

**EXHIBIT B - CONDITIONS OF APPROVAL  
DRC2017-00123 City Boy Farms**

**Approved Development**

1. This approval authorizes the phased development/construction as outlined in the project description for indoor cannabis cultivation, indoor cannabis nursery, cannabis manufacturing, cannabis non-storefront dispensary, and associated supportive development and uses that will include the following:
  - a. Construction of one 37,350 square feet greenhouse supporting up to 22,000 square feet of mature cannabis canopy, 6,850 square feet of cannabis nursery (immature) canopy, and 7,470 square feet of storage space.
  - b. Construction of an 8,000 square foot metal building supporting 1,900 square feet of cannabis manufacturing, 780 square feet of supportive cannabis processing uses, 600 square feet of cannabis non-storefront dispensary, and 4,720 square feet of secure loading area, office space, storage space, and bathroom.
  - c. Conversion of 1,400 square feet within the secure loading area for trimming activities during harvest.
  - d. Conversion of two 320-square-foot cargo containers within Drying and Curing Area 1 and 2 (as shown on the approved site plan) for supporting cannabis processing uses such as drying and curing; to be located under an existing 960-square-foot shade structure.
  - e. Conversion of an existing 160-square-foot accessory structure to support 160 square feet of cannabis nursery canopy.
  - f. Construction of one 100-square-foot building to be used for onsite security staff.
  - g. Construction of one 100-square-foot storage shed for fertilizer storage.
  - h. The non-volatile manufacturing business shall comply with all requirements of the State and County for the manufacture of cannabis, including dual licensure and participation in an authorized track and trace program. Retail sale of cannabis products from the testing facility shall be prohibited. All cannabis related products shall be obtained from, and distributed to, licensed providers/vendors in accordance with applicable State regulations and licenses.
  - i. Retail sales from the dispensary shall be by delivery only. The products sold are limited to cannabis products obtained from licensed providers in accordance with applicable State regulations and licenses.
  - j. The manufacturing of cannabis products by way of infusion, as defined by section 22.80 of the Land Use Ordinance is prohibited.
  - k. The manufacturing of cannabis edible products, as defined by Section 22.40 of the Land Use Ordinance, that are in the shape of animals, people, insects or fruit is prohibited; and
2. This approval also authorizes a maximum of three acres of outdoor cannabis cultivation and 139,230 square feet of outdoor cannabis nursery as follows:

- a. Construction of up to 3 acres of hoop houses for outdoor cannabis cultivation within Flowering Growth Area 1 - 3 (as shown on the approved site plan) supporting mature cannabis canopy.
  - b. Construction of up to 0.89 acres of hoop houses for outdoor cannabis nursery within Vegetative Growth Area 1 (as shown on the approved site plan) supporting immature cannabis canopy.
  - c. Construction of up to 1.43 acres of hoop houses for outdoor cannabis nursery within Vegetative Growth Area 2 (as shown on the approved site plan) supporting immature cannabis canopy.
  - d. Construction of up to 0.88 acres of hoop houses for outdoor cannabis nursery within Vegetative Growth Area 3 (as shown on the approved site plan) supporting immature cannabis canopy.
  - e. When hoop houses are not utilized, the applicant shall be limited to the acreages within Flowering Growth Areas 1, 2, and 3; and Vegetative Growth Areas 1, 2, and 3, as specified above in 2a, 2b, 2c, and 2d. Acreages shall be clearly delineated to create an identifiable boundary consistent with the definition of Cannabis Canopy found in LUO section 22.80.030.
  - f. At no time shall cannabis plants be allowed to reach maturity when located in Vegetative Growth Areas 1,2, and 3.
3. Maximum annual water demand for all uses on the project site of 7.29 AFY.
  4. This Conditional Use Permit authorizes modification of the parking requirements set forth in Section 22.18.050.H of the Land Use Ordinance to reduce the required number of parking spaces from 67 to 36 spaces.
  5. The ancillary processing of cannabis, including drying, trimming, grading, sorting, packaging, labeling, and storing, is limited to cannabis grown onsite only, and it shall be done in accordance with applicable State regulations and licenses. Cannabis manufacturing or processing of manufactured cannabis products is limited to cannabis grown onsite only, and it shall be done in accordance with applicable State regulations and licenses.
  6. The ancillary transport of cannabis or processed cannabis is limited to cannabis grown on site only, and it shall be done in accordance with applicable State regulations and licenses.
  7. Wholesale sale of nursery stock may occur in accordance with applicable State regulations and licenses.

**Conditions required to be completed prior to commencing permitted activities**

8. **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.
9. **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.

10. **Prior to commencing permitted activities**, the applicant shall provide and implement a mitigation plan for continuing dust control from the property frontage to the nearest County-maintained road in accordance with LUO Sections 22.40.050.D4 and 22.40.060.D4.
11. **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.
12. **Prior to commencing permitted activities**, the applicant shall demonstrate that the proposed cannabis manufacturing facility includes adequate quality control measures to ensure cannabis manufactured at the site meets industry standards and includes a documented employee safety training program, a Materials Data Safety Sheet (MSDS), and meets all requirements in the Health and Safety Code Section 11362.775, and as it may be amended.
13. **Prior to commencing permitted activities**, the applicant shall complete and submit a Hazardous Materials Declaration Flowchart to the Environmental Health Services office.

**Access**

14. **Prior to commencing permitted activities**, the applicant shall submit an encroachment permit application to the Public Works Department to secure an encroachment permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
  - a. Reconstruct the existing South El Pomar Road project site access driveway approach to current B-1a and A-5 standards.
15. **Prior to commencing permitted activities**, all work in the public right-of-way must be constructed or reconstructed to the satisfaction of the County Public Works Inspector and in accordance with County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans.
16. **Prior to commencing permitted activities**, the applicant shall provide evidence to the Planning and Building Department 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.

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

17. **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.
18. **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).

19. **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 (SWRCB).
20. **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.
21. **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.
22. **Prior to issuance of a County Business License**, and in accordance with Title 13.01 of the County Code, the applicant must pay to the Department of Public Works the Templeton Area B Road Improvement Fee based on the latest adopted area fee schedule and the following project description and trip rates:
  - a. 3 acres outdoor cultivation (6.00 ADT; 0.60 pht)
  - b. 176,580 square feet nursery/greenhouse (47.67 ADT; 4.77 pht)
  - c. 8,000 square feet industrial/processing/manufacturing/service (39.68 ADT; 3.2 pht, based on ITE 110 – General Light Industrial)

Based on the above project description and trips, the fee is estimated at \$72,519 (8.57 pht x \$8,462/pht). 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.

23. **Prior to issuance of County Business License**, the applicant shall obtain an Operator Identification Number (OIN) if required by the Department of Agriculture, prior to any pesticides being used in conjunction with the commercial cultivation of cannabis; “pesticide” is a broad term, which includes insecticides, herbicides, fungicides, rodenticides, etc., as well as organically approved pesticides.
24. **Prior to issuance of a County Business License**, the applicant shall demonstrate to the Planning and Building Department that water use offset clearance has been obtained by the purchase of water use offset credits through a County-approved conservation program for the particular groundwater basin. If the average water use reported in the previous four quarterly water use reports is greater than the water use offset credits associated with the permitted use(s), the permittee will be required to either: 1) identify specific measures (and a timeframe for implementation) to reduce the metered water demand to be equal to, or less than, the water use offset credits associated with the project; or 2) purchase additional water use offset credits from the approved water conservation program for the particular groundwater basin to offset the increased use documented by the water use reports. The project is located within an Area of Severe Decline. Therefore, the water use offset shall be 2:1. The water use offset shall be calculated based on a water use of 8,538.67 gallons per day.
25. **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 with wood or chain-link materials.

26. **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.
27. **Prior to issuance of a County Business License**, the applicant shall submit evidence of compliance with all requirements of the Air Pollution Control District (APCD).

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

***Site Development***

28. **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.
29. **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.
30. **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.
31. **At the time of application for construction permits**, the submitted building plan set shall demonstrate consistency with California State Title 24 energy laws.
32. **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.
33. **At the time of application for building permits**, the applicant shall include a recordation of a disclosure statement as provided by the Planning and Building Department. The disclosure statement shall include language regarding possible expansion of the landfills and shall state that persons are not prevented from notifying appropriate agencies or seeking available remedies concerning any improper or unlawful activities at the landfills.

***Fire Safety***

34. **At the time of application for building permits**, the applicant shall obtain a Fire Safety Plan from CAL FIRE. All plans submitted to the 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***

35. **At the time of application for building permits**, the applicant may be required to submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) or Section 23.05.040 (Drainage) of the Land Use Ordinance.
36. **At the time of application for building permits**, the applicant shall submit a complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120.

**Services**

37. **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 and during project construction**

38. **(AES-1) Nighttime lighting. Prior to issuance of construction permits**, the applicant shall submit a light pollution prevention plan (LPPP) to the County Planning Department for approval that incorporates the following measures to reduce impacts related to night lighting:
- a. Prevent all interior lighting from being detected outside the facilities between the period of 1 hour before dusk and 1 hour after dawn;
  - b. All facilities employing artificial lighting techniques shall include shielding and/or blackout tarps that are engaged between the period of 1 hour before dusk and 1 hour after dawn and prevent any and all light from escaping;
  - c. Any exterior path lighting shall conform to LUO Section 22.10.060, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site. Exterior path lighting shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions; and
  - d. Any exterior lighting used for security purposes shall be motion activated, be located and designed to be motion activated, and be directed downward and to the interior of the site to avoid the light source from being visible off-site, and shall be of the lowest-lumen necessary to address security issues.
39. **(AQ-1) Dust Control.** The project proposes grading areas that are greater than 4 acres in size and within 1,000 feet of a sensitive receptor. The following measures shall be implemented to minimize nuisance impacts and to significantly reduce fugitive dust emissions:
- 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 APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder should consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. Please refer to the San Joaquin Valley Air District for a list of potential dust suppressants;
  - c. All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
  - d. Permanent dust control measures identified in the approved project plans (e.g., revegetation and landscape plans, etc.) shall 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 one 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 shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air Pollution Control District (APCD) (project manager add following as applicable – “and for applications within close proximity to sensitive habitats, CA Department of Fish and Wildlife (CDFW)-compliant stabilizing methods shall be used”);
- g. All roadways, driveways, sidewalks, etc. to be paved shall 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 shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CA Vehicle Code Section 23114;
- j. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
- l. All PM10 mitigation measures required should be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition (Contact Tim Fuhs at 805-781-5912).

40. **(AQ-2) Standard Construction Measures.** Based on Air Pollution Control District's (APCD) CEQA Handbook (2012), to reduce nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment, the applicant shall incorporate into the project the following "standard" construction mitigation measures:
- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
  - b. Fuel all off-road and portable diesel-powered equipment with Air Resources Board (ARB) certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
  - c. Use diesel construction equipment meeting ARB'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 ARB'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 NOx 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. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
  - g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
  - h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
  - i. Electrify equipment when feasible;
  - j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
  - k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.
41. **(AQ-3) Developmental Burning.** As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).



42. **(BIO-1) Native Trees – Avoidance Measures.** To avoid impacts to individual native (oak) trees, the following aspects will be integrated into the project design:
- a. Locate all structures, and construction activities, outside of the tree dripline, and where possible outside of the tree’s root zone;
  - b. Consider siting driveway location outside of the tree dripline(s); where this is not possible, trimming to about 15 vertical feet of any encroaching limbs should be done before any construction activities begin to avoid these limbs being irreparably ripped/broken by large vehicles.
  - c. When located in “high” or ‘very high” fire severity zones, make all efforts to locate development at least 30 feet, preferably 100 feet, from existing trees to avoid trimming or removing trees as a part of a fuel modification program to protect structures from wildland fires;
  - d. Locate all non-native landscaping that requires summer watering and leach lines outside the trees’ dripline and root zone;
  - e. Before siting structure location, consider where utility lines will be located to avoid trenching within the tree dripline/ canopy;
  - f. When the site requires substantial grading near oaks, consider surface drainage aspects (oaks rely on surface water) to retain similar drainage characteristics to oak’s root zones.
43. **(BIO-2) Native Trees (Oaks) – Minimizing Impacts.** When trees are proposed for removal or to be impacted within their driplines/canopies, the following measures shall be completed to minimize native tree (oak) impacts:
- a. Grading and/or construction plans shall provide a ‘Native Tree (Oak) Inventory’ and show locations of all native trees within 25 feet of the proposed project limits (including ancillary elements, such as trenching); For each of the trees shown, they shall be marked with one of the following 1) to be removed, 2) to be impacted, or 3) to remain intact/protected. This should be noted as the “Native Tree Impact Plan”.
  - b. For trees identified as ‘impacted’ or ‘to remain protected’ they shall be marked in the field as such and protected to the extent possible. Protective measures shall be visible to work crews and be able to remain in good working order for the duration of the construction work. Waterproof signage at protective edge is recommended (e.g., “TREE PROTECTION AREA – STAY OUT”). Grading, trenching, compaction of soil, construction material/equipment storage, or placement of fill shall not occur within these protected areas.
  - c. To minimize impacts from tree trimming, the following approach shall be used:
    - i. Removal of larger lower branches shall be minimized to 1) avoid making tree top heavy and more susceptible to “blow-overs” (due to wind), 2) reduce number of large limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, creates greater passive

solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree.

- ii. If trimming is unavoidable, no more than 10% of the oak canopy shall be removed.
  - iii. If trimming is done, either a skilled certified arborist will be used, or trimming techniques accepted by the International Society of Arboriculture will be used (Figure 1). Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.
- d. Smaller native trees (smaller than 5 inches in diameter at four feet six inches above the ground) within the project area are considered to be of high importance, and where possible, will be protected.

44. **(BIO-3) Native Tree (Oaks) – Replacement/Planting.** If any oak tree is impacted or removed on site, these are considered individual oak trees with replacement planting to be conducted on-site.

- a. The applicant will be replacing “in-kind” trees at the following ratios:
  - i. For each tree identified as impacted, two (2) seedlings will be planted.
  - ii. For each tree identified for removal, four (4) seedlings will be planted.
- b. Protection of newly planted trees is needed and shall include the following measures on the Plan:
  - iii. An above-ground shelter (e.g., tube, wire caging) will be provided for each tree, and will be of sturdy material that will provide protection from browsing animals for no less than five years (for oak trees) (unless determined successfully established by monitor);
  - iv. Caging to protect roots from burrowing animals will be installed when the tree is planted and be made of material that will last no less than five years for oak trees.

Each shelter should include the following, unless manufacture instructions recommend a more successful approach:

- v. Shelter will be secured with stake that will last at least five years; metal stake will be used if grazing could occur onsite;
- vi. Height of shelter will be no less than three (3) feet;
- vii. Base of shelter will be buried into the ground;
- viii. Top of shelter will be securely covered with plastic netting, or better, and last for no less than five years;
- ix. If required planting is located in areas frequented by deer, tube/caging heights will be increased to at least four feet or planting(s) will be protected with deer fencing.

45. **(BIO-4) Monitoring.** To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees’ survivability and vigor until the trees are successfully established,

and prepare monitoring reports, on an annual basis, for no less than five years. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established (for oak woodlands, no less than seven years). Additional monitoring will be necessary if initially required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.

46. **(BIO-5) Sensitive Bats - Pre-construction Maternity Colony or Hibernaculum Surveys.** To minimize project impacts on bats, no more than 15 days **prior to grading or improvements** near or the removal of trees or other structures, the Applicant shall retain a County- qualified biologist, holding a CDFW collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle bats, to conduct pre-construction surveys for sensitive bats. Surveys shall also be conducted during the maternity season (1 March to 31 July) within 300 feet of project activities.

If active maternity roosts or hibernacula are found, the structure, tree or tower occupied by the roost shall be avoided (i.e., not removed), if feasible. If avoidance of the maternity roost is not feasible, the biologist shall survey (through the use of radio telemetry or other CDFW-approved methods) for nearby alternative maternity colony sites. If the biologist determines, in consultation with the CDFW and County, that there are alternative roost sites used by the maternity colony and young are not present then no further action is required, and it will not be necessary to provide alternate roosting habitat.

47. **(BIO-6) American Badger - Pre-construction survey and avoidance measures.** To minimize project-related impacts to the American Badger, **no more than 30 days prior to the site disturbance**, the Applicant shall retain a County- qualified biologist to conduct pre-construction surveys for American badger within suitable habitat on the project site. If present, occupied badger dens shall be flagged and ground-disturbing activities avoided within 50 feet of the occupied den. Maternity dens shall be avoided during pup-rearing season (15 February through 1 July) and a minimum 200-foot buffer established. The extent of buffers shall be flagged in the field utilizing a method highly visible by construction crews. Buffers may be modified with the concurrence of the CDFW. Maternity dens shall be flagged for avoidance, identified on construction maps, and a biological monitor shall be present during construction to monitor for adequate protection of all identified dens and to ensure that all flagging is kept in good working order.

If avoidance of a non-maternity den (impacts to maternity dens is not allowed) is not feasible, badgers shall be relocated by slowly excavating the burrow (either by hand or mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 1 July). Any passive relocation of badgers shall occur only after consultation with the CDFW and the biological monitor.

48. **(BIO-7) Silvery Legless Lizard - Pre-Construction Surveys and Avoidance Measures.** The Applicant shall retain a County- qualified biologist to conduct pre-construction surveys immediately **prior to ground disturbance** (i.e., the morning of the commencement of). If silvery legless lizard is found within the area of disturbance, the biologist will relocate the animals to a pre-approved location outside the project or work

area with suitable habitat. The candidate locations for species relocation will be identified **prior to ground disturbance** and based on the size and type of habitat present, the potential for negative interactions with resident species, and species range.

49. **(BIO-8) Avoidance of Nesting Birds** – During project construction: To avoid impacts to nesting birds, including special status species such as the sharp shinned hawk and species protected by the Migratory Bird Treaty Act, any tree or shrub removal should be limited to the time period between September 1 and February 14, if feasible. If initial site disturbance, grading, and tree removal cannot be conducted during this time period, a pre-construction survey for active bird nests within the limits of the project shall be conducted by a qualified biologist and the following measures incorporated.

Surveys shall be conducted within two weeks prior to any construction activities proposed to occur between February 15 and August 31. If no active nests are located, ground disturbing/construction activities may proceed. If active nests are located, then all construction work shall be conducted outside a non-disturbance buffer zone to be developed by the project biologist based on the species (i.e., 50 feet for common species and at least 500 feet for raptors and special status species), slope aspect and surrounding vegetation. No direct disturbance to nests shall occur until the young are no longer reliant on the nest site as determined by the project biologist. The biologist shall conduct monitoring of the nest until all young have fledged.

50. **(BIO-9) Drainage Modifications.** All reasonable construction and grading efforts shall be made to maintain the historic drainage patterns and surface flow volumes for all (oak) trees to remain that are within 50 feet of the construction limits. If historic flows cannot be maintained for affected tree roots, a drainage plan shall be prepared that shows the new patterns on impacted trees and the reason for drainage pattern change. The Plan shall be submitted to the County for review. The applicant agrees that if the County determines the change in surface flow is significant, that they will prepare a replanting plan to install onsite, in-kind replacement trees (at up to 4:1 replacement ratio) in an area to be left undisturbed in the future. Additional maintenance and monitoring of existing and/or replacement trees may also be required.

51. **(BIO-10) Sensitive Habitat Protection - Avoidance.** There shall be no cutting, alteration or disturbance of the existing riparian habitat as identified on habitat map in the Biological Resource Assessment prepared for the project site by Kevin Merk Associates in July 2019 (Exhibit A). Furthermore:

- c. Adequate measures (e.g., highly visible temporary fencing, etc.) shall be installed prior to any construction to clearly delineate that this habitat will be avoided.
- d. Best Management Practices for sedimentation and erosion control shall be applied to prevent sediment from entering into this habitat.
- e. Any soil binders used within 50 feet of top of bank/riparian edge must be compatible with riparian habitats. Only soil binders/dust suppressants that have been approved for use in and adjacent to stream and lake habitats by one of the following: United States Environmental Protection Agency (EPA) under the Environmental Technology Verification (ETV) program; the United States Department of Agriculture (USDA) BioPreferred<sup>SM</sup> program; or CDFW. Approved soil binders/ dust suppressants shall be applied in such a manner as to avoid overspray outside of the target area.

- f. All temporary and permanent vegetation planting within 50 feet of habitat edge shall be compatible with existing habitat vegetation and shall not include any plants considered 'invasive' (as identified on the latest California Invasive Plant Council list).
  - g. All proposed uses and/or structures shall be setback adequately from the riparian edge, per the approved plans.
52. **(HAZ-1)** All project-related spills of hazardous materials within or adjacent to the project corridor shall be cleaned-up immediately. Spill prevention and clean-up materials shall be onsite at all times during construction.
53. **(HAZ-2)** During construction activities, the cleaning and refueling of equipment and vehicles shall occur only within a designated staging area. This staging area shall conform to all applicable 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 avoid potential leaks or spills.
54. In the event that buried, or otherwise unknown cultural resources are discovered during construction activities in the area of the find, work shall be suspended, and the County of San Luis Obispo should be contacted immediately. Prior to resuming construction activities, appropriate mitigation measures shall be developed by a qualified archeologist or historian if necessary, at the developer's expense. In the event that human remains are discovered, the County Coroner shall be contacted immediately. If the Coroner determines the remains are Native American, the Native American Heritage Commission (NAHC) would be contacted and the remains would be left in situ and protected until a decision is made on their final disposition.

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

55. **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.
56. **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.

**Ongoing conditions of approval (valid for life of the project)**

57. **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 Public Works Department.
58. 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.

59. **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.
60. **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.H, the applicant shall maintain no less than 36 parking spaces on site for the life of the project.
61. **Throughout the life of the project**, the applicant shall post onsite all required land use permit approvals and all required State and County 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.
62. **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.
63. **Throughout the life of the project**, the applicant shall conduct all cannabis activities in compliance with 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.
64. **Throughout the life of the project**, project activities shall be sited and/or operated in a manner that prevents cannabis nuisance odors from being detected offsite so as to not invoke any verified nuisance complaints. All structures utilized for indoor cannabis 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.
65. **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.
66. **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.

67. **Throughout the life of the project**, solid waste and recycling shall be conducted in accordance with LUO Sections 22.10.150.B. and C.
68. **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.
69. Prior to utilizing CO2 enrichment, the applicant shall comply with any requirements from Cal Fire and provide written verification to the Department of Planning and Building.
70. **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.
71. **Throughout the life of the project**, the applicant shall meter water used for cannabis activities and provide the Planning and Building Department with quarterly water usage monitoring reports based on meter readings.
72. **Throughout the life of the project**, the applicant shall meter electricity used for cannabis activities and provide the Planning and Building Department with quarterly energy usage monitoring reports based on meter readings.
73. The project would utilize an existing onsite well located east of the proposed parking area. If at any point in time the on-site population (including all uses served by water system) reaches 25 or more for at least 60 days per year, including residents and employees, any domestic water supply would be either required to permit as a public water system. If the property does not currently meet the threshold to become a public water system, but onsite population increases at a later date, property owner/manager are to contact the Department of Environmental Health Services to determine if a public water system is required.
74. **Throughout the life of the project**, 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.

**Land use permit expiration**

75. This Conditional 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 Conditional Use Permit be renewed for an additional 5-year period. Any such request for renewal shall be in writing to the 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 Conditional Use Permit shall be deemed expired.