



COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT


MEMORANDUM

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COUNTY OF SANTA BARBARA  
CLERK OF THE  
BOARD OF SUPERVISORS

TO: County Board of Supervisors

FROM: Lisa Plowman, Director, Planning & Development, (805) 568-2086 

DATE: March 9, 2020

RE: Santa Rita Valley Ag., Inc. Cannabis Cultivation Appeal, Case No. 19APL-00000-00032, Third Supervisorial District

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The purpose of this memo is to provide the Board of Supervisors with clarification that the BOS may affirm the Planning Commission's action on November 6, 2019 to approve the project with revised Conditions in the context of the *de novo* proceedings.

If the Board of Supervisors desires to approve the project, Case No. 18LUP-00000-00351, subject to the Conditions of Approval as modified by the Planning Commission during the November 6, 2019 hearing, which reduced the acreage to 12.75, required that cultivation be located within the central portion of the lot, and strengthened the landscaping condition, staff recommends the Board take the following actions:

- a) Deny the appeal, Case No. 19APL-00000-00032;
- b) Make the required findings for approval, Case No. 18LUP-00000-00351, included as Attachment 1 to this memorandum, including California Environmental Quality Act (CEQA) findings;
- c) Determine that the previously certified Program Environmental Impact Report (PEIR) (Case No. 17EIR-00000-00003) (Attachment 9 to the Board Agenda Letter dated March 10, 2020) constitutes adequate environmental review as described in Attachment 3 to this memorandum, and no subsequent Environmental Impact Report or Negative Declaration is required pursuant to CEQA Guidelines Sections 15162 and 15168(c)(2); and
- d) Grant *de novo* approval of the project, Case No. 18LUP-00000-00351, subject to the conditions included as Attachment 2 of this memorandum.

The information provided in the Attachments to this memo was previously provided in Attachment 6 to the Board Agenda Letter dated March 10, 2020 (Planning Commission Action Letter, dated November 8, 2019). The information, including the findings, have been reformatted for clarity and are attached to this memo to provide for the ease of review and action by the Board.

Alternatively, if the Board of Supervisors decides to approve the project, Case No. 18LUP-00000-00351, based on the applicant's modified project description in which the applicant requests 32 acres of cannabis cultivation, staff recommends that the Board take the actions that are provided in the Board Agenda Letter dated, March 10, 2020.

Attachments:

1. Findings of Approval to affirm the Planning Commission's November 6, 2019 action
2. Land Use Permit with attached Conditions of Approval as modified by the Planning Commission on November 6, 2019
3. Environmental Document: CEQA Checklist
4. Comprehensive Plan Consistency and Land Use and Development Code Compliance Analysis to affirm the Planning Commission's November 6, 2019 action

## **ATTACHMENT 1: FINDINGS**

### **1.0 CEQA FINDINGS**

#### **SUBSEQUENT ACTIVITIES WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)**

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15162 AND 15168:

#### **1.1 CONSIDERATION OF SUBSEQUENT ACTIVITIES IN THE PROGRAM**

The County Board of Supervisors considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Attachment 9 to the Board Agenda Letter dated March 10, 2020, and incorporated herein by reference), the CEQA Checklist prepared pursuant to CEQA Guidelines Section 15168(c)(4) (Attachment 3 to the Board Memorandum dated March 9, 2020, and herein incorporated by reference), along with the proposed project which is an activity within the scope of the PEIR. Staff prepared a written checklist in compliance with State CEQA Guidelines Section 15168(c) to document the evaluation of the site and the activity to determine that the environmental effects of the operation are covered in the PEIR (Attachment 3 to the Board Memorandum dated March 9, 2020, and incorporated herein by reference). As shown in the written checklist, the proposed project is within the scope of the PEIR and the effects of the proposed project were examined in the PEIR. Therefore, on the basis of the whole record, including the written checklist, the previously certified PEIR, and any public comments received, the Board of Supervisors finds that the proposed project will not have effects that were not examined in the PEIR and will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment, and will not present new information of substantial importance pursuant to State CEQA Guidelines Section 15162, thereby warranting the preparation of a new environmental document for the proposed project.

#### **1.2 LOCATION OF DOCUMENTS**

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

### **2.0 ADMINISTRATIVE FINDINGS**

#### **2.1 FINDINGS FOR ALL LAND USE PERMITS**

**2.1.1 *In compliance with Section 35.30.100.A of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first find, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (e.g., water, sewer, roads) are available to serve the proposed development.***

As discussed in Attachment 4 (Comprehensive Plan Consistency and Land Use and Development Code Compliance Analysis) to the Board Memorandum dated March 9, 2020, incorporated herein by reference, adequate public and private services are in place to serve the proposed project. Water will continue to be provided by two agricultural wells located on the subject site. The existing single-family dwelling will continue to be served by an existing septic system. Sanitary facilities for the permanent employees will be provided by an existing bathroom in the existing single-family dwelling and the Applicant will provide portable toilets for seasonal employees (during harvest periods). The Santa Barbara County Fire Department will continue to provide fire and other emergency response services to the subject parcel. The County Sheriff will continue to provide police services to the subject parcel. Ingress and egress to the parcel will continue to be provided off of West Highway 246. Therefore, this finding can be made.

**2.1.2 *a. The proposed Development conforms:***

- (1) To the applicable provisions of the Comprehensive Plan including any applicable community or area plan; and***
- (2) With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).***

As discussed in Attachment 4 (Comprehensive Plan Consistency and Land Use and Development Code Compliance Analysis) to the Board Memorandum dated March 9, 2020, and incorporated herein by reference, the development conforms to the applicable provisions of the Comprehensive Plan. In addition, the proposed development is consistent with the Land Use and Development Code requirements for the AG-II-100 zone district, as they relate to permitted uses, building heights, setbacks, and parking. Therefore, this finding can be made.

***b. The proposed development is located on a legally created lot.***

The subject property is a 42.5-acre parcel that is a legal lot shown as Lot # 12 of the Rancho Santa Rosa Tract and is shown on Recorded Map Book 2, Page 37 of the

County of Santa Barbara Maps and Surveys, and also shown on Assessor's Map Book 099, Page 23. Therefore, this finding can be made.

***c. The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks, and any other applicable provisions of this Development Code, and any applicable zoning violation enforcement and processing fees have been paid. This Subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots)***

As conditioned, the subject property and the proposed project will be in full compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks, and all other applicable provisions of the Land Use and Development Code, for the AG-II zone district. Additionally, all processing fees have been paid to date. Therefore, this finding can be made.

**Attachment 2: Land Use Permit with attached Conditions of Approval**



## COUNTY OF SANTA BARBARA

# Planning and Development

www.sbcountyplanning.org

### LAND USE PERMIT NO.: 18LUP-00000-00351

**Project Name:** SANTA RITA VALLEY AG., INC. - CANNABIS CULTIVATION (OUTDOOR)  
**Project Address:** 7680 W Highway 246, BUELLTON, CA  
**A.P.N.:** 099-230-012  
**Zone:** AG-II-100

The Planning and Development Department hereby approves this Land Use Permit for the project described below based upon compliance with the required findings for approval and subject to the attached terms and conditions.

**APPROVAL DATE:** 3/10/2020  
**LOCAL APPEAL PERIOD BEGINS:** 3/11/2020  
**LOCAL APPEAL PERIOD ENDS:** 3/20/2020  
**DATE OF PERMIT ISSUANCE (if no appeal filed):** 3/23/2020

#### APPEALS:

1. The approval of this Land Use Permit may be appealed to the Board of Supervisors by the applicant, owner, or any aggrieved person. An aggrieved person is defined as any person who, either in person or through a representative, appeared at a public hearing in connection with this decision or action being appealed, or who by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of their concerns, or who, for good cause, was unable to do either. The appeal must be filed in writing and submitted in person to the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to 5:00 p.m. on or before the date that the local appeal period ends as identified above (CLUDC Chapter 35.102 Appeals).
2. Payment of a fee is required to file an appeal of the approval of this Land Use Permit.

**PROJECT DESCRIPTION SUMMARY:** The Applicant Santa Rita Valley Ag., Inc. requests a Land Use Permit to allow approximately 37 acres of outdoor cannabis cultivation. Processing of cannabis will take place at another licensed facility. The application involves permitting a new fuel storage tank for a tractor and a new eight-foot fence encompassing the cultivation area. The Applicant is proposing to remove an existing barbed wire fence and install a split rail fence to extend the length of the north side of the property along Highway 246 and on both sides of the driveway. Proposed landscaping will consist of adding six coast live oaks (*Quercus agrifolia*), 19 olive trees (*Olea europaea*) along Highway 246, and eight olive trees (*Olea europaea*) along the western property line. In addition grapevines (*Vitis*) are proposed to be planted in front of the proposed security fence along Highway 246 and the property entrance to mask the security fence. There will be four motion-sensor, hooded light fixtures mounted 12 feet high, near the entry gate for security purposes. There is an existing 483 square-foot agricultural tool shed, a 1,180 square-foot single-family dwelling, and a 2,200 square-foot barn onsite that will be affiliated with the cannabis operation. The single-family dwelling and barn pre-date County permit requirements (constructed before 1958). The agricultural tool shed will be permitted through this LUP. No grading or tree removal is proposed. There will be 4-5 regular employees and 40-50 employees during harvest periods (roughly three weeks out of the year). In addition to the agricultural workers, there will be 2-3 security personnel to monitor the property. The hours of operations will be from 6:00 a.m. to 6:00 p.m. for agricultural workers. The security personnel will work 24 hours a day for approximately two months prior to harvest and during harvest. The parcel is served by a private well, a private septic system, for which the regular employees will be using the bathroom in the existing single family dwelling and portable toilets for seasonal employees (during harvest periods). The Santa Barbara County Fire Department. Access will continue to be provided off of Highway 246. The property is a 42.5-acre parcel zoned AG-II-40 and shown as Assessor's Parcel Number 099-230-012, located at 7680 West Highway 246, Buellton, Third Supervisorial District. To receive additional information regarding this project and/or to view the application and/or plans, please contact Nereyda Hannon at 123 East Anapamu Street, Santa Barbara, by email (nmontano@co.santa-barbara.ca.us) or by phone ((805) 568-2513).

**PROJECT SPECIFIC CONDITIONS:** See Attachment "A"

**ASSOCIATED CASE NUMBERS:** 19APL-00000-00008; 19APL-00000-00032

**PERMIT ISSUANCE:** This Land Use Permit will be issued following the close of the appeal period provided an appeal is not filed, or if appealed, the date of final action on the appeal which has the effect of upholding the approval of the permit. Issuance of this permit is subject to compliance with the following terms and conditions:

1. **Notice.** Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including an action on any appeal of this permit (CLUDC Chapter 35.106 Noticing and Public Hearings). The *Proof of Posting of Notice on Project Site* shall be signed and returned to the Planning and Development Department prior to the issuance of the permit.
2. **Compliance with conditions.** All conditions that are required to be satisfied prior to issuance of the permit have been satisfied and the permit has been signed by the applicant or owner.
3. **Design Review.** If required, the project has been granted final approval by the appropriate Board of Architectural Review (BAR), and an appeal of that final approval has not been filed.
4. **Appeals.** An appeal of the approval of this permit, or an appeal of the final approval by the BAR, has not been filed with the County. If an appeal has been filed then the permit shall not be issued until final action on the appeal(s) has occurred which has the effect of upholding the approval of this permit, and, if applicable, the final approval by the BAR.
5. **Other approvals.** Any other necessary approvals required prior to issuance of this Land Use Permit have been granted.

**PERMIT EXPIRATION AND EXTENSION:** This permit shall remain valid only as long as compliance with all applicable requirements of the CLUDC and the permit continues, including the conditions of approval specific to this permit. Additionally:

1. The approval of this permit shall expire either 12 months from the effective date of the permit or other period allowed in compliance with an approved Time Extension, and shall be considered void and of no further effect unless the permit is either issued within the applicable period in compliance with the terms indicated above or a valid application for a Time Extension is submitted prior to the expiration of this 12 month period and is subsequently approved (CLUDC: Section 35.82.110).
2. This permit shall expire two years from the date of issuance and be considered void and of no further effect unless the use and/or structure for which the permit was issued has been lawfully established or commenced in compliance with the issued permit or an application for a Time Extension is submitted prior to the expiration of this two year period and is subsequently approved (CLUDC: Section 35.82.110).
3. The effective date of this permit shall be (a) the day following the close of any applicable appeal period provided an appeal is not filed, or (b) if appealed, the date of final action on the appeal which has the effect of upholding the approval, or (c) some other date as indicated in this permit (CLUDC: Section 35.82.020).

**WORK PROHIBITED PRIOR TO PERMIT ISSUANCE:** No work, development, or use intended to be authorized pursuant to this permit approval shall commence prior to issuance of this permit and/or any other required permit (e.g., building permit).

**OWNER/APPLICANT ACKNOWLEDGMENT:** Undersigned permittee acknowledges receipt of this approval and agrees to abide by all conditions and terms thereof. Undersigned permittee also acknowledges that issuance of this permit for this project does not allow construction or use outside of the project description, nor shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

Print name

Signature

Date

Land Use Approval By:



\_\_\_\_\_/\_\_\_\_\_  
Director, Planning and Development Date

**PERMIT ISSUANCE:** The permit shall be issued and deemed effective on the date signed and indicated below.

**Planning and Development Department Issuance By:**

\_\_\_\_\_/\_\_\_\_\_  
Planner Date

**ATTACHMENT A: CONDITIONS OF APPROVAL**

**Project Description**

- 1. Project Description:** The Applicant Santa Rita Valley Ag., Inc. requests a Land Use Permit to allow approximately 37 acres of outdoor cannabis cultivation. Processing of cannabis will take place at another licensed facility. The application involves permitting a new fuel storage tank for a tractor and a new eight-foot fence encompassing the cultivation area. The Applicant is proposing to remove an existing barbed wire fence and install a split rail fence to extend the length of the north side of the property along Highway 246 and on both sides of the driveway. Proposed landscaping will consist of adding six coast live oaks (*Quercus agrifolia*), 19 olive trees (*Olea europaea*) along Highway 246, and eight olive trees (*Olea europaea*) along the western property line. In addition grapevines (*Vitis*) are proposed to be planted in front of the proposed security fence along Highway 246 and the property entrance to mask the security fence. There will be four motion-sensor, hooded light fixtures mounted 12 feet high, near the entry gate for security purposes. There is an existing 483 square-foot agricultural tool shed, a 1,180 square-foot single-family dwelling, and a 2,200 square-foot barn onsite that will be affiliated with the cannabis operation. The single-family dwelling and barn pre-date County permit requirements (constructed before 1958). The agricultural tool shed will be permitted through this LUP. No grading or tree removal is proposed. There will be 4-5 regular employees and 40-50 employees during harvest periods (roughly three weeks out of the year). In addition to the agricultural workers, there will be 2-3 security personnel to monitor the property. The hours of operations will be from 6:00 a.m. to 6:00 p.m. for agricultural workers. The security personnel will work 24 hours a day for approximately two months prior to harvest and during harvest. The parcel is served by a private well, a private septic system, for which the regular employees will be using the bathroom in the existing single family dwelling and portable toilets for seasonal employees (during harvest periods). The Santa Barbara County Fire Department. Access will continue to be provided off of Highway 246. The property is a 42.5-acre parcel zoned AG-II-40 and shown as Assessor's Parcel Number 099-230-012, located at 7680 West Highway 246, Buellton, Third Supervisorial District..
- 2. Proj Des-02 Project Conformity:** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

**Conditions By Issue Area**

- 3. CulRes-09 Stop Work at Encounter:** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the

Owner/Applicant.

**PLAN REQUIREMENTS:** This condition shall be printed on all building and grading plans.

**MONITORING:** P&D permit processing planner shall check plans prior to ISSUANCE of LAND USE PERMIT and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

4. **CALTRANS ROAD ENCROACHMENT:** Applicant shall obtain Road Encroachment Permit from Caltrans

**TIMING:** Prior to installation of fencing, gate, gate post along Highway 246 applicant shall obtain road encroachment permit

**MONITORING:** Permit Compliance staff shall receive copy of road encroachment permit prior to applicant installing fencing, gate and gate post along Highway 246.

#### **Project Specific Conditions**

5. **Licenses Required:** The applicant shall obtain and maintain in good status: (1) a valid County business license as required by the County Code Chapter 50, and (2) a valid State cannabis license as required by the California Business and Professions Code for the cannabis activities that are the subject of this permit.
6. **Fencing and Security Plan:** The applicant shall implement the Fencing and Security Plan stamped "Zoning Approved," dated November 6, 2019

**PLAN REQUIREMENTS:** The Fencing and Security Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.C.2).

**TIMING:** The applicant shall implement the Fencing and Security Plan prior to commencement of the cannabis activities that are the subject of this permit. The applicant shall maintain the project site in compliance with the Fencing and Security Plan throughout the life of the project.

**MONITORING:** P&D compliance staff inspects the project site to confirm that all components of the Fencing and Security Plan are installed and maintained pursuant to the requirements of this condition.

7. **Landscape Plan and Screening Plan:** The applicant shall implement the Landscape and Screening Plan stamped "Zoning Approved" and dated November 6, 2019, as revised pursuant to requirements of this condition of approval.

**TIMING:** The Landscaping and Screening Plan shall be implemented prior to commencement of use and/or prior to final inspection, whichever occurs first, as applicable. All landscaping and screening shall comply with the following:

- a. Landscaping installed with the purpose of screening commercial cannabis activities shall, within five

years, reasonably screen the view of any new structure, including greenhouses and agricultural accessory structures, and onsite parking areas from the nearest public road(s). Prior to the issuance of this Land Use Permit, the applicant shall revise the landscaping plan to include additional plantings along the perimeter of the subject property, to buffer the subject property from surrounding agricultural properties. The plantings shall include a mix of native, drought-tolerant trees and shrubs trees [e.g., lemonade berry (*Rhus integrifolia*) or coast live oaks (*Quercus agrifolia*)]. Prior to the issuance of this Land Use Permit, the applicant shall submit a revised landscape plan that includes the additional plantings.

b. All landscaping shall be installed prior to initiating cultivation activities.

c. A performance security, in an amount to be determined by a landscape architect and approved by the Department, prior to the issuance of any permits, shall be filed with the County to ensure installation and maintenance of the landscaping for two years. Said performance security shall be released upon a written statement from the Department that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed and maintained for two years.

d. Landscaping shall be maintained for the life of the project.

MONITORING: Permit Compliance staff shall monitor implementation prior to final inspection and/or commencement of use, whichever occur first, and throughout the life of the project.

8. **Lighting Plan:** The applicant shall implement the Lighting Plan stamped "Zoning Approved," dated November 6, 2019.

PLAN REQUIREMENTS: The Lighting Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.C.4).

TIMING: All components of the Lighting Plan shall be implemented prior to final building inspection. The applicant shall maintain the project site in compliance with the Lighting Plan throughout the life of the project.

MONITORING: P&D compliance staff inspects the project site to confirm that all components of the Lighting Plan are installed, maintained and operated pursuant to the requirements of this condition.

9. **Site Transportation Demand Management (STDM) Plan:** The applicant shall implement the Site Transportation Demand Management Plan stamped "Zoning Approved," dated November 6, 2019.

PLAN REQUIREMENTS: The Site Transportation Demand Management Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.D.1.j).

TIMING: The applicant shall implement the Site Transportation Demand Management Plan prior to the issuance of final building and/or grading inspection. The applicant shall maintain the project site in compliance with the Site Transportation Demand Management Plan throughout the life of the project.

**MONITORING:** The applicant shall demonstrate to P&D compliance staff (e.g., by providing a copy of an executed contract with a rideshare service or site inspections to verify that trip reduction features are installed onsite) that all components of the approved Site Transportation Demand Management Plan are implemented.

- 10. Cannabis Waste Discharge Requirements:** The applicant shall demonstrate compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy which includes principles and guidelines for cannabis cultivation, including regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants and fertilizers.
- 11. Water efficiency:** Water-conserving features shall be included in the design of cannabis cultivation. Water-conserving features include the following: Evaporative barriers on exposed soils and pots, Rainwater capture and reuse, and Timed drip irrigation.
- 12. Underground Utilities:** Except as otherwise noted in the Project Description, all utilities shall be placed underground.
  - a. **PLAN REQUIREMENTS:** The Permittee shall restate the provisions for utility undergrounding on all building and grading plans.
  - b. **TIMING:** This condition shall be satisfied prior to issuance of building permit.
  - c. **MONITORING:** P&D staff shall check plans prior to issuance of building permit.
- 13. Records:** The applicant shall maintain clear and adequate records and documentation, in accordance with State law, the California Cannabis Track-and-Trace System, and as required by County Code Chapter 35, demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations.

**TIMING:** The applicant shall maintain the documentation for a minimum of five years following the preparation and/or approval of the documentation.

**MONITORING:** The applicant shall provide the documentation for review, inspection, examination and audit by the Department.

- 14. Inspections:** All permitted commercial cannabis activities are subject to review and inspection from law enforcement or any agents of the State or County charged with enforcement of this Article and shall be at the cost of the Permittee.
- 15. Transfer of Ownership:** In the event that the applicant/owner transfers interest in the commercial cannabis operation, the successor(s) in interest shall assume all responsibilities concerning the project including, but not limited to, maintaining compliance with the conditions of this permit and paying for P&D condition compliance activities throughout the life of the project.

**DOCUMENTATION:** The successor(s) in interest shall notify P&D compliance staff, in writing, of the transfer in interest, and provide the contact and billing information of the successor(s) in interest.

**TIMING:** The successor(s) in interest shall provide the written notification within 30 days following

the transfer in interest.

MONITORING: P&D compliance staff reviews the written notification to confirm that all requisite information has been included pursuant to the requirements of this condition.

16. **Land use entitlement compliance:** The cannabis activities authorized by this land use entitlement shall be subject to County inspection to determine compliance with the conditions of approval, Land Use Development Code Section 35.42.075, the County Code and State law.
17. **Agreement to Comply:** By signing this Land Use Permit, the Permittee hereby acknowledges and agrees to comply with all conditions of approval set forth within this approval.
18. **Mitigation Monitoring:** All permitted commercial cannabis activities are also subject to review and inspection from law enforcement or agents of the State of California.

INITIAL INSPECTIONS AND MONITORING: All commercial cannabis facilities shall be monitored through inspections and photo documentation by P&D Permit Compliance staff per the following schedule: a) prior to Commencement of Use to ensure compliance with the permit conditions and plans, b) within the first year (during the active growing season) to ensure compliance with the permit conditions and plans. Site visits can occur more frequently, as determined by P&D.

TIMING: P&D compliance staff shall conduct inspections and/or review condition compliance annually for five years, and/or upon renewal of County Business License, as applicable. Prior to issuance of Land Use Permit, an associated Permit Compliance case must be opened.

19. **Revocation:** This entitlement to allow commercial cannabis activities may be revoked in compliance with Chapter 35.56.140 (Revocation of Entitlement to Land Use).

### County Rules and Regulations

20. **Rules-03 Additional Permits Required:** The use and/or construction of any structures or improvements authorized by this approval shall not commence until all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
21. **Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changes to approved Land Use Permit and related plans. Substantial conformity shall be determined by the Director of P&D.
22. **Rules-23 Processing Fees Required:** Prior to issuance of Land Use Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
23. **Rules-30 Plans Requirements:** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.

- 24. Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
- 25. Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

**Other**

- 26. Compliance with Public Health Department, Environmental Health Services Division Requirements:** Prior to the initiation of the cannabis cultivation activities allowed by this Land Use Permit, the Applicant shall obtain all required permits, approvals, or other authorization from the Public Health Department Environmental Health Services Division, that are required for the 4-5 regular employees to use the restroom in the existing single-family dwelling and septic system that serves the existing single-family dwelling.

**TIMING:** Prior to the initiation of the cannabis cultivation activities allowed by this Land Use Permit, the Applicant shall obtain all required, permits, approvals, or other authorization from the Public Health Department Environmental Health Services Division.

**MONITORING:** P&D compliance staff shall confirm with the Public Health Department Environmental Health Services Division that the Applicant has obtained the required permits, approvals, or other authorization for the use of the restroom and septic system.

- 27. Reduction in Cultivation Acreage:** The amount of outdoor cannabis cultivation set forth in Condition No. 1 of this Land Use Permit shall be reduced to 12.75 acres. The outdoor cannabis cultivation area shall be located within the central portion of the lot, in order to locate the outdoor cannabis cultivation area as far as possible from surrounding agricultural properties.

**TIMING:** Prior to issuance of this Land Use Permit, the applicant shall submit a revised site plan that identifies the location of the 12.75-acre outdoor cultivation area.

**MONITORING:** Permit Compliance staff shall monitor the project site to ensure that the outdoor cultivation area is located within the area identified on the revised site plan.

**Attachment 3: CEQA Checklist**





## State CEQA Guidelines § 15168(c)(4) Checklist for Commercial Cannabis Land Use Entitlement and Licensing Applications

### A. Purpose

On February 6, 2018, the Santa Barbara County Board of Supervisors certified a programmatic environmental impact report (PEIR) that analyzed the environmental impacts of the Cannabis Land Use Ordinance and Licensing Program (Program). The PEIR was prepared in accordance with the State CEQA Guidelines (§ 15168) and evaluated the Program's impacts with regard to the following environmental resources and subjects:

- Aesthetics and Visual Resources
- Agricultural Resources
- Air Quality and Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Transportation and Traffic
- Utilities and Energy Conservation
- Population, Employment, and Housing

The PEIR evaluated the direct and indirect impacts, as well as the project-specific and cumulative impacts, that would result from the implementation of the Program. The PEIR identified a number of significant impacts and set forth feasible mitigation measures that were included as development standards and requirements in the land use and licensing ordinances, which are applied to site-specific land use entitlement and business licensing applications for commercial cannabis operations authorized under the Program.

The following checklist was prepared pursuant to the State CEQA Guidelines (§ 15168(c)(4)) to document the evaluation of the sites and activities that are the subject of land use entitlement and business licensing applications for commercial cannabis operations authorized under the Program, in order to determine whether the environmental effects of proposed commercial cannabis operations are within the scope of the PEIR.

### B. Project Description

Please provide the following project information.

1. Land Use Entitlement Case Number(s): 18LUP-00000-00351/19APL-00000-00032
2. Business Licensing Ordinance Case Number(s): \_\_\_\_\_

3. Project Applicant(s): Vahagn Nahabedian
4. Property Owner(s): Sebastian Sterpa
5. Project Site Location and Tax Assessor Parcel Number(s): 7680 HWY 246, Buellton; APN: 099-230-012

6. Project Description: The Applicant Santa Rita Valley Ag., Inc. requests a Land Use Permit to allow approximately 37 acres of outdoor cannabis cultivation. Processing of cannabis will take place at another licensed facility. The application involves permitting a new fuel storage tank for a tractor and a new eight-foot fence encompassing the cultivation area. The Applicant is proposing to remove an existing barbed wire fence and install a split rail fence to extend the length of the north side of the property along Highway 246 and on both sides of the driveway. Proposed landscaping will consist of adding six coast live oaks (Quercus agrifolia), 19 olive trees (Olea europaea) along Highway 246, and eight olive trees (Olea europaea) along the western property line. In addition grapevines (Vitis) are proposed to be planted in front of the proposed security fence along Highway 246 and the property entrance to mask the security fence. There will be four motion-sensor, hooded light fixtures mounted 12 feet high, near the entry gate for security purposes. There is an existing 483 square-foot agricultural tool shed, a 1,180 square-foot single-family dwelling, and a 2,200 square-foot barn onsite that will be affiliated with the cannabis operation. The single-family dwelling and barn pre-date County permit requirements (constructed before 1958). The agricultural tool shed will be permitted through this LUP. No grading or tree removal is proposed. There will be 4-5 regular employees and 40-50 employees during harvest periods (roughly three weeks out of the year). In addition to the agricultural workers, there will be 2-3 security personnel to monitor the property. The hours of operations will be from 6:00 a.m. to 6:00 p.m. for agricultural workers. The security personnel will work 24 hours a day for approximately two months prior to harvest and during harvest. The parcel is served by a private well, a private septic system, for which the regular employees will be using the bathroom in the existing single family dwelling and portable toilets for seasonal employees (during harvest periods). The Santa Barbara County Fire Department. Access will continue to be provided off of Highway 246 The property is a 42.5-acre parcel zoned AG-II-40 and shown as Assessor's Parcel Number 099-230-012, located at 7680 West Highway 246, Buellton, Third Supervisorial District. Condition 27 requires the acreage of cannabis cultivation to be reduced to 12.75 acres and that cultivation shall be located within the central portion of the lot in order to locate the outdoor cannabis cultivation area as far as possible from surrounding agricultural properties.

### **C. PEIR Mitigation Measures/Requirements for Commercial Cannabis Operations**

The following table lists the specific mitigation measures set forth in the PEIR and questions to determine if the proposed commercial cannabis operation requires the preparation of a subsequent environmental impact report or negative declaration. Please answer all questions set forth in the following table; Planning and Development Department (P&D) staff complete § C.1 and County Executive Office (CEO) staff complete § C.2. If a question does not apply to the proposed cannabis operation, please check the corresponding "N/A" box.

**C.1 Mitigation Measures/Requirements for P&D Staff Review**

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
<b>Aesthetics and Visual Resources</b>		
MM AV-1. Screening Requirements	LUDC § 35.42.075.C.3	Is the proposed cannabis operation visible from a public viewing location? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Article II § 35-144U.C.3	If so, does the proposed project include implementation of the required landscape and screening plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>Agricultural Resources</b>		
MM AG-1. Cannabis Cultivation Prerequisite Ancillary Use Licenses	LUDC §§ 35.42.075.D.3 and -4	Does the proposed project include ancillary cannabis uses (e.g., manufacturing of cannabis products)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Article II § 35-144U.C.2.a and -3.a	If the proposed project includes ancillary cannabis uses, does the proposed project comply with the minimum cultivation requirements to allow ancillary cannabis uses? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
MM AG-2. New Structure Avoidance of Prime Soils	LUDC § 35.42.075.D.1.b	Does the proposed project site have prime soils located on it? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Article II § 35-144U.C.1.b	Does the proposed project involve structural development? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If the proposed project involves structural development, are the structures sited and designed to avoid prime soils? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<b>Air Quality and Greenhouse Gas Emissions</b>		
MM AQ-3. Cannabis Site Transportation Demand Management	LUDC § 35.42.075.D.1.j	Does the proposed project include cannabis cultivation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Article II § 35-144U.1.j	If so, does the project include implementation of the required Transportation Demand Management Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
MM AQ-5. Odor Abatement Plan	LUDC § 35.42.075.C.6	<i>This mitigation measure/requirement does not apply to projects in the AG-II zone, unless a Conditional Use Permit is required for the proposed commercial cannabis operation.</i>
	Article II § 35-144U.C.6	Does the proposed project include cannabis cultivation, a nursery, manufacturing, microbusiness, and/or distribution? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  If so, does the project include implementation of the

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		required odor abatement plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<b>Biological Resources</b>		
MM BIO-1a. Tree Protection Plan	LUDC § 35.42.075.C.8 and Appendix J	Does the proposed project involve development within proximity to, alteration of, or the removal of, a native tree? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Article II § 35-144.C.8 and Appendix G	If so, does the project include implementation of the required tree protection plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
MM BIO-1b. Habitat Protection Plan	LUDC § 35.42.075.C.8 and Appendix J	<i>Inland.</i> Will the project result in the removal of native vegetation or other vegetation in an area that has been identified as having a medium to high potential of being occupied by a special-status wildlife species, nesting bird, or a Federal or State-listed special-status plant species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A  If so, does the project include implementation of the required habitat protection plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
	Article II § 35-144.C.8 and Appendix G	<i>Coastal.</i> Does the project involve development within environmentally sensitive habitat (ESH) and/or ESH buffers? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A  If so, does the project include implementation of the required habitat protection plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
MM HWR-1a. Cannabis Waste Discharge Requirements Draft General Order	LUDC § 35.42.075.D.1.d	Does the proposed project involve cannabis cultivation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Article II § 35-144U.C.1.d	If so, did the applicant submit documentation from the State Water Resources Control Board demonstrating compliance with the comprehensive Cannabis Cultivation Policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
MM BIO-3. Wildlife Movement Plan	LUDC § 35.42.075.C.8 and Appendix J	Is the proposed project site located in or near a wildlife movement area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Article II § 35-144.C.8 and Appendix G	If so, does the project include implementation of the required wildlife movement plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<b>Cultural Resources</b>		
MM CR-1. Preservation	LUDC § 35.42.075.C.1	Does the proposed project involve development within an area that has the potential for cultural

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
MM CR-2. Archaeological and Paleontological Surveys	Article II §§ 35-144U.C.1 and 35-65	resources to be located within it? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  If so, was a Phase I cultural study prepared? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  If so, did the Phase I cultural study require a Phase II cultural study? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A  If so, does the project involve implementation of cultural resource preservation measures set forth in the Phase II cultural study? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<b>Hazards and Hazardous Materials</b>		
MM HAZ-3. Volatile Manufacturing Employee Training Plan	LUDC § 35.42.075.D.4.c	Does the proposed project involve volatile manufacturing of cannabis products? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Article II § 35-144U.C.3.c	If so, does the project involve implementation of the required Volatile Manufacturing Employee Training Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<b>Hydrology and Water Quality Impacts</b>		
MM HWR-1. Cannabis Waste Discharge Requirements General Order	<i>See the Biological Resources items, above.</i>	
MM BIO-1b. Cannabis Waste Discharge Requirements General Order	<i>See the Biological Resources items, above.</i>	
<b>Land Use Impacts</b>		
MM LU-1. Public Lands Restriction	LUDC § 35.42.075.D.1.h	Does the proposed project involve cannabis cultivation on public lands? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Article II § 35-144U.C.1.h	
MM AQ-3. Cannabis Site Transportation Demand Management	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
MM AQ-5. Odor Abatement Plan	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
MM TRA-1. Payment of Transportation Impact Fees	County Ordinance No. 4270	Is the proposed project subject to the countywide, Goleta, or Orcutt development impact fee ordinance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If so, did the applicant pay the requisite fee? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
Compliance with Comprehensive Plan Environmental Resource Protection Policies	LUDC § 35.10.020.B	<i>All cannabis applications.</i> Does the proposed project comply with all applicable environmental resource protection policies set forth in the Comprehensive Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	CLUP Chapter 3, § 3.1 and Policy 1-4	<i>Coastal cannabis applications.</i> Does the proposed project comply with all applicable coastal resources protection policies set forth in the Coastal Land Use Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<b>Noise</b>		
MM AQ-3. Cannabis Site Transportation Demand Management	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
<b>Transportation and Traffic</b>		
MM AQ-3. Cannabis Site Transportation Demand Management	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
MM TRA-1. Payment of Transportation Impact Fees	<i>See the Land Use Impacts items, above.</i>	
<b>Unusual Project Site Characteristics and Development Activities</b>		
Activities and Impacts within the Scope of the Program/PEIR	State CEQA Guidelines § 15168(c)(1)	<p>Does the proposed project involve a project site with sensitive or unusual environmental characteristics, or require unusual development activities, which will result in a significant environmental impact that was not evaluated in the PEIR? Examples of unusual environmental characteristics or development activities which might cause a significant environmental impact include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• construction of a bridge across a riparian corridor that supports listed species protected under the Federal or California endangered species acts, in order to gain access to a project site;</li> <li>• structural development that cannot be screened from a public viewing location pursuant to the requirements of PEIR mitigation measure MM AV-1 (Screening Requirements); or</li> <li>• development activities that will have a significant impact on cultural resources, which cannot be mitigated to a less-than-significant level pursuant to the County's <i>Environmental Thresholds and Guidelines Manual</i> (March 2018).</li> </ul>

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – See Attachment 1 for additional information.

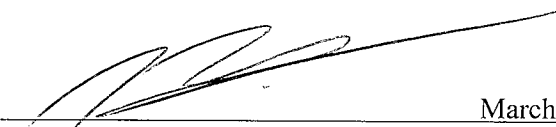
LUDC = Land Use and Development Code; Chapter 35, Article 35.1 et seq., of the Santa Barbara County Code  
 Article II = Coastal Zoning Ordinance; Chapter 35, Article II, § 35-50 et seq., of the Santa Barbara County Code  
 CLUP = Santa Barbara County Coastal Land Use Plan  
 State CEQA Guidelines = California Code of Regulations, Title 14, Division 6, Chapter 3, § 15000 et seq.

**C.1.1 Environmental Document Determination**

Check the appropriate box below, based on the responses to the questions and requests for information set forth in the checklist in § C.1 (above), Attachment 1 to this checklist, and pursuant to the requirements set forth in State CEQA Guidelines §§ 15162 and 15168.

- All of the environmental impacts of the proposed commercial cannabis operation are within the scope of the PEIR, and a subsequent environmental document is not required to evaluate the environmental impacts of the proposed commercial cannabis operation.
- The proposed commercial cannabis operation will have environmental effects that were not examined in the PEIR, and an initial study must be prepared to determine whether a subsequent environmental impact report or negative declaration must be prepared.

Nereyda (Rey) Harmon  
 Name of Preparer of § C.1

  
 Signature of Preparer of § C.1

March 9, 2020  
 Date

**C.2 Mitigation Measures/Requirements for CEO Staff Review**

<b>Mitigation Measure/Requirement</b>	<b>Code/Plan Sections*</b>	<b>Requirement</b>
<b>Air Quality and Greenhouse Gas Emissions</b>		
MM UE-2a. Energy Conservation Best Management Practices	BLO § 50-10(b)	Does the proposed project include the implementation of the required energy conservation plan? <input type="checkbox"/> Yes <input type="checkbox"/> No
MM UE-2b. Participation in a Renewable Energy Choice Program	BLO § 50-10(b)2.ii	Does the proposed project include participation in a renewable energy choice program to meet the applicable energy reduction goals for the proposed project? <input type="checkbox"/> Yes <input type="checkbox"/> No
MM UE-2c. Plan review by the County Green Building Committee	BLO § 50-10(b)2.iii.K	Did the County Green Building Committee review the proposed project? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  If so, does the proposed project conform to the recommendations of the County Green Building Committee? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>Utilities and Energy Conservation</b>		
MM UE-2a. Energy Conservation Best Management Practices	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
MM UE-2b. Participation in a Renewable Energy Program	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
MM UE-2c. Licensing by the County Green Building Committee	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
<b>Unusual Project Site Characteristics and Development Activities</b>		
Activities and Impacts within the Scope of the Program/PEIR	State CEQA Guidelines § 15168(c)(1)	Does the proposed project involve a project site with sensitive or unusual environmental characteristics, or require unusual development activities, which will result in a significant environmental impact that was not evaluated in the PEIR? Examples of unusual environmental characteristics or development activities which might cause a significant environmental impact include, but are not limited to: <ul style="list-style-type: none"> <li>• construction of a bridge across a riparian corridor that supports listed species protected under the Federal or California endangered species acts, in order to gain access to a project site;</li> <li>• structural development that cannot be</li> </ul>



Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		<p>screened from a public viewing location pursuant to the requirements of PEIR mitigation measure MM AV-1 (Screening Requirements); or</p> <ul style="list-style-type: none"> <li>development activities that will have a significant impact on cultural resources, which cannot be mitigated to a less-than-significant level pursuant to the County's <i>Environmental Thresholds and Guidelines Manual</i> (March 2018).</li> </ul> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

\* BLO = Commercial Cannabis Business Licensing Ordinance; Chapter 50, § 50-1 et seq., of the Santa Barbara County Code  
State CEQA Guidelines = California Code of Regulations, Title 14, Division 6, Chapter 3, § 15000 et seq.

**C.2.1 Environmental Document Determination**

Check the appropriate box below, based on the responses to the questions and requests for information set forth in the checklist in § C.2, above, and pursuant to the requirements set forth in State CEQA Guidelines §§ 15162 and 15168.

- All of the environmental impacts of the proposed commercial cannabis operation are within the scope of the PEIR, and a subsequent environmental document is not required to evaluate the environmental impacts of the proposed commercial cannabis operation.
- The proposed commercial cannabis operation will have environmental effects that were not examined in the PEIR, and an initial study must be prepared to determine whether a subsequent environmental impact report or negative declaration must be prepared.

\_\_\_\_\_  
Name of Preparer of § C.2

\_\_\_\_\_  
Signature of Preparer of § C.2

\_\_\_\_\_  
Date

Attachment 1 – Additional Information for Cannabis Activity CEQA Environmental Determination

## **Attachment 1 –**

### **Additional Information for the Proposed Cannabis Activity CEQA Environmental Determination**

The following provides additional analysis of the environmental impacts associated with the proposed Santa Rita Valley Ag., Inc., Cannabis Cultivation (Outdoor) Project (Proposed Project), pursuant to the requirements of the State CEQA Guidelines §§ 15168(c) and 15162. The State CEQA Guidelines §§ 15168(c)(1) and -(2) state:

*(1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. That later analysis may tier from the program EIR as provided in Section 15152.*

*(2) If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.*

The requirements of the State CEQA Guidelines § 15162 are set forth below along with an analysis of the Proposed Project with regard to these requirements. The following analysis supplements the information set forth in the Program Environmental Impact Report (PEIR) for the Cannabis Land Use Ordinance and Licensing Program (Program), State CEQA Guidelines § 15168 checklist prepared for the Proposed Project, and other documents in the administrative record regarding the Proposed Project (e.g., Land Use Permit application).

#### ***State CEQA Guidelines § 15162***

State CEQA Guidelines § 15162 states that when a lead agency has prepared an EIR for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that certain conditions exist. The specific conditions that warrant the preparation of a subsequent EIR are set forth below, with an analysis of the proposed project immediately following the respective condition.

**(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR...due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.**

The Proposed Project includes a request for a commercial cannabis cultivation activity that was anticipated and evaluated in the PEIR. The proposed project site is zoned AG-II-100 (Agriculture II, 100 acre minimum lot size) which is one of the zones in which outdoor cultivation activities was evaluated in the PEIR (PEIR pages 2-33 and 2-36, Table 2-5). Furthermore, the Santa Ynez Valley in which the Proposed Project site is located was one of five regions identified in the PEIR for organizing the data and analyzing the environmental impacts of the Program; the PEIR considered the existing development, physical features, regulatory environment, and unique atmospheric conditions of the Santa Ynez Valley (e.g., temperature inversions that can affect the dispersion of air emissions and odors) when evaluating the impacts of the Program (Ibid, Chapter 2 especially page 2-5, and page 3.3-1, Section 3.3.2.1). Therefore, the Proposed Project will not result in a change in the type or location of commercial cannabis activities that were evaluated in the PEIR.

Currently, there are approximately 23 land use entitlement applications (including the subject application for a LUP) involving proposed or permitted cannabis activities located generally west of the City of Buellton and near State Route 246 (Santa Barbara County Interactive Map for Cannabis, available at <https://sbcopad.maps.arcgis.com/apps/webappviewer/index.html?id=f287d128ab684ba4a87f1b9cff438f91>, accessed on March 9, 2020). The PEIR anticipated that certain areas (e.g., the Santa Ynez Valley) in which cannabis activities historically have occurred would continue to experience cannabis activities under the Program. Furthermore, the PEIR projected the demand for cannabis cultivation that could occur under the Program (i.e., 1,126 acres of cultivation countywide), based on information that was known at the time the PEIR was prepared. However, the Program that was analyzed in the PEIR did not include an artificial cap or other requirement to limit either the concentration or total amount of cannabis activities that could occur within any of the zones that were under consideration for cannabis activities (Ibid, pages 3-3, 3-5, 3-12, 3.1-19, and 3.12-26).<sup>1</sup> Therefore, the number and/or location of the commercial cannabis activities that have been either permitted or are currently under consideration within the general area of the Proposed Project site, do not constitute a substantial change in the Program.

Furthermore, the possible concentration of cannabis activities near the Proposed Project site will not create new significant environmental effects or a substantial increase in the severity of previously identified significant effects evaluated in the PEIR. The PEIR evaluated the cumulative impacts to which cannabis activities, as well as other pending, recently approved, and reasonably foreseeable non-cannabis projects, would contribute (Ibid, page 3-11, Section

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<sup>1</sup> The PEIR states, "...[T]he impact analysis in this EIR assumes that future cannabis activity licenses would not be limited under the Project, with the total area permitted to be unincorporated areas Countywide that are under County jurisdiction (excludes incorporated cities, state, federal, and tribal lands) (PEIR, page 3-5, emphasis added)."

3.0.4). The PEIR concluded that unavoidably significant (Class I) impacts would result from the Program with regard to the following environmental resources or issues:

- Aesthetics and visual resources
- Agricultural resources
- Air quality (including odor impacts)
- Noise
- Transportation and traffic

The Proposed Project would contribute to these cumulative impacts and would be subject to the mitigation measures set forth in the PEIR to reduce the Proposed Project's contribution to these cumulative impacts. However, these are not new impacts resulting from a substantial change in the Program. As stated above, the Proposed Project is an activity that was anticipated to result from the Program and, consequently, the impacts associated with the Proposed Project were disclosed in the PEIR. Furthermore, the PEIR did not assume that there would be a cap or other limitation on activities which would prevent a concentration of cannabis activities on agricultural lands, such as what is occurring within proximity to the Proposed Project site. As such, the PEIR analysis of cumulative impacts accounted for the impacts from the Proposed Project and other projects located within proximity to the Proposed Project site.

Therefore, the Proposed Project will not result in substantial changes to the Program which will require major revisions of the PEIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

**(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR...due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.**

As stated above, the Proposed Project consists of an activity and will result in impacts that were disclosed in the PEIR. Outdoor cultivation is a cannabis activity that was anticipated to occur on AG-II zoned lands, such as the AG-II zoned lands which exist in the Santa Ynez Valley on which the Proposed Project site is located. The PEIR evaluated the potential increases in employment, traffic, noise, air emissions (including odors), etc., that would result from the Proposed Project and other commercial cannabis activities allowed under the Program. In addition, all of the physical development that is included in the Proposed Project (e.g., fencing, lighting, and landscaping) was evaluated in the PEIR with regard to aesthetics, visual impacts, and loss of prime soils. Finally, the PEIR did not assume that there would be a cap or other limitation on activities which would prevent a concentration of cannabis activities within a specific geographic location, and the PEIR evaluated the cumulative impacts associated with such unlimited commercial cannabis development.

Therefore, the Proposed Project will not cause a substantial change to occur with respect to the circumstances under which the Program is undertaken which will require major revisions of the PEIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

**(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified....shows any of the following:**

**(A) The project will have one or more significant effects not discussed in the previous EIR....**

The PEIR evaluated the direct and indirect impacts, as well as the project-specific and cumulative impacts, that would result from the implementation of the Program. More specifically, the PEIR identified the following unavoidably significant (Class I) impacts that would result from the Program:

- Cumulative impacts to aesthetics and visual resources
- Cumulative impacts to agricultural resources
- Project-specific and cumulative impacts to air resources (including odors)
- Project-specific and cumulative noise impacts
- Project-specific and cumulative transportation and traffic impacts

The PEIR also identified the following significant but mitigable (Class II) impacts that would result from the Program:

- Project-specific impacts to aesthetics and visual resources
- Project-specific impacts to agricultural resources
- Project-specific and cumulative impacts to biological resources
- Project-specific impacts to cultural resources
- Project-specific impacts related to hazards and hazardous materials
- Project-specific impacts related to hydrology and water quality
- Project-specific land use impacts
- Project-specific impacts related to utilities and energy conservation

The PEIR identified a number of mitigation measures to reduce the significant impacts that would result from the implementation of the Program. The mitigation measures were included as development standards and other regulations of Chapters 35 and 50 of the County Code, which are applied to commercial cannabis activities resulting from the Program. As shown in Section C of the State CEQA Guidelines § 15168(c)(4) checklist that was prepared for the Proposed Project, the Proposed Project would be subject to the applicable mitigation measures that were included as development standards and other regulations of Chapters 35 and 50 of the County Code.

As stated above, the PEIR did not assume that there would be a cap or other limitation on activities which would prevent a concentration of cannabis activities within any given specific geographic location. Therefore, although the PEIR did not predict the specific commercial cannabis applications on the properties located on and around the Proposed Project site, the programmatic analysis was broad enough to account for this pattern of development that has resulted from the Program. Furthermore, the concentration of commercial cannabis activities will not result in a new significant impact which was not disclosed in the PEIR; the project-specific and cumulative impacts associated with aesthetics and visual resources, agricultural resources, air resources (including odors), noise, and traffic resulting from the Proposed Project and other proposed projects located within proximity to the Proposed Project site.

Therefore, as discussed above and in the Board Agenda Letter dated March 10, 2020, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the PEIR was certified, which shows that the Proposed Project will have one or more significant effects not discussed in the PEIR.

**(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;**

As stated above, the Proposed Project consists of a cannabis activity that was analyzed in the PEIR. There are no unique features of the Proposed Project such that the Proposed Project could cause more severe impacts than shown in the PEIR. The Proposed Project consists of 12.75 acres of outdoor cultivation in an agriculturally-zoned property, and would include new security fencing and landscaping to screen the cannabis cultivation activities. The PEIR analyzed the impacts of outdoor cultivation of cannabis on AG-II zoned lots within the Santa Ynez Valley. Furthermore, the PEIR did not assume that there would be a cap or other limitation on activities which would prevent a concentration of cannabis activities within any given specific geographic location. Although the PEIR did not predict the specific commercial cannabis applications on the properties located on and around the Proposed Project site, the programmatic analysis was broad enough to account for this pattern of development, and disclosed the corresponding impacts that would result.

**(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation or alternative; or**

There are no mitigation measure or alternatives previously found not to be feasible that would in fact be feasible, and would substantially reduce one or more significant effects of the Proposed Project, which are available at this time for the project proponents to consider. The environmental document prepared for the Cannabis Program was a PEIR, therefore there were no project-specific alternatives or mitigation measures. No program

amendments are being considered as part of this entitlement, therefore the feasibility of program alternatives from the PEIR are not under consideration as part of this action.

**(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.**

There is no new information which was not known and could not have been known at the time the PEIR was certified that shows any mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR which would substantially reduce one or more significant effects on the environment. Further, the project applicant agrees to adopt all applicable mitigation measures as demonstrated by Section 5.1 of the 15168(c)(4) Checklist hereby incorporated into this attachment. The Proposed Project includes cultivation and processing. The Proposed Project would comply with the applicable mitigation measures from the PEIR, and would be subject to a Landscaping and Screening Plan and Site Transportation Demand Management Plan.

**Attachment 4: Comprehensive Plan Consistency and  
Land Use and Development Code Compliance Analysis**

REQUIREMENT	DISCUSSION
<b><i>Land Use Element – Land Use Development Policies</i></b>	
<p><b><i>Land Use Development Policy 4:</i></b> <i>Prior to issuance of a use permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e. water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.</i></p>	<p><b>Consistent:</b> Adequate public and private services are in place to serve the proposed project. Water will continue to be provided by two agricultural wells located on the subject site. The existing residence will continue to be served by an existing septic system. Sanitary facilities for the permanent employees will be provided by a bathroom in the existing dwelling and bringing in portable chemical toilets and hand-washing stations during harvest seasons. The Santa Barbara County Fire Department would continue to provide fire and other emergency response services to the subject parcel. The County Sheriff would continue to provide police services to the subject parcel, and the Sheriff would be involved with reviewing and approving the proposed Security Plan as part of the review of the Business License application that is required for the proposed project (Business Licensing Ordinance Section 50-11). Ingress and egress to the parcel would continue to be provided off of West Highway 246. Therefore, the proposed project is consistent with this policy.</p>
<b><i>Land Use Element – Hillside and Watershed Protection Policies</i></b>	
<p><b><i>Policy 1:</i></b> <i>Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</i></p> <p><b><i>Policy 2:</i></b> <i>All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native</i></p>	<p><b>Consistent:</b> The proposed project does not include any grading. The project site does not contain any known soil, geologic, flooding, erosion, or other hazards. No tree or vegetation removal is being proposed. As stated in this staff report above, the proposed project is located approximately 434 feet at the closest point to the Santa Ynez riparian corridor and is not located within the 100-year floodplain associated with the Santa Ynez river. Therefore, the proposed project is consistent with these policies.</p>



vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.

**Policy 5:** Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized as rapidly as possible with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices.

**Policy 6:** Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained onsite whenever possible to facilitate groundwater recharge.

**Policy 7:** Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.

**Consistent:** The subject site has no known soils that are subject to substantial or unusual erosion, and has a slope of less than 0.2%. Therefore, the proposed project is consistent with this policy.

**Consistent:** The proposed project does not include new development that would substantially alter the existing storm water runoff drainage of the site. The existing topography of the site will not be altered and drainage will continue to flow towards Highway 246. In addition, the nearest river is located over 100 feet southeast of the subject property and is unlikely to be impacted by the proposed project's operations. Additionally, as stated in this staff report (above), the Applicant submitted a letter from the State Regional Water Quality Board, dated January 15, 2019, indicating compliance with the State Water Resources Control Board's Cannabis Cultivation Policy and the proposed project was assigned WDID number 3\_42CC403905. Therefore, the proposed project is consistent with these policies.

**Land Use Element – Historical and Archaeological Sites Policies**

**Policy 2:** When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.

**Consistent:** Leftwich Archaeology completed a Phase I Archaeological Assessment of the project site area, including both surface and subsurface survey tasks. The study included a records search at the Central Coast Information Center (CCIC), a review for known archaeological sites, previously undertaken

**Policy 5:** *Native Americans shall be consulted when development proposals are submitted which impact significant archaeological or cultural sites.*

cultural resource surveys, sites listed on the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), California Historical Monuments (CHL), or local monuments occurring within the project area, historic map and aerial photograph review, a sacred land search from the Native American Heritage Commission (NAHC), and coordination with local Native Americans. Background research did not identify any known prehistoric or historic resources within or adjacent to the project area. There was no evidence of historic structures or landform alteration within the project area, and no cultural resources are recorded within or near the project area. The proposed project will be subject to a condition of approval (Condition No.17) to require that any previously unidentified cultural resources discovered during site development are treated in accordance with the County's Cultural Resources Guidelines [Chapter 8 of the County's Environmental Thresholds and Guidelines Manual (rev.2/2018)].

On February 7, 2019, Dr. Leftwich met with Patrick Tumamait of the Barbareno/ Ventureno Band of Chumash. It was determined that the proposed project area contained low potential for significant buried prehistoric deposits and expressed little concern with the project moving forward. Therefore, the proposed project is consistent with these policies.

**Land Use Element – Visual Resources Policies**

**Visual Resources Policy 2:** *In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms: shall be designed to follow the*

**Consistent:** The revised project description does not include the 25 seatrains containers that were included in the original project description and, consequently, no longer includes the construction or placement of new buildings on the proposed project site. As such, structural development associated with the proposed project will solely consist of: security fencing that will be screened by the

*natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.*

proposed landscaping; a decorative split-rail fence to be installed along the subject property's frontage along State Route 246; motion-sensor, security lighting that will be shielded, directed downward, and limited to the entrance gates to the project site; and, if required, structural alterations to an existing dwelling to allow for the use of a restroom for permanent employees for the proposed cannabis activities. Furthermore, at the hearing on November 6, 2019, the County Planning Commission revised recommended Condition No. 7 of the Land Use Permit for the proposed project, to require the applicant to enhance the proposed landscaping for the proposed project by including additional plantings within 30-feet of the subject property line. The additional landscaping will further screen the proposed project site from public viewing locations, beyond what would have been achieved with the applicant's proposed landscaping plan. Finally, the proposed project only includes grading for the planting/cultivation of cannabis, and will not substantially alter landforms. Therefore, the proposed project is consistent with this policy.

***Agricultural Element Goals & Policies***

***Agricultural Element, Goal I:*** Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.

***Agricultural Element, Policy II.D:*** Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage

**Consistent:** The proposed project site historically has been used for grazing. The proposed project consists of the cultivation of cannabis. Therefore, although the type of agricultural activities will change on the proposed project site, the proposed project will result in the continued agricultural use of the subject property. Furthermore, the proposed project does not include the construction or placement of permanent buildings or structures on-site that would cover, and prevent agricultural use of, prime soils. In addition, the cannabis cultivation area will be located within the central portion of the lot which will increase the

<p><i>the retention of highly productive agricultural lands.</i></p>	<p>buffer between the cultivation area and adjacent agricultural operations.</p> <p>Therefore, the project is consistent with this goal and policy.</p>
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**1.1 Zoning: Land Use and Development Code**

The proposed commercial cannabis activities are consistent with the Land Use and Development Code’s requirements for the AG-II-100 zone district, as they relate to permitted uses, building heights, setbacks, and parking, as discussed further below.

**1.1.1 Intent of AG-II-100 Zoning**

Pursuant to Section 35.21.020 of the Land Use and Development Code, the purpose and intent of the AG-II zone district is to preserve these lands for long-term agricultural use. As discussed in this staff report above, the proposed project will result in a change in the type of agricultural use of the property (i.e., from grazing to cannabis cultivation); however, the proposed project site will continue to be used for agriculture.

Therefore, the proposed cannabis operation meets the purpose and intent of the AG-II zone district.

**6.4.2 Development Standards**

The subject property is zoned AG-II-100. Setbacks and height limit requirements for the AG-II zone are as follows:

<b>Setbacks</b>	
<b>Front</b>	50 feet from road centerline and 20 feet from edge of right-of-way
<b>Side</b>	None
<b>Rear</b>	None
<b>Height</b>	35 feet for a residential structure, no limit otherwise

As shown in the proposed landscape and screening plan (Attachment I) and proposed plans for the seatrains containers (Attachment M), the proposed seatrains containers will comply with the front yard setback requirement and the maximum height requirement of

the AG-II zone for non-residential structures. In addition, the existing structures on site that are not proposed to be a part of the cannabis operations are compliant with these setbacks and height limits.

### 6.4.3 Cannabis Regulations

Section 35.42.075 of the Land Use and Development Code establishes standards that are designed to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls, as a result of and in compliance with State law, protect neighborhood character, and minimizing potential for negative impacts on people, communities, and the environment, by establishing minimum land use requirements for medicinal and adult use cannabis activities including cultivation, processing, distribution, manufacturing, testing, and sales. As part of the LUP application, the Applicant submitted all of the required information to show that the proposed cannabis operation would be in compliance with all of the applicable standards in Section 35.42.075 of the Land Use and Development Code, as discussed below.

#### Development Standards from Section 35.42.075.C of the LUDC

1. ***Archaeological and paleontological surveys.*** *When commercial cannabis activities are proposed for lots that have not been subject to prior archaeological or paleontological surveys, the applicant shall provide a Phase I cultural resources study documenting the absence of presence of cultural resources in the project area. If current or previously conducted Phase I studies indicate that archaeological or other cultural sites are located in the project area, the applicant shall prepare and submit to the Department for review and approval documentation demonstrating that the resources shall be protected in accordance with applicable cultural resource protection policies. All required studies shall be prepared in accordance with applicable cultural resource protection policies. All required studies shall be prepared in accordance with the requirements of the most current County of Santa Barbara Cultural Resources Thresholds and Guidelines, and shall be submitted to the Department for review and approval. Impacts to significant cultural resources shall be mitigated to the maximum extent feasible, including the following measures:*
  - a. *In accordance with applicable cultural resource protection policies, cannabis development (e.g., buildings, grading, and trenching for utilities) shall be located in areas on a lot that would avoid impacts to significant archaeological and historic resources to the maximum extent feasible.*
  - b. *As necessary, additional studies (i.e. Phase I inventory, Phase 2 significance and impact assessment, and Phase 3 mitigation) shall be conducted at the expense of the applicant.*
  - c. *If significant cultural resources are located within 60 meters (200 feet) of ground disturbing activities, the resource shall be fenced and*

*appropriately protected during grading and construction. For any work conducted within a prehistoric or ethnohistoric period archaeological site, the County shall require monitoring of the site during grading and construction (including abandonment) by an approved archaeologist and Native American observer, as applicable.*

- d. An Education workshop shall be conducted for construction workers prior to and during construction as the County deems necessary for specific projects.*

As discussed in this staff report dated August 8, 2019, the Applicant provided a Phase I Archaeological Assessment in accordance with the most current County of Santa Barbara Cultural Resources Threshold and Guidelines. The Phase I Study did not find cultural resources on the project site nor did it find a potential for impacting cultural resources. The study documented the absence of presence of cultural resources.

- 2. *Fencing and Security Plan.*** *The applicant for a permit to allow outdoor, mixed-light, or nursery cannabis cultivation development shall prepare and submit to the Department for review and approval a Fencing and Security Plan demonstrating ample security and screening of the commercial cannabis activity. The standards of this Section shall be in addition to Section 35.30.070 (Fences and Walls). Where there are conflicts between the standards in this Section and any other applicable standards of this Article, the standards in this Section shall control. The Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Fencing and Security Plan shall include the following:*

- a. The Fencing Plan shall depict typical fencing details, including location, fence type, and height.*

- b. All fencing and/or walls shall be made out of material that blends into the surrounding terrain and shall minimize any visual impact.*

- c. Where fencing would separate an agricultural area from undeveloped areas with native vegetation and/or Habitat Management Plan easement area, said fencing shall use material or devices that are not injurious to wildlife and enable wildlife passage.*

- d. Prohibited security fencing materials include razor wire, tarps, dust guard fencing, privacy netting, or woven or non-woven polyethylene plastic.*

- e. The fence shall include lockable gate(s) that are locked at all times, except for during times of active ingress/egress.*

- f. No visual markers indicating that cannabis is cultivated on the site shall be visible from offsite.*

The proposed Fencing and Security Plan includes existing and proposed fencing locations, type, and height. In addition, the applicant's project is proposing to remove an existing barbwire fence that is located on the subject property, and proposing fencing of white split rail fencing along Highway 246 and the entrance to the proposed project site. The proposed Fencing Plan indicates installation of an eight-foot-tall, chain-link fence surrounding the entirety of the subject site, wherein the cannabis cultivation will occur. This fence includes a 20-foot-wide, lockable gate adjacent to the parking area, wherein employees and emergency personnel may enter. There is no other point of access besides this gate. The fencing does not include prohibited materials and there will be no visual markers that cannabis is cultivated on the site. The proposed Fencing and Security Plan and a narrative regarding proposed fencing and security is included as part of Attachment F of the memorandum dated 11/6/19.

3. ***Landscape Plan and Screening Plan.*** *The applicant for a permit to allow outdoor, indoor, mixed-light, or nursery cannabis cultivation development shall submit a Landscape Plan and Screening Plan to the Department for review and approval. The requirements in this Section shall also apply to the cannabis cultivation as part of a microbusiness. All cultivation shall be screened to the maximum extent feasible to avoid being seen from public places, including, but not limited to, public rights of way, shall comply with Section 35.34 (Landscaping Standards), and the standards listed below. The Landscape Plan and Screening Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable. The applicant shall demonstrate to the Department that all aspects of the Landscape Plan and Screening Plan comply with the following requirements:*
- a. *Said Plan(s) shall include landscaping which, within five years, will reasonably screen the view of any new structure, including greenhouses and agricultural accessory structure, and on-site parking areas from the nearest public road(s).*
  - b. *All landscaping shall be installed prior to initiating the cultivation activities that are subject to the permit for the cultivation activities.*
  - c. *Prior to the issuance of any permits, a performance security, in an amount determined by a landscape architect and approved by the Department, to insure installation and maintenance for two years, shall be filed with the County. Said performance security shall be released upon a written statement from the Department that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed and maintained for two years.*
  - d. *If due to site specific conditions (e.g., slopes), and applicant believes that screening cannot be fully achieved, the applicant shall submit a Landscape Plan and Screening Plan showing what portion can be screened and written documentation, which sets forth the reasons other portions cannot be screened,*

The proposed landscape and screening plan complies with this requirement in that the plan illustrates proposing additional landscaping on the property adjacent to Highway 246. Landscaping will consist of the installation and maintenance of coastal live oaks

(*Quercus agrifolia*), olive trees (*Olea europaea*), and grapevines (*Vitis*) along Highway 246, and olive trees and grapevines along the western property line. The plans demonstrate that, within five years, will reasonably screen the view of the cannabis activities from public views. The proposed Landscape Plan is included as part of Attachment F of the memorandum dated 11/6/19. In addition to planting along the perimeter of the subject property, to buffer the subject property from surrounding agricultural properties required as part of the Planning Commission's approval.

- 4. Lighting Plan.** *The applicant for any commercial cannabis activity involving artificial lighting shall submit a Lighting Plan to the Department for review and approval. The standards of this Section shall be in addition to Section 35.30.120 (Outdoor Lighting), and all other applicable Sections. Where there are conflicts between the standards in this Section and any other applicable standards of this Article, the standards that are most restrictive shall control. The Lighting Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project, as applicable. The Lighting Plan shall include the following:*
- a. Plans that identify all lighting on the lot demonstrating that all lighting will comply with the standards set forth in this Section and all applicable Community and Area Plans.*
  - b. Lighting necessary for security shall consist solely of motion-sensor lights and avoid adverse impacts on properties surrounding the lot on which the cannabis activity is located.*
  - c. Any outdoor lighting used for the illumination of parking areas and/or loading areas, or for security, shall be fully shielded and directed downward.*
  - d. Lighting is prohibited in hoop structures.*
  - e. If, due to site-specific conditions, an applicant believes that a Lighting Plan is not necessary, the applicant shall submit written documentation with the application for the cannabis permit, which sets forth the reasons. The Department shall review the written documentation and determine whether a Lighting Plan must be submitted with the application for the cannabis activity.*

The proposed Lighting Plan complies with these requirements in that all lighting proposed on the property is solely for security purposes and is motion-sensored, hooded, and directed downward. The proposed lighting will be located in the parking area. The use of artificial lights will not be used for the cultivation operations; only natural lighting will be used for cultivation purposes. Additionally, the submitted Lighting Plan illustrates that illumination will not occur beyond 55 feet from the light fixture, when it is on. The structures will be located approximately 200 feet from West Highway 246; therefore, lighting will not interfere with vehicular traffic on any portion of the highway.

- 5. Noise Plan.** *The applicant for indoor, mixed light, and nursery cultivation, and manufacturing (volatile and non-volatile) permits shall prepare and submit to the*



*Department for review and approval a Noise Plan. The Noise Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project as applicable. The Noise Plan shall demonstrate compliance with the following standards:*

- a. Buildings shall be adequately soundproofed so that interior noise shall not exceed 65 decibels beyond the property. The Plan shall identify noise-generating equipment that will be used and the noise level associated with each.*
- b. Environmental control systems shall be located and/or shielded to avoid generating noise levels above 65 decibels heard by sensitive receptors, in compliance with the Santa Barbara County Noise Element.*
- c. The combined decibel level for all noise sources, as measured at the property line of the lot on which the cannabis activity is located, shall not exceed 65 decibels.*
- d. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or emergency. The noise produced by a generator shall not be audible by humans from neighboring residences.*

The proposed Noise Plan provided by the Applicant demonstrates compliance with these requirements in that the Applicant details the proposed sources of noise associated with the cannabis operations. The Applicant provided a detailed Noise Study that demonstrates the combined decibel level for all noise sources, as measured at the property line of the lot on which the cannabis activity is located, shall not exceed 65 decibels. The Applicant demonstrated that the maximum noise level will be 62.25 dB.

- 6. *Odor Abatement Plan.*** *The applicant for cultivation, nursery, manufacturing (volatile and non-volatile), microbusiness, and/or distribution permits, shall (1) prepare and submit to the Department for review and approval, and (2) implement, an Odor Abatement Plan. No odor abatement plan shall be required in AG-II zoning, unless a CUP is required.*

The proposed cannabis cultivation is located on property zoned AG-II and only requires a Land Use Permit, therefore, does not require an Odor Abatement Plan.

- 7. *Signage.*** *All signs shall comply with Chapter 35.38 (Sign Standards).*

No signs are proposed as part of this project.

- 8. *Tree Protection, Habitat Protection, and Wildlife Movement Plans.*** *The applicant for any cannabis permit for a site that would involve the removal of native vegetation or other vegetation in an area that has been identified as having a medium to high potential of being occupied by a special-status wildlife species, nesting bird, or a*

*Federal or State-listed special-status plant species, shall prepare and submit to the Department for review and approval a Tree Protection, Habitat Protection, and/or Wildlife Movement Plan in accordance with Appendix J: Cannabis Activities Additional Standards. The Tree Protection, Habitat Protection, and Wildlife Movement Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable.*

The proposed cannabis cultivation project is over 100 feet from the Santa Ynez River and is not located on a property that contains Environmentally Sensitive Habitats. Furthermore, the proposed project does not involve the removal of native vegetation or other vegetation in an area that has been identified as having a medium to high potential of being occupied by a special-status wildlife species. Therefore, the proposed project does not require a Tree Protection, Habitat Protection, or Wildlife Movement Plan.

Additional Applicable Development Standards from Section 35.42.075.D of the Land Use and Development Code

*1. **Avoidance of prime soils.** All structures for cannabis cultivation operations, including, but not limited to, greenhouses that do not rely on in-ground cultivation, that are located on premises that contain prime soils shall be sited to avoid prime soils to the maximum extent feasible. Ancillary use facilities shall not be located on prime soils unless the Director determines that an alternative location on nonprime soils does not exist within a reasonable distance of the proposed site.*

The revised project is removing the twenty-five sea train containers that were proposed to be located within prime soils area. Therefore avoiding prime soils.

*2. **Cannabis Waste Discharge Requirements General Order.** The applicant shall demonstrate compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy which includes principles and guidelines for cannabis cultivation, including regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers, within the State.*

The Applicant provided proof in the form of a letter (included as part of Attachment E) that the project complies with the State Water Resources Control Board with regard to appropriately discharging waste associated with cannabis cultivation related activities.

*3. **STDMP.** The applicant shall prepare and submit to the Department for review and approval a Site Transportation Demand Management Plan that includes the lot location, total number of employees, hours of operation, lot access and transportation routes, and trip origins and destinations. The Site Transportation Demand Management Plan shall include at least one of the following methods to reduce vehicle trips generated by the cultivation operation:*

- 1) *Provide for carpool/shuttle/mini bus service for employees, especially during harvesting periods, on cultivation lots.*
- 2) *Provide shared parking areas for ridesharing on large and/or rural lots.*
- 3) *Provide bicycle storage/parking facilities.*
- 4) *Provide incentives to employees to rideshare or take public transportation.*
- 5) *Implement compressed or flexible work schedules to reduce the number of days per week that employees are needed.*

The proposed STDMP complies with these requirements in that the Applicant has provided information regarding the proposed transportation routes, trip origins and destinations, the hours of operation, and lot access. The proposed cannabis operations will take place between 6:00 a.m. and 6:00 p.m. Harvest periods for the cannabis operation are expected to occur for one, three-week period out of the year. At harvest, the site will require 40-50 workers. During non-harvest times, the site will employ 4-5 workers. The proposed parking for the site includes approximately 44 spaces and 6 vanpool spaces, for a total proposed parking area of 50 parking spaces. The STDMP includes vanpools, bicycle storage, and monetary incentives for employees who choose to carpool in order to reduce the vehicle trips generated by the proposed cannabis activities.

4. ***Water efficiency for commercial cannabis activities.*** *To the maximum extent feasible, and to the Director's satisfaction, water-conserving features shall be included in the design of proposed cannabis cultivation. These features may include, but are not limited to:*

- 1) *Evaporative barriers on exposed soils and pots.*
- 2) *Rainwater capture and reuse.*
- 3) *Recirculated irrigation water (zero waste).*
- 4) *Timed drip irrigation.*
- 5) *Soil moisture monitors.*
- 6) *Use of recycled water.*

The proposed project will use raised beds with evaporative barriers and timed drip irrigation. Water will be sourced from the agricultural well on site. Rainwater will be directed into cultivated areas. Therefore, the proposed project complies with this standard.

5. *Cultivation on lots zoned AG-II located adjacent to an Existing Developed Rural Neighborhood (EDRN) and/or Urban Rural boundary, shall require approval of a Conditional Use Permit.*

The subject property is zoned AG-II, however the nearest EDRN to this property is 3,971 feet from the property line and is over 2 miles from the nearest Urban Rural boundary. Therefore, the subject site is not located adjacent to an EDRN or an Urban Rural boundary and, therefore, does not require the approval of a Conditional Use Permit.