

## Attachment 16 – Comprehensive Plan and LUDC Consistency (PC Approval)

REQUIREMENT	DISCUSSION
<b><i>Land Use Element – Land Use Development Policies SYVCP Land Use 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><i>Policy LUG-SYV-7:</i></b> <i>The public shall be protected from noise that could jeopardize health and welfare.</i></p> <p><b><i>Policy LUG-SYV-8:</i></b> <i>The public shall be protected from air emissions and odors that could jeopardize health and welfare.</i></p>	<p><b>Consistent:</b> The subject property is served by one onsite existing agricultural well and one onsite existing domestic well. Sanitary facilities would be provided by four portable chemical toilets and hand-washing stations during harvest seasons for temporary and seasonal employees. The Applicant will provide portable chemical toilets and hand-washing stations for employees, who would be temporary and seasonal. The existing onsite septic system would also be used for the employees who live on site. Waste generated by cannabis plants (stems, root balls, and leaves) would be collected and composted to create fertilizer that would be used later to re-amend the soil during the spring season. All other waste would be collected and stored in a secure area onsite until it is picked up by an outside waste removal vendor. The Proposed Project site is accessed via an existing driveway that connects to W. Highway 246. Fire protection would be provided by County Fire. Police protection would be provided by the County Sheriff, 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.</p> <p>The proposed Noise Plan (Attachment G of Attachment 4 to the Board Letter dated March 17, 2020) would ensure that no generators would be used and that equipment noise would not exceed 65 decibels at the property line. The proposed Odor Abatement Plan (Attachment K of Attachment 4 to the Board Letter dated March 17, 2020) provides contact information for a person who would be responsible for logging and responding to complaints.</p>

	<p>Additionally, the Odor Abatement Plan outlines growing practices, such as specific cannabis varieties and design of rows and hoop houses, that would reduce odors. As discussed in Section 6.1 of the Planning Commission Staff Report, the Odor Abatement Plan meets all of the requirements of the SYVCP Development Standard DevStd LUG-SYV-8.11. Therefore, the Proposed Project is consistent with these policies.</p>
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***Land Use Element – Hillside and Watershed Protection Policies***

***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:** Construction of the new 3,000 sq. ft. agricultural buildings, hoop structures, and 1,080 sq ft. three-sided shade structure, cultivation, and all operations associated with the Proposed Project would be located outside of the minimum 200’ riparian setback area from the Santa Ynez River, in compliance with the SYVCP. CDFW evaluated the project, visited the project site, and, on February 14, 2019, issued a Notification that a Lake and Streambed Alteration Agreement is not required for the Proposed Project.

In conformance with Development Standard 35.42.075.D.1.d (Cannabis Regulations; Specific Use Development Standards; Cannabis Waste Discharge Requirements General Order) of the Land Use and Development Code, all cannabis cultivation projects are subject to 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. RWQCB reviewed the project and, on November 16, 2018, determined that it meets the requirements for the State Water Board’s Cannabis Cultivation Waste Discharge Regulatory Program.

During construction, the Proposed Project would properly store construction equipment away from drainage areas and would provide a

	<p>designated equipment washout area for materials such as paint and concrete (Conditions No. 20 and 21 of Attachment 2A to the Board Letter dated March 17, 2020).</p> <p>Cultivation and development on the Proposed Project site will not result in degradation of water quality of groundwater basins, nearby streams or wetlands. Therefore, the Proposed Project is consistent with this policy.</p>
<p><b>Land Use Element – Visual Resources Policies SYVCP – Visual and Aesthetic Resources</b></p>	
<p><b>Visual Resources Policy 2:</b> <i>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 natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.</i></p> <p><b>Visual Resources Policy 5:</b> <i>Utilities, including television, shall be placed underground in new developments in accordance with the rules and regulations of the California Public Utilities Commission, except where cost of undergrounding would be so high as to deny service.</i></p> <p><b>Policy VIS-SYV-1:</b> <i>Development of property should minimize impacts to open space views as seen from public roads and viewpoints and avoid destruction of significant visual resources.</i></p> <p><b>DevStd VIS-SYV-1.2:</b> <i>Development, including houses, roads and driveways, shall be sited and designed to be compatible with and subordinate to significant natural features including prominent slopes, hilltops and ridgelines, mature trees and woodlands, and natural drainage courses.</i></p>	<p><b>Consistent:</b> The Proposed Project site is located within the Rural area of the county. The Applicant planted three rows of landscaping comprised of a mix of 4,000 trees of varying species located near the northern parcel boundary which is adjacent to Highway 246. The Five-Year Landscape Projection (Attachment F of Attachment 4 to the Board Letter dated March 17, 2020) shows that this landscaping would reach maturity in five years (2024) and would provide screening to the maximum extent feasible. The project also includes planting olive trees along the north side of the proposed agricultural buildings. The CBAR reviewed the Landscaping and Screening Plan and provided Final Approval on August 22, 2019.</p> <p>The proposed fencing would surround the northern property line and would be visible to travelers on Highway 246. The fencing would be comprised of 6 ft.-tall wire fencing and would not obstruct viewsheds for travelers on Highway 246, because the gaps between the wire material would allow travelers to see through the fence.</p> <p>The Applicant is proposing to underground all new utility lines. The Proposed Project includes the permitting and continued use of an existing 2,700 sq. ft. greenhouse, a 240 sq. ft. agricultural storage building (not cannabis related), two 320 sq. ft. connex storage buildings, and 11,200 sq. ft. of five existing 10</p>

***Policy VIS-SYV-3: The night sky of the Santa Ynez Valley shall be protected from excessive and unnecessary light associated with new development and redevelopment.***

ft.-tall hoop structures located within the central portion of the parcel. The Proposed Project also includes one 6 ft.-tall 5,000-gallon water tank and one 12 ft.-tall 8,000-gallon water tank. All structures would be located at least 300 ft. from Highway 246. The existing residence and cultivation would be between the development and Highway 246. The CBAR reviewed the proposed buildings and provided Final Approval on August 22, 2019.

The project parcel slopes upward toward Highway 246, which borders the parcel to the north. The proposed development and cultivation would be located at a lower elevation than Highway 246, so it does not protrude into the skyline as viewed by travelers along Highway 246. Additionally, existing on-site trees located along Highway 246 are mature and taller than the proposed 10 ft.-tall hoop structures, processing buildings, shade structure, and existing greenhouses. Development on the project site would be subordinate to the existing mature trees and the topography of the subject parcel. All structures and cultivation would be located outside of the Santa Ynez River setback area. Therefore, all structures and cultivation would be compatible with and subordinate to natural features.

Outdoor lighting for the project would be downward facing and full cut-off, limiting any potential lighting spillover onto adjacent properties. Additionally, the lighting would be directed away from the Santa Ynez River area. The CBAR reviewed the Lighting Plan and provided Final Approval on August 22, 2019. Therefore, the Proposed Project is consistent with these policies.

***Land Use Element - Agricultural Element Goals & Policies***  
***SYVCP – Agriculture and Rural Land Use***

***Agricultural Element, Goal 1: 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,***

**Consistent:** The Proposed Project would be limited to 18 acres of outdoor cannabis cultivation, 5 acres of which would be under hoop structures, including 11,200 sq. ft. of five existing hoop structures, and mixed-light

*(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 the retention of highly productive agricultural lands.*

**Policy I.A:** *The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.*

**Policy LUA-SYV-2:** *Land designated for agriculture within the Santa Ynez Valley shall be preserved and protected for agricultural use.*

cultivation and a nursery within 2,700 sq. ft. of an existing greenhouse. The cannabis cultivation operation would continue to support and preserve the agricultural use of the property as no disturbance to historically cultivated prime soils on the site would occur. The proposed 5 acres of hoop structures, two 3,000 sq. ft. agricultural buildings, and 1,080 sq. ft. three-sided shade structure are compatible with the existing agricultural operations on the project parcel. Hoop structures are commonly used in the Santa Ynez Valley for agricultural purposes. The proposed metal roofing and siding materials of the two 3,000 sq. ft. agricultural buildings would be similar in character and style to the existing permitted 3,000 sq. ft. agricultural storage building located on the project parcel.

The existing unpermitted buildings proposed to be legalized are located in areas of the project site that are not utilized for agricultural operations, except the existing unpermitted greenhouse and hoop structures which would be used for cultivation. These agricultural facilities would not hinder or diminish the agricultural capabilities or potential of the project site, since cultivation would occur inside the structures. The non-agricultural structures would be incidental and subordinate to the primary agricultural use of the property, since cultivation would occur in other designated areas of the project parcel. No recreational uses or other incompatible uses are included as part of the Proposed Project. Therefore, the Proposed Project is consistent with this goal and these policies.

***SYVCP Resources and Constraints Element – Biological Resources***

**Policy BIO-SYV-1:** *Environmentally Sensitive biological resources and habitat areas shall be protected and, where appropriate, enhanced.*

**DevStd BIO-SYV-4.1:** *Development shall include a minimum setback of... 200 feet from the Santa Ynez River, from the edge of riparian vegetation or the top of bank, whichever is more*

**Consistent:** As discussed above, the Applicant provided a Biological Assessment and Wildlife Movement Plan prepared by County-approved biologist David Lee at the Davey Resource Group (DRG) on March 1, 2019. This report concludes that, because the Proposed Project will occur on historically disturbed farmland, roadways, and disturbed areas on the project

<p><i>protective. The setbacks may be adjusted upward or downward on a case-by-case basis depending upon site specific conditions such as slopes, biological resources and erosion potential.</i></p> <p><b>DevStd BIO-SYV-4.3:</b> <i>Only fully shielded (full cutoff) night lighting shall be used near stream corridors. Light fixtures shall be directed away from the stream channel.</i></p> <p><b>Policy BIO-SYV-13:</b> <i>The use of native landscaping shall be encouraged, especially in parks, buffers adjacent to native habitats, and designated open space.</i></p> <p><b>DevStd BIO-SYV-13.1:</b> <i>For development requiring a landscape plan, the use of non-invasive plant species should be used to the maximum extent feasible. Plants listed on the CalEPPC Exotic Pest Plants of Greatest Ecological concern in California should not be used.</i></p>	<p>site, the Proposed Project site contains no significant native habitat. As stated in the Biological Assessment, the Proposed Project would include a 200' setback from the Santa Ynez River riparian habitat and top of bank. CDFW evaluated the Proposed Project, conducted a site visit, and, on February 14, 2019, issued a Notification that a Lake and Streambed Alteration Agreement is not required for the Proposed Project. RWQCB also reviewed the project and, on November 16, 2018, determined that it meets the requirements for the State Water Board's Cannabis Cultivation Waste Discharge Regulatory Program.</p> <p>Outdoor lighting for the project would be downward facing and full cut-off, limiting any potential lighting spillover onto adjacent properties. Additionally, the lighting would be directed away from the Santa Ynez River area, as recommended in the Biological Assessment. Proposed landscaping includes new olive trees, which are non-invasive, to be planted along the north side of the new 3,000 sq. ft. agricultural buildings. Further, adequate landscaping was recently planted by the Applicant on the subject parcel. The existing landscaping includes a mix of native trees such as Coast Live Oaks, Cottonwoods, and non-invasive trees. Therefore, the Proposed Project is consistent with these policies.</p>
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## 1.1 Zoning: Land Use and Development Code Ordinance Compliance

The proposed cannabis cultivation operation is consistent with the Land Use and Development Code requirements for the AG-II-40 zone district regarding permitted uses, building heights, setbacks, and parking.

### Intent of AG-II-40 Zoning

Section 35.21.020 (Purposes of the Agricultural Zones) of the Land Use and Development Code states that the AG-II zone is applied to areas appropriate for agricultural land uses on prime and non-prime agricultural lands located within the Rural Area as shown on the Comprehensive Plan maps. It further provides that the 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 the continued agricultural use of the subject

property. Additionally, cannabis cultivation and processing are allowed uses in the AG-II zone district.

### **6.4.3 Setbacks**

Section 35.21.050(A) (Agricultural Zones Development Standards; General development standards) sets forth the following structural setbacks for the AG-II Zone District:

Front: 50 feet from road centerline and 20 feet from edge of right-of-way  
Side: No setback required  
Rear: No setback required  
Building Separation: None, except as required by Building Code

All proposed development, including 5 acres of hoop structures, two 3,000 sq. ft. agricultural buildings, one 1,080 sq. ft. three-sided shade structure, and two water tanks, would be constructed outside of the required setbacks. The Proposed Project includes permitting and the continued use of an existing 2,700 sq. ft. greenhouse, a 240 sq. ft. agricultural storage building (not cannabis related), two 320 sq. ft. connex storage buildings, and 11,200 sq. ft. of five existing 10 ft.-tall hoop structures. All development is located in the central portion of the project site. The structures are setback a minimum of 50 feet from the centerline of Highway 246 and 20 feet from the edge of the right-of-way, consistent with the setback requirements of the AG-II zone district.

### **6.4.4 Cannabis Regulations**

Section 35.42.075 (Cannabis Regulations) of the Land Use and Development Code provides 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 minimize the 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. The application packet for the Land Use Permit submitted by the Applicant included the information necessary to demonstrate that the approved cannabis cultivation operation is in compliance with the applicable standards set forth in 35.42.075 of the Land Use and Development Code, as discussed below.

#### General Commercial Cannabis Activities Development Standards (Land Use and Development Code Section 35.42.075.C)

- 1. **Archaeological and paleontological surveys.** When commercial cannabis activities are proposed for lots that have not been subject to prior archaeological or paleontological surveys in accordance with the County's current Cultural Resource Guidelines, the applicant shall provide a Phase 1 cultural resource study documenting the absence or presence of cultural resources in the project area. If current or previously conducted Phase 1 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 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 1 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 educational workshop shall be conducted for construction workers prior to and during construction as the County deems necessary for specific projects.*

The applicant submitted a Phase I Negative Archaeological Survey Report that was prepared in 2018, by Robert Hoover and David Hoover with Hoover Archaeological Consultants in accordance with the most current County of Santa Barbara Cultural Resources Threshold and Guidelines. No cultural resources were observed during the Phase I field survey, and the report concluded that the project would have no effect on archaeological resources. In the unlikely event that subsurface resources are encountered on-site, the Applicant would stop work immediately, contact P&D staff, and retain a P&D-approved archaeologist and Native American representative to evaluate the significance of the find (Condition No. 22, Attachment 2A to the Board Letter dated March 17, 2020). The Proposed Project is consistent with this development standard of the Cannabis Regulations.

- 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 impacts.*
  - d. 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.*

- f. Prohibited fencing materials include razor wire, tarps, dust guard fencing, privacy netting, or woven or non-woven polyethylene plastic.*
- g. The fence shall include lockable gate(s) that are locked at all times, except for during times of active ingress/egress.*
- h. No visual markers indicating that cannabis is cultivated on the site shall be visible from offsite.*

The proposed Security and Fencing Plans (Attachment G of Attachment 4 to the Board Letter dated March 17, 2020) include fencing that would enclose all aspects of the cannabis operation. Specifically, the fencing would fully surround the project lining east, north and west property lines and running across the riparian vegetation area north of the Santa Ynez River. The perimeter fencing described above would be comprised of sections of 6 ft.-tall wire fencing, existing 6 ft.-tall post and wire fencing, and proposed 6 ft.-tall wire fencing. Additional fencing would also be located within the parcel boundaries to provide barriers to the cultivation areas and would be made up of the previously described fence types as well as existing 10 ft.-tall post and steel fencing. One locked security gate is located at the entrance to the property off of Highway 246. The Proposed Project does not include the installation of visual markers that would indicate cannabis cultivation on the Proposed Project site. Staff reviewed the security and fencing plans as part of the Proposed Project analysis and determined that the plans are consistent with this development standard of the Cannabis Regulations.

**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), an 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.*

As described in this staff report above, the Landscaping and Screening Plan (Attachment F of Attachment 4 to the Board Letter dated March 17, 2020) includes a variety of existing recently-planted trees including Olives, Privets, Peppers, Redwoods, Sycamores, Willows, and Cottonwoods located near the Highway 246 property line and along the west and east parcel boundaries. New olive trees would be planted along the north side of the proposed agricultural buildings. Simulations provided by the Applicant show that the 4,000 recently planted trees would reach maturity in five years and would screen the operation, as required by the Land Use and Development Code. The landscaping will provide adequate screening from Highway 246 within five years and, therefore, it is consistent with this development standard of the Cannabis Regulations.

- 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 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 depicts (Sheet A107 of Attachment 13 to the Board Letter dated March 17, 2020) exterior lighting that would solely consist of motion-sensor lights that are shielded or otherwise designed to avoid spillover illumination of adjacent properties. Additionally, the lighting would be directed downward and away from the Santa

Ynez River. As such, the lighting plan is consistent with this development standard of the Cannabis Regulations.

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.*
  - d. *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.*
  - e. *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 Applicant submitted an operational plan which states that all associated operational equipment, including fans to be located within the existing greenhouse, will not exceed 65 decibels beyond the property line. No environmental control systems or generators are proposed. Therefore, the Proposed Project is consistent with this development standard of the Cannabis Regulations.

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 Odor Abatement Plan must prevent odors from being experienced within residential zones, as determined by the Director. The Odor Abatement 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 Odor Abatement Plan must include the following:*
- a. *A floor plan, specifying locations of odor-emitting activity(ies) and emissions.*
  - b. *A description of the specific odor-emitting activity(ies) that will occur.*
  - c. *A description of the phases (e.g., frequency and length of each phase) of odor-emitting activity(ies).*
  - d. *A description of all equipment and methods to be used for reducing odors. A Professional Engineer or a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.*
  - e. *Approved odor control systems, subject to certification as required in Subsection d above, may include, but are not limited to:*

- (1) *Activated carbon filtration systems.*
  - (2) *Vapor-phase systems. Vapor-phase systems must comply with the following:*
    - (a) *The resulting odors must be odor-neutralizing, not odor-masking.*
    - (b) *The technology must not be utilized in excessive amounts to produce a differing scent (such as pine or citrus).*
    - (c) *Use of these systems must have supporting documentation to demonstrate that the systems meet United States Environmental Protection Agency's Acute Exposure Guideline Levels or similar public health threshold.*
  - (3) *Other odor controls systems or project siting practices that demonstrate effectiveness in controlling odors.*
- f. *Designation of an individual (local contact) who is responsible for responding to odor complaints as follow:*
- (1) *The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding any odor complaints.*
  - (2) *The Applicant shall provide property owners and residents of property located within 1,000-feet of the lot on which the cannabis activity is conducted, the contact information of the local contact responsible for responding to odor complaints. The operator is required to immediately notify the County of any changes to the local contact.*
  - (3) *The operator of the cannabis activity is required to notify the County of any complaints that the operator receives, within 24 hours of receiving the complaint.*
  - (4) *Failure to respond to calls in a timely and appropriate manner may result in revocation of the permit. For purposes of this Subsection, responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if corrective action is required, to address any violation of this Section.*
  - (5) *The operator shall implement a complaint tracking system for all complaints that the operator receives, which includes a method for recording the following information: contact information of the complainant, as well as a description of the location from which the complainant detected the odors; time that the operator received the complaint; description of the complaint; description of the activities occurring on site when the complainant detected the odors; and actions the operator implemented in order to address the odor complaint. The operator shall provide the complaint tracking system records to the Department as part of any Departmental inspections of the cannabis operation and upon the Department's request. The operator shall maintain the complaint tracking records for a minimum of five years.*
- g. *The Applicant shall allow the Department access to the facility at all times, without notice, for the purpose of inspecting odor mitigation practices, odor source(s), and complaint tracking system records.*

- h. *If the Department receives three verified complaints regarding odor events in any 365-day period, the Permittee shall implement corrective actions to comply with the odor abatement requirements of this Section 35.42.075.C.7. Upon the Department's request, the Permittee shall submit a written statement that sets forth the corrective actions and timing of implementation of each corrective action, subject to the Department's review and approval. The department may require the corrective actions to be re-certified by a Professional Engineer or a Certified Industrial Hygienist. Notwithstanding the requirements of this Section, the Department may take additional enforcement actions pursuant to Chapter 35.108 (Enforcement and Penalties) which may include, but are not limited to, initiating proceedings to revoke the applicable cannabis land use entitlement(s).*

The Proposed Project is located in an AG-II zone district, and the LUDC does not require the submittal of an Odor Abatement Plan. However, an Odor Abatement Plan was required to be submitted (Attachment K of Attachment 4 to the Board Letter dated March 17, 2020), because the Proposed Project is located within the SYVCP area. As discussed in Section 6.1 of this staff report, Policy LUG-SYV-8 of the SYVCP states: "The public shall be protected from air emissions and odors that could jeopardize health and welfare." In order to comply with this policy, a project proponent must satisfy SYVCP Development Standard DevStd LUG-SYV-8.11. The Odor Abatement Plan fulfills the requirements of the SYVCP.

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

No signs are included as part of the Proposed Project. No signs exist that indicate cannabis cultivation would occur onsite. The Proposed Project is consistent with this development standard of the Cannabis Regulations.

**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 Biological Assessment prepared by County-approved biologist David Lee at the Davey Resource Group (DRG), dated March 1, 2019, states that since the Proposed Project does not include any trimming or removal of native trees or the clearing of native vegetation, a Tree Protection Plan and Habitat Protection Plan are not required. Since the property adjoins the Santa Ynez River, a wildlife movement corridor, a Wildlife Movement Plan was prepared for the Proposed Project (Attachment L of Attachment 4 to the Board Letter dated March 17, 2020). The proposed Wildlife Movement Plan includes employee

awareness training and measures to reduce contamination, including appropriate siting of the compost area and use of permitted pesticides and herbicides. The Wildlife Movement Plan also includes minimizing night time lighting and directing light away from the Santa Ynez River, minimizing ground disturbance by not installing hoop structures or plowing within 72 hours of rainfall, and utilizing wildlife-friendly wire fencing. Additionally, silt fencing would be required on fencing that is installed within proximity of the riparian setback based on consultations with David Lee during operation. Therefore, the Wildlife Movement Plan is consistent with this development standard of the Cannabis Regulations.

Specific Use Development Standards [Land Use and Development Code Section 35.42.075(D)]

- 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 majority of the parcel does not have prime soils. Portions of the parcel on the west and east areas of the parcel do have prime soils. The southernmost 30 ft. of the existing hoop structures are partially located in the prime soil area on the west portion of the parcel. No development is located or proposed to be located in the eastern prime soil area. All areas of the parcel deemed to have prime soils are proposed to be used for outdoor cultivation, which would include hoop structures, as described above. The Proposed Project is consistent with this development standard of the Cannabis Regulations.

- 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.*

As stated above in this staff report, the RWQCB reviewed the Proposed Project and, on November 16, 2018, determined that it meets the requirements for the State Water Board's Cannabis Cultivation Waste Discharge Regulatory Program. The Proposed Project is consistent with this development standard of the Cannabis Regulations.

- 3. **Site Transportation Demand Management Plan.** 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 be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. 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 Applicant submitted a Site Transportation Demand Management Plan (Attachment 13 of Attachment 4 to the Board Letter dated March 17, 2020) that includes a shuttle bus program for employees and rideshare parking on site. With the implementation of these methods, vehicle trips will be reduced consistent with this development standard of the Cannabis Regulations and PEIR mitigation measures that apply to the Proposed Project.

**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) *Re-circulated irrigation water (zero waste).*
- 4) *Timed drip irrigation.*
- 5) *Soil moisture monitors.*
- 6) *Use of recycled water.*

The Proposed Project would use timed drip irrigation. Additionally, the irrigation method would be inspected for leaks (Condition No. 14 of Attachment 2A to the Board Letter dated March 17, 2020). The Proposed Project is consistent with this development standard of the Cannabis Regulations.

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

As stated in this Board Letter, the subject property is zoned AG-II, but is not located adjacent to an EDRN or Urban Rural boundary. Therefore, the Proposed Project does not require the approval of a Conditional Use Permit.

**Hoop Structures and Shade Structures Development Standards (Land Use and Development Code Section 35.42.140.C)**

**1. *Lighting. Interior and exterior lighting associated with hoop structures and shade structures is not allowed.***

The proposed hoop structures and existing unpermitted hoop structures would not include interior or exterior lighting. The Proposed Project is consistent with this development standard of the Hoop Structures and Shade Structures Regulations.

2. ***Structural Elements.*** *Hoop structures and shade structures shall not have permanent structural elements such as footings and foundations, and shall not have any utilities including plumbing, natural gas, or electricity.*

The proposed hoop structures and existing unpermitted hoop structures would not have any permanent elements or utilities. The Proposed Project is consistent with this development standard of the Hoop Structures and Shade Structures Regulations.

3. ***Setbacks.*** *Hoop structures and shade structures shall comply with applicable setbacks of the zone in which they are located.*

The AG-II zone district has a front setback of 20 ft. from the right-of-way. There are no side or rear setbacks in the AG-II zone. The proposed hoop structures and existing would not be located within any required setback areas. Therefore, the Proposed Project is consistent with this development standard of the Hoop Structures and Shade Structures Regulations.

4. ***Streams and Creeks.*** *Within the Rural areas, hoop structures and shade structures shall be setback 100 ft. from the top-of-bank or edge of riparian vegetation of streams and creeks, whichever is more protective of the resources.*

As stated in the Biological Assessment, the Proposed Project would include a 200' setback from the Santa Ynez River riparian habitat and top of bank. The Proposed Project is consistent with this development standard of the Hoop Structures and Shade Structures Regulations.