval for each proposed phase. The County will provide you with a written response once this determination is complete.

Please note, this determination to approve the substantial conformance request does not grant any right to continue cultivation under Nipomo AG's previous CCM Registration (CCM2016-00252). 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 ehughes@co.slo.ca.us or (805) 781-1591.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric Hughes".

Eric Hughes, Project Manager

Cc: Xzandrea Fowler, Environmental Coordinator



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

May 21, 2020

Jamie Jones Kirk Consulting
8830 Morro Road
Atascadero, CA 93422
Via email: jamie@kirk-consulting.net

SUBJECT: DRC2020-00020 - Modification to Land Use Permit Application (Substantial Conformance) for Conditional Use DRC2019-00087 (Nipomo AG).

Dear Ms. Jones,

The County Planning and Building Department has reviewed the substantial conformance request for Conditional Use DRC2019-00087 (Nipomo AG). Based on the information provided and the County's review of the approved project on September 12, 2019, 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 - Greenhouse B4: Upgrades to allow indoor mixed-light cannabis cultivation and indoor cannabis nursery.
 - b. Phase 2 - P Building: Updates to allow processing (drying, curing, and trimming).
 - c. Phase 3 – Greenhouse B3: Upgrades to allow an indoor cannabis nursery.
2. Relocation of Commercial Nursery: Move commercial nursery activities from Greenhouse B1 to Greenhouse B3.

Substantial Conformance

Subject to all conditions of approval from Conditional Use Permit DRC2019-00087 and the special requirements outlined below. The proposed modifications are deemed in conformance with Conditional Use Permit DRC2019-00087. 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 DRC2019-00087's conditions of approval.

Special Requirements:

The proposed modifications shall comply with all original conditions from Conditional Use Permit DRC2019-00087, as well as the following requirements:

1. **Prior to commencing activities**, the applicant shall meet the conditions of approval associated with each phase of Conditional Use Permit DRC2019-00087 as shown in Attachment A.
2. **At the time of application for a construction permit**, this letter and all conditions of approval from Conditional Use Permit DRC2019-00087 shall be printed on the projects plans.

Please note, this determination to approve the substantial conformance request does not grant any right to continue cultivation under Nipomo AG's previous CCM Registration (CCM2016-00252). 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 ehughes@co.slo.ca.us or (805) 781-1591.

Sincerely,



Eric Hughes, Project Manager

Cc: Xzandrea Fowler, Environmental Coordinator

Attachment A – Conditions of Approval Applicable to Project Phases

Phase 1 - Conditions

6 – 22

28 – 29

34-36

Phase 1, 2, 3 - Verification of the following COAs at each proposed phase.

23 – 27

30 – 33

37 - 38

On-going for each Phase.

39 – 50

51 - 59

Attachment A

Requirement	PHASE
1. This approval authorizes cannabis cultivation, commercial and ancillary nursery, and associated supportive development and uses as follows:	
a. 22,000 square feet of indoor mixed-light cultivation of mature plants in Building B4;	
b. 42,794 square feet of indoor mixed-light cannabis nursery within Building B4;	
c. 35,328 square feet of drying area within Building B1;	
d. 35,328 square feet of indoor mixed-light cannabis nursery within Building B1;	
e. Ancillary nursery activities, as defined by LUO Section 22.40.050. B, shall be limited to 25% of the approved cannabis canopy (11,000 square feet);	
f. 11,040 square feet of processing, storage and packing within Building P;	
g. A maximum of 25 daily employees;	
h. Maximum annual water use associated with cannabis activities of 8.3 acre-feet per year.	
i. A maximum of 3.0 PM peak hour motor vehicle trips.	
2. This Conditional Use Permit authorizes the modification of the parking requirements set forth in Section 22.18.050.C.1 of the Land Use Ordinance to reduce the required number of spaces from 256 to 30.	
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). Cannabis manufacturing or the processing of manufactured 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. Wholesale sale of commercial nursery stock may occur in accordance with applicable State regulations and licenses.	
6. 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.	1
7. 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.	1
8. Prior to commencing permitted activities, the applicant shall demonstrate to the Planning and Building Department how cannabis activities will be physically and adequately separated from vacant areas or other non-cannabis uses onsite. The applicant shall obtain any necessary building permits to create the separation between uses.	1
9. Prior to commencing permitted activities, the applicant shall complete and submit a Hazardous Materials Declaration Flowchart to the Environmental Health Services office.	1
10. Prior to commencing permitted activities, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.	1
11. Prior to commencing permitted activities, the applicant shall demonstrate that noise generated by project air conditioning, ventilation and odor management equipment complies with applicable County standards for nighttime noise levels at the property lines. This shall be accomplished by:	
a. Locating the equipment so that the building shields the noise from the nearest property line;	
b. Constructing an acoustical enclosure around the equipment;	
c. Any combination of equipment location and shielding that enables the project to meet the standards.	
12. Prior to issuance of a County Business License, the applicant shall submit evidence of compliance with all requirements of the Central Coast Regional Water Quality Control Board (CCRWQCB).	1
13. 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.	1
14. Prior to issuance of a County Business License, the applicant shall submit evidence that solid waste and recycling collection will be consistent with Sections 22.10.150.B and C of the County Land Use Ordinance.	1
15. Prior to issuance of a County Business License, the applicant shall submit evidence that the project security plan has been reviewed and approved by the County Sheriff as required by Section 22.40.040.D of the County Land Use Ordinance.	1
16. Prior to issuance of a County Business License, and in accordance with Title 13.01 of the County Code, the applicant shall pay to the Department of Public Works the South County Area 1 Road Improvement Fee based on the latest adopted area fee schedule and 3.0 peak hour trips as estimated by the Department of Public Works. The estimated fee is \$15,399 (\$5,133/pt x 3pt). The fee schedule is subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of payment.	1
17. Prior to issuance of a County Business License, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.	1
18. Prior to issuance of a County Business License, the applicant shall obtain an Operator Identification Number (OIN) if required by the Department of Agriculture, prior to any pesticides being used in conjunction with the commercial cultivation of cannabis; "pesticide" is a broad term, which includes insecticides, herbicides, fungicides, rodenticides, etc., as well as organically-approved pesticides.	1
19. Prior to issuance of a County Business License, the applicant shall install proposed fencing as shown on the approved plans. Consistent with the approved plans and the applicant's project description, the fence proposed shall be 6 feet in height and constructed of chain link with barbed wire on top with black privacy screening.	1
20. Prior to issuance of a County Business License, the applicant shall provide evidence to the Planning and Building Department of the removal of 6.44 acres of roses from the site to meet the 1:1 cannabis-related water use offset for the total proposed water use of the onsite cultivation (8.30 acre feet per year) as required by Section 22.94.025.F.	1
21. Prior to issuance of a Business License, the applicant shall be responsible for the timely payment of all fees associated with this approval. Failure to pay fees in a timely manner may result in revocation of the permit.	1
22. Prior to issuance of a Business License, the applicant shall submit evidence to the County Assessor of any leases (ground, greenhouse or otherwise) or production sharing agreement associated with the proposed cannabis activities on the project site.	1
23. 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.	1, 2, 3
24. At the time of application for construction permits, all project conditions shall be clearly printed on the plans and construction documents shall be consistent with the currently-adopted California Codes.	1, 2, 3
25. 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.	1, 2, 3
26. At the time of application for construction permits, the submitted building plan set shall demonstrate consistency with California State Title 24 energy laws.	1, 2, 3
27. 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.	1, 2, 3
28. At the time of application for construction permits, the applicant shall obtain a Fire Safety Plan from Cal Fire prepared by a qualified fire safety engineer. All plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code and those outlined in the letter of October 12, 2018 from Dell Wells, Fire Captain/Inspector.	1
29. At the time of application for construction permits, the applicant shall submit complete drainage plans for review and approval as determined by the Department of Public Works and in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the County Land Use Ordinance.	1
30. At the time of application for construction permits, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120 of the County Land Use Ordinance.	1, 2, 3

**APPROVED
DEVELOPMENT**

Attachment A

31. At the time of application for construction permits, the applicant shall demonstrate that the project construction plans are in conformance with their Stormwater Control Plan.	1, 2, 3
32. 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.	1, 2, 3
33. At the time of application for construction permits, the applicant shall demonstrate whether the project is subject to post-construction stormwater requirements by submitting a Stormwater Control Plan application or Stormwater Post Construction Requirements (PCRs) Waiver Request Form.	
a. The applicant must submit a SWCP for all regulated projects subject to Performance Requirement #2 and above. The SWCP must be prepared by an appropriately licensed professional and submitted to the County for review and approval. Applicants must utilize the County's latest SWCP template.	
b. If post-construction stormwater control measures (SCMs) are proposed, the applicant must submit a draft Stormwater Operations and Maintenance Plan for review by the County. The plan must consist of the following Planning & Building Department forms:	1, 2, 3
i. Structural Control Measure Description (Exhibit B)	
ii. Stormwater System Contact Information	
iii. Stormwater System Plans and Manuals	
c. If applicable, following approval by the County, the applicant shall record with the County Clerk-Recorder the Stormwater Operation and Maintenance Plan and an agreement or provisions in the CCRs for the purpose of documenting on-going and permanent storm drainage control, management, treatment, inspection and reporting.	
Prior to acceptance of the improvements (if applicable), the Stormwater Operations and Maintenance plan and General Notice must be updated to reflect as-built changes, approved by the County, and re-recorded with the County Clerk-Recorder as amendments to the original document.	
34. At the time of application for construction permits, the applicant shall submit evidence to Building and Safety staff that there is adequate water to serve the proposal, on the site.	1
35. 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.	1
36. Prior to issuance of a construction permit, the applicant shall pay all applicable school and public facilities fees.	1
37. 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.	1, 2, 3
38. Prior to occupancy of any structure associated with this approval, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.	1, 2, 3
39. Throughout the life of the project, to minimize project related traffic impacts in accordance with the project description, the permit is restricted as follows:	ON-GOING FOR EACH PHASE
a. 22,000 square feet of indoor mixed-light cultivation;	
b. 78,122 square feet of indoor mixed-light cannabis nursery;	
c. 35,328 square feet of drying area;	
d. 11,040 square feet of processing, storage and packing;	
e. A maximum of 25 daily employees;	
f. A maximum of 3.0 PM peak hour motor vehicle trips.	
40. 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 Department of Public Works.	ON-GOING FOR EACH PHASE
41. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to County Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed, or pursuant to Land Use Ordinance Section 22.64.090.B, the Director verifies that the use or activity not involving a building or grading permit is occurring on the subject site in compliance with all applicable provisions of the Land Use Ordinance and these conditions of approval. Substantial site work is defined by County Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.	ON-GOING FOR EACH PHASE
43. Throughout the life of the project and in accordance with the request for a modification from the parking standards set forth in Section 22.18.050.C.1, the applicant shall maintain no less than 30 parking spaces on site for the life of the project.	ON-GOING FOR EACH PHASE
44. Throughout the life of the project, the applicant shall post on site all required land use permit approvals and all required County and State permits and licenses required to operate. Such posting shall be in a central location, visible to the visitors, at the operating site, and in all vehicles that deliver or transport cannabis.	ON-GOING FOR EACH PHASE
46. Throughout the life of the project, the applicant shall conduct all cannabis activities in compliance with the approved Operations Plan, as well as all required County permits, State licenses, County ordinance, and State law and regulation. The applicant shall be responsible for the payment of all required fees and taxes.	ON-GOING FOR EACH PHASE
47. Upon adoption of the County of San Luis Obispo Cannabis Monitoring Program, the applicant shall enter the program within (90) days of adoption. Any associated fees shall be paid to the County of San Luis Obispo.	ON-GOING FOR EACH PHASE
48. Throughout the life of the project the cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite so as 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 offsite. In the event of a verified nuisance complaint, the County may pursue remedial action that may include the reduction or cessation of operations until a revised operations plan is reviewed and approved by the Department of Planning and Building, abatement of the violation pursuant to Land Use Ordinance Section 22.40.130 and permit revocation pursuant to Land Use Ordinance Sections 22.40.110 and 120.	ON-GOING FOR EACH PHASE
49. 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.	ON-GOING FOR EACH PHASE
50. 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.	ON-GOING FOR EACH PHASE
51. Throughout the life of the project, solid waste and recycling shall be conducted in accordance with LUO Sections 22.10.150 B. and C.	ON-GOING FOR EACH PHASE
52. 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.	ON-GOING FOR EACH PHASE
53. Throughout the life of the project, no outdoor lighting for the purposes of photosynthesis, or plant manipulation is allowed with this land use permit. Indoor lights shall be screened to not be seen from off-site and consistent with dark-sky standards.	ON-GOING FOR EACH PHASE
54. Throughout the life of the project, the applicant shall meter water used for cannabis activities and provide the Department of Planning and Building with quarterly water usage monitoring reports based on meter readings.	ON-GOING FOR EACH PHASE
55. Throughout the life of the project, the applicant shall meter electricity used for cannabis activities and provide the Department of Planning and Building with quarterly energy usage monitoring reports based on meter readings.	ON-GOING FOR EACH PHASE
56. Throughout the life of the project cannabis cultivation grading activities shall be consistent with the conservation practices and standards contained in the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG). Practices shall not adversely affect slope stability or groundwater recharge and shall prevent off-site drainage and erosion and sedimentation impacts. Erosion and sedimentation control activities shall adhere to the standards in Section 22.52.150C of the Land Use Ordinance.	ON-GOING FOR EACH PHASE
57. The project would utilize an existing onsite well located to the west of Building 4. If at any point in time this well serves 25 or more of the same individuals at least 6 months of the year, including all full time employees, a public water system permit is required to be obtained from the California State Water Resources Control Board (Water Board).	ON-GOING FOR EACH PHASE
58. This Conditional Use Permit for cannabis cultivation and nursery shall expire in five years from the approval date. Within a twelve (12) month period prior to expiration, the applicant may request the Conditional Use Permit be renewed for an additional five-year period. Any such request for renewal shall be in writing to the Department of Planning and Building and shall be submitted in conjunction with the appropriate land use permit application. The request for renewal shall be processed with the same type of permit for the original entitlement. If a request for renewal is not requested or not granted, the Minor Use Permit shall be deemed expired.	ON-GOING FOR EACH PHASE



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

October 4, 2019

Nipomo Ag
11705 Ventura Blvd
Studio City, CA 91604

Kirk Consulting
Attn: Jamie Jones
8830 Atascadero Rd
Atascadero, CA 93422

SUBJECT: Corrected Notice of Final Action, Conditional Use Permit DRC2019-00087

On September 12, 2019 the County Planning Commission approved your application based on the approved Findings and subject to the approved Conditions, both attached. The attached Conditions indicate the revised Condition 48 as per the changes made at the Planning Commission on September 12, 2019. Please destroy the previously mailed findings and conditions and note that the Resolution mailed to you on September 13th, 2019 still stands and remains in effect.

The appeal period for this hearing has since expired and no appeals have been filed

Sincerely,

A handwritten signature in blue ink that reads "R. Hedges".

Ramona Hedges
Planning Commission Secretary
County of San Luis Obispo
Department of Planning & Building

PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, September 12, 2019

PRESENT: Commissioners James Harrison, Don Campbell, Jay Brown, and Dawn Ortiz-Legg, and Chairman Multari

ABSENT: None

PLANNING COMMISSION RESOLUTION NO. 2019 - 033
RESOLUTION RELATIVE TO THE GRANTING
OF A
CONDITIONAL USE PERMIT

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did, on the 12th day of September 2019, grant a Conditional Use Permit to NIPOMO AG LLC and approve the General Rule Exemption. The site is in the Agriculture land use category and is located at 662 Eucalyptus Rd, west of the Nipomo Urban Reserve Line, the South County Planning Area. Assessor Parcel Number(s) / APN(s): 091-311-032.

WHEREAS, the Planning Commission, after considering the facts relating to such application, approves this Permit based on the Findings listed in Exhibit A.

WHEREAS, the Planning Commission, after considering the facts relating to such application, approves this Permit subject to the Conditions listed in Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 12th day of September, 2019, does hereby grant the aforesaid Permit No. DRC2019-00087.

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/Coastal Zone Ordinance Section 22.64.070/23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance/Coastal Zone Ordinance Section 22.64.080/23.02.042.

If the use authorized by this Permit approval, once established, remains vacant and unused for its authorized purpose, or is abandoned or discontinued for a period greater than 12 consecutive months, such Permit approval shall become void.

On motion of Commissioner Harrison, seconded by Commissioner Ortiz-Legg, and on the following roll call vote, to-wit:

a

AYES: Commissioners Harrison, Ortiz-Legg, Brown, and Chairman Multari

NOES: Commissioner Campbell

ABSENT: None

the foregoing resolution is hereby adopted.

the foregoing resolution is hereby adopted.

/s/ Michael Multari
Chairperson of the Planning Commission

ATTEST:

/s/ Ramona Hedges
Secretary, Planning Commission

FINDINGS - EXHIBIT A
CONDITIONAL USE PERMIT DRC2019-00087 / NIPOMO AG LLC

Environmental Determination

- A. Also to be considered is the environmental determination that the project is categorically exempt under CEQA, pursuant to CEQA Guidelines Section 15061(b)(2). A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062. The project qualifies for a Categorical Exemption for Class 1 as set forth in the CEQA Guidelines because it involves the operation and permitting of an existing private structure and facilities involving negligible expansion of use beyond that which was existing. The project does not involve any site disturbance and is not located in a sensitive environment, will not have a cumulative impact, will not have a significant effect due to unusual circumstances, will not damage scenic resources, is not located on a hazardous waste site, and will not affect any historical resources.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because cannabis cultivation and cannabis nursery, as Cannabis Activities, are allowed land uses and, as conditioned, are consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed cannabis cultivation does not generate activity that presents a potential threat to the surrounding property or buildings, water use would be minimized and actual usage shall be monitored, energy usage shall be monitored, security fencing shall be installed, pesticide use must comply with County Agriculture Department regulations, State water quality regulations shall be met, solid waste shall be properly disposed of, and nuisance odor shall be controlled. This project is subject to Land Use Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed cannabis activities would occur within existing buildings, cannabis would not be visible from offsite, and nuisance odors would not be detectable from offsite.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project. The project is accessed from Eucalyptus Road. The project is anticipated to generate 30 average daily trips and 3.0 afternoon peak hour trips. The increased ADT will not reduce the Level of Service of roads and intersections serving the project. The project is conditioned to pay the Public Works Department the South County Area 1 Road Improvement Fee based on the latest adopted fee schedule.

Adjustments

- G. Modification of parking standards required by Land Use Ordinance Section 22.18.050.C.1 is justified because the maximum number of daily employees would be limited to 25. As such, the use does not necessitate one parking space per 500 square feet of cultivation activities floor area or one parking space per 1,000 square feet of processing area (or 256 total parking spaces) as required for Nursery Specialties and Ag processing. Reduced parking serving 30 spaces onsite will be adequate to accommodate all parking needs generated by the use and no traffic problems will result from the proposed modification of parking standards.

Cannabis Cultivation

- H. The cannabis cultivation, as proposed, will comply with all the requirements of the State and County for the cultivation of cannabis, including dual licensure and participation in an authorized track-and-trace program.
- I. The cannabis cultivation will not be located within one thousand (1,000) feet 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.
- J. The cannabis cultivation includes adequate measures that minimize use of water for cannabis cultivation at the site.
- K. The cannabis cultivation includes adequate quality control measures to ensure cannabis cultivated at the site meets State regulatory standards.
- L. The cannabis cultivation includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed or unpermitted persons within the State and not distributed out of state.

Cannabis Nursery

- M. The proposed nursery, as proposed, will comply with all the requirements of State and County for the propagation of cannabis, including dual licensure and participate in an authorized trace and trace program.
- N. The cannabis nursery will not be located within one thousand (1,000) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility.
- O. The cannabis nursery includes adequate measures that minimize use of water for cannabis propagation at the site.
- P. The cannabis nursery includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed or unpermitted persons within the State and not distributed out of state.

Code Violations

- Q. The proposed project or use will not contribute to repeat violation on the site. The subject site is in compliance with all laws, rules, and regulations pertaining to land uses, building and construction, health and safety, and any other applicable provisions of this Title, and such violation processing fees have been paid.

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT DRC2019-00087 / NIPOMO AG LLC

Approved Development

1. This approval authorizes cannabis cultivation, commercial and ancillary nursery, and associated supportive development and uses as follows:
 - a. 22,000 square feet of indoor mixed-light cultivation of mature plants in Building B4;
 - b. 42,794 square feet of indoor mixed-light cannabis nursery within Building B4;
 - c. 35,328 square feet of drying area within Building B1;
 - d. 35,328 square feet of indoor mixed-light cannabis nursery within Building B1;
 - e. Ancillary nursery activities, as defined by LUO Section 22.40.050. B, shall be limited to 25% of the approved cannabis canopy (11,000 square feet);
 - f. 11,040 square feet of processing, storage and packing within Building P;
 - g. A maximum of 25 daily employees;
 - h. Maximum annual water use associated with cannabis activities of 8.3 acre-feet per year.
 - i. A maximum of 3.0 PM peak hour motor vehicle trips.
2. This Conditional Use Permit authorizes the modification of the parking requirements set forth in Section 22.18.050.C.1 of the Land Use Ordinance to reduce the required number of spaces from 256 to 30.
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). Cannabis manufacturing or the processing of manufactured 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. Wholesale sale of commercial nursery stock may occur in accordance with applicable State regulations and licenses.

Conditions required to be completed prior to commencing permitted activities

6. **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.

7. **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.
8. **Prior to commencing permitted activities**, the applicant shall demonstrate to the Planning and Building Department how cannabis activities will be physically and adequately separated from vacant areas or other non-cannabis uses onsite. The applicant shall obtain any necessary building permits to create the separation between uses.
9. **Prior to commencing permitted activities**, the applicant shall complete and submit a Hazardous Materials Declaration Flowchart to the Environmental Health Services office.
10. **Prior to commencing permitted activities**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
11. **Prior to commencing permitted activities**, the applicant shall demonstrate that noise generated by project air conditioning, ventilation and odor management equipment complies with applicable County standards for nighttime noise levels at the property lines. This shall be accomplished by:
 - a. Locating the equipment so that the building shields the noise from the nearest property line;
 - b. Constructing an acoustical enclosure around the equipment;
 - c. Any combination of equipment location and shielding that enables the project to meet the standards.

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

12. **Prior to issuance of a County Business License**, the applicant shall submit evidence of compliance with all requirements of the Central Coast Regional Water Quality Control Board (CCRWQCB).
13. **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.
14. **Prior to issuance of a County Business License**, the applicant shall submit evidence that solid waste and recycling collection will be consistent with Sections 22.10.150.B and C of the County Land Use Ordinance.
15. **Prior to issuance of a County Business License**, the applicant shall submit evidence that the project security plan has been reviewed and approved by the County Sheriff as required by Section 22.40.040.D of the County Land Use Ordinance.
16. **Prior to issuance of a County Business License**, and in accordance with Title 13.01 of the County Code, the applicant shall pay to the Department of Public Works the South County Area 1 Road Improvement Fee based on the latest adopted area fee schedule and 3.0 peak hour trips as estimated by the Department of Public Works. The estimated

fee is \$15,399 (\$5,133/pht x 3pht). The fee schedule is subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of payment.

17. **Prior to issuance of a County Business License**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
18. **Prior to issuance of a County Business License**, the applicant shall obtain an Operator Identification Number (OIN) if required by the Department of Agriculture, prior to any pesticides being used in conjunction with the commercial cultivation of cannabis; "pesticide" is a broad term, which includes insecticides, herbicides, fungicides, rodenticides, etc., as well as organically-approved pesticides.
19. **Prior to issuance of a County Business License**, the applicant shall install proposed fencing as shown on the approved plans. Consistent with the approved plans and the applicant's project description, the fence proposed shall be 6 feet in height and constructed of chain link with barbed wire on top with black privacy screening.
20. **Prior to issuance of a County Business License**, the applicant shall provide evidence to the Planning and Building Department of the removal of 6.44 acres of roses from the site to meet the 1:1 cannabis-related water use offset for the total proposed water use of the onsite cultivation (8.30 acre feet per year) as required by Section 22.94.025.F.
21. **Prior to issuance of a Business License**, the applicant shall be responsible for the timely payment of all fees associated with this approval. Failure to pay fees in a timely manner may result in revocation of the permit.
22. **Prior to issuance of a Business License**, the applicant shall submit evidence to the County Assessor of any leases (ground, greenhouse or otherwise) or production sharing agreement associated with the proposed cannabis activities on the project site.

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

Site Development

23. **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.
24. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans and construction documents shall be consistent with the currently-adopted California Codes.
25. **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.
26. **At the time of application for construction permits**, the submitted building plan set shall demonstrate consistency with California State Title 24 energy laws.

27. **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

28. **At the time of application for construction permits**, the applicant shall obtain a Fire Safety Plan from Cal Fire prepared by a qualified fire safety engineer. All plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code and those outlined in the letter of October 12, 2018 from Dell Wells, Fire Captain/Inspector.

Drainage

29. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval as determined by the Department of Public Works and in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the County Land Use Ordinance.
30. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120 of the County Land Use Ordinance.
31. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Stormwater Control Plan.
32. **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.
33. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to post-construction stormwater requirements by submitting a Stormwater Control Plan application or Stormwater Post Construction Requirements (PCRs) Waiver Request Form.
- a. The applicant must submit a SWCP for all regulated projects subject to Performance Requirement #2 and above. The SWCP must be prepared by an appropriately licensed professional and submitted to the County for review and approval. Applicants must utilize the County's latest SWCP template.
 - b. If post-construction stormwater control measures (SCMs) are proposed, the applicant must submit a draft Stormwater Operations and Maintenance Plan for review by the County. The plan must consist of the following Planning & Building Department forms;
 - i. Structural Control Measure Description (Exhibit B)
 - ii. Stormwater System Contact Information
 - iii. Stormwater System Plans and Manuals

- c. If applicable, following approval by the County, the applicant shall record with the County Clerk-Recorder the Stormwater Operation and Maintenance Plan and an agreement or provisions in the CCRs for the purpose of documenting on-going and permanent storm drainage control, management, treatment, inspection and reporting.

Prior to acceptance of the improvements (if applicable), the Stormwater Operations and Maintenance plan and General Notice must be updated to reflect as-built changes, approved by the County, and re-recorded with the County Clerk-Recorder as amendments to the original document.

Services

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

Conditions to be completed prior to issuance of a construction permit

Fees

- 36. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

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

- 37. **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.
- 38. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going Conditions for the Life of the Project

- 39. **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. 22,000 square feet of indoor mixed-light cultivation;
 - b. 78,122 square feet of indoor mixed-light cannabis nursery;
 - c. 35,328 square feet of drying area;
 - d. 11,040 square feet of processing, storage and packing;
 - e. A maximum of 25 daily employees;
 - f. A maximum of 3.0 PM peak hour motor vehicle trips.

40. **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 Department of Public Works.
41. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to County Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed, or pursuant to Land Use Ordinance Section 22.64.090.B, the Director verifies that the use or activity not involving a building or grading permit is occurring on the subject site in compliance with all applicable provisions of the Land Use Ordinance and these conditions of approval. Substantial site work is defined by County Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
42. **Throughout the life of the project** all conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Sections 22.74.160 and 22.40.110 and 120 of the County Land Use Ordinance. Revocation may require restoration to pre-existing conditions of areas of disturbance for cannabis-related activities authorized by this permit.
43. **Throughout the life of the project** and in accordance with the request for a modification from the parking standards set forth in Section 22.18.050.C.1, the applicant shall maintain no less than 30 parking spaces on site for the life of the project.
44. **Throughout the life of the project**, the applicant shall post on site all required land use permit approvals and all required County and State permits and licenses required to operate. Such posting shall be in a central location, visible to the visitors, at the operating site, and in all vehicles that deliver or transport cannabis.
45. **Throughout the life of the project**, the applicant shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.
46. **Throughout the life of the project**, the applicant shall conduct all cannabis activities in compliance with the approved Operations Plan, as well as all required County permits, State licenses, County ordinance, and State law and regulation. The applicant shall be responsible for the payment of all required fees and taxes.
47. Upon adoption of the County of San Luis Obispo Cannabis Monitoring Program, the applicant shall enter the program within (90) days of adoption. Any associated fees shall be paid to the County of San Luis Obispo.

48. **Throughout the life of the project** the cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite so as to not invoke any verified nuisance complaints. All structures utilized for indoor cannabis cultivation shall be upgraded, equipped and maintained with sufficient ventilation controls (e.g. carbon scrubbers) to eliminate nuisance odor emissions from being detected outside the structure in a manner described at the hearing, such as the Urban Gro - Element Air system presented at the hearing . In the event of a verified nuisance complaint, the County may pursue remedial action that may include the reduction or cessation of operations until a revised operations plan is reviewed and approved by the Department of Planning and Building, abatement of the violation pursuant to Land Use Ordinance Section 22.40.130 and permit revocation pursuant to Land Use Ordinance Sections 22.40.110 and 120.
49. **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.
50. **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.
51. **Throughout the life of the project**, solid waste and recycling shall be conducted in accordance with LUO Sections 22.10.150 B. and C.
52. **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.
53. **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.
54. **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.
55. **Throughout the life of the project**, the applicant shall meter water used for cannabis activities and provide the Department of Planning and Building with quarterly water usage monitoring reports based on meter readings.
56. **Throughout the life of the project**, the applicant shall meter electricity used for cannabis activities and provide the Department of Planning and Building with quarterly energy usage monitoring reports based on meter readings.
57. **Throughout the life of the project** cannabis cultivation grading activities shall be consistent with the conservation practices and standards contained in the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG). Practices shall not adversely affect slope stability or groundwater recharge and shall prevent off-site drainage and erosion and sedimentation impacts. Erosion and sedimentation control activities shall adhere to the standards in Section 22.52.150C of the Land Use Ordinance.
58. The project would utilize an existing onsite well located to the west of Building 4. If at any point in time this well serves 25 or more of the same individuals at least 6 months of the

year, including all full time employees, a public water system permit is required to be obtained from the California State Water Resources Control Board (Water Board).

Land use permit expiration.

59. This Conditional Use Permit for cannabis cultivation and nursery shall expire in five years from the approval date. Within a twelve (12) month period prior to expiration, the applicant may request the Conditional Use Permit be renewed for an additional five-year period. Any such request for renewal shall be in writing to the Department of Planning and Building and shall be submitted in conjunction with the appropriate land use permit application. The request for renewal shall be processed with the same type of permit for the original entitlement. If a request for renewal is not requested or not granted, the Minor Use Permit shall be deemed expired.