

SANTA BARBARA COUNTY PLANNING COMMISSION
Appeal of the Castlerock Family Farms II, LLC Cannabis Cultivation Land Use Permit

Hearing Date: July 8, 2020
Staff Report Date: July 1, 2020
Case Nos.: 19APL-00000-00023 and
19LUP-00000-00050
Environmental Document: Cannabis Land
Use Ordinance and Licensing Program
PEIR (17EIR-00000-00003 and SCH No.
2017071016), Pursuant to CEQA
Guidelines §15162 and §15168(c)(4)

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OWNER

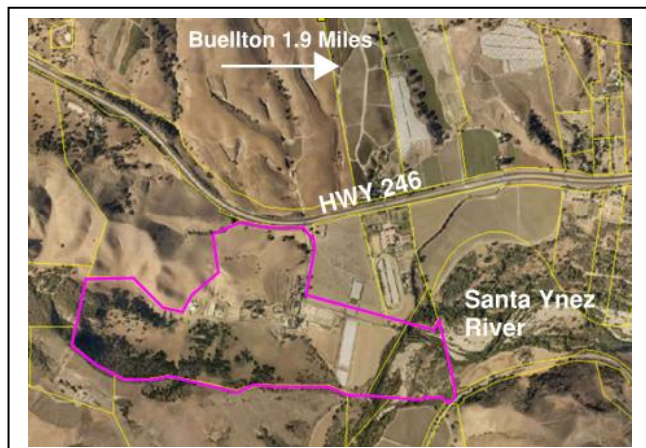
Parks Ranch, LLC
7630 W. Highway 246
Buellton, CA 93427

APPELLANT

John Wagner
7290 Santa Rosa Road
Buellton, CA 93427

AGENT FOR THE APPELLANT

Courtney E. Taylor
1005 Court Street, #310
San Luis Obispo, CA 93401



The site is one legal lot identified as Assessor's Parcel Numbers 099-230-034 and -011 and is located on the south side of W Highway 246, 3.5 miles west of US 101 in the Buellton area, Third Supervisorial District.

Submittal Date: February 8, 2019
Land Use Approval: July 26, 2019
Appeal Filed: August 5, 2019

1.0 REQUEST

Hearing on the request of John Wagner, Appellant, to consider Case No. 19APL-00000-00023, to appeal the Planning Director's approval of Case No. 19LUP-00000-00050 in compliance with Section 35.102 (Appeals) of the Santa Barbara County Land Use & Development Code (LUDC). The subject property is identified as Assessor's Parcel Numbers 099-230-034 and -011, comprising one legal lot addressed as 2200 W. Highway 246 in the Buellton area, Third Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Staff recommends that the Planning Commission follow the procedures outlined below, deny the appeal (Case No. 19APL-00000-00023) and affirm the decision of the Planning Director to conditionally approve Case No. 19LUP-00000-00050, including Attachments A-O of this Planning Commission Staff Report dated July 1, 2020, based upon the proposed project's consistency with the Comprehensive Plan and based on the ability to make the required findings.

The Commission's motion should include the following:

1. Deny the appeal, Case No. 19APL-00000-00023.
2. Make the required findings for approval of the proposed project as specified in Attachment A of this staff report, including California Environmental Quality Act (CEQA) findings.
3. Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) is adequate and no subsequent environmental review is required pursuant to CEQA Guidelines §15162 and 15168(c)(2) (Attachment C).
4. Grant *de novo* approval of the proposed project, Case No. 19LUP-00000-00050, subject to the conditions included as Attachment B of this staff report.

Refer back to staff for appropriate findings and conditions if the Planning Commission takes an action other than the recommendation listed above.

3.0 JURISDICTION

The County Planning Commission's consideration of this appeal is based on Section 35.82.110.D.2 of the LUDC, which states: "The action of the Director is final subject to appeal in compliance with Section 35-102 (Appeals)." Given that the Land Use Permit was approved by the Director and subsequently appealed, the County Planning Commission is the decision making body on this appeal pursuant to Section 35.102.040.A.3.d of the Land Use and Development Code.

4.0 ISSUE SUMMARY

On July 26, 2019, the Director of Planning and Development approved the Castlerock Family Farms II, LLC Cannabis Cultivation project (herein after proposed Project) under Land Use Permit (Case No. 19LUP-00000-00050), finding the project to be consistent with the development standards and regulations for cannabis operations set forth in Section 35.42.075(C) of the LUDC. The approved project included 22.95 acres of cannabis cultivation under hoops, as well as 2 processing buildings and a nursery.

A timely appeal of the Director’s decision was filed on August 5, 2019, during the 10-day appeal period. The Appellant cites the following 10 issues as the basis of the appeal:

1. Non-compliance with the California Environmental Quality Act (CEQA),
2. Failure to comply with land use regulations and the General Plan,
3. Failure to address health and safety concerns,
4. Inadequate Fencing, Security and Landscaping and Screening Plans,
5. Inadequate Noise Plan,
6. Inadequate Revegetation, Habitat and Wildlife Movement Plans,
7. Inadequate Lighting Plan,
8. Inadequate Site Transportation Demand Management Plan,
9. Lack of review by the State Regional Water Quality Control Board, and,
10. Inadequate conditions of approval and mitigation monitoring.

Subsequent to the appeal of the project approval, the Applicant, Castlerock Family Farms, LLC, sought to scale back the project and on May 19, 2020 revised it to remove all on-site processing and all cannabis activities west of Cultivation Area C entirely. This action eliminated a 3,950-sq. ft. processing building, a 6,260 sq. ft. processing building and ten (10) 320 sq. ft. metal shipping containers from the project description. As a result, the project now proposes no on-site processing and no nursery component.

Staff has reviewed the appeal and finds that the approved project, as revised, is consistent with the Santa Barbara County Comprehensive Plan and Section 35.42.075 (Cannabis Regulations) of the LUDC. The information included in this staff report supports *de novo* approval of the Castlerock Family Farms Cannabis Cultivation Land Use Permit, Case No. 19LUP-00000-00050.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	AC (Agricultural Commercial)
Ordinance, Zone	Land Use & Development Code, Agriculture II AG-II-100 (100-acre minimum lot size)
Site Size	277.43 acres

Site Information	
Present Use & Development	The site is developed with several existing residential and agricultural support structures and has been used for irrigated crops dating back to the 1920s.
Surrounding Zones/Uses	North: Agriculture, AG-II-100 (100-acre minimum lot size), Irrigated Crops, Proposed Cannabis Operation South: Agriculture, AG-II-100 (100-acre minimum lot size), Santa Ynez River, Irrigated Crops East: Agriculture, AG-II-100 (100-acre minimum lot size) West: Agriculture, AG-II-100 (100-acre minimum lot size), Agriculture Grazing Land
Access	Existing driveway off of W. Highway 246
Public Services	Water Supply: Existing wells for irrigation and potable water Sewage: Existing septic systems Fire: Santa Barbara County Fire Department Police Services: Santa Barbara County Sheriff

5.2 Project Description for Case 19LUP-00000-00050

As stated in this staff report above, on May 19, 2020, the Applicant submitted a revised project description which is as follows:

Castlerock Family Farms II, LLC, the Applicant, requests a Land Use Permit, Case No. 19LUP-00000-00050, to allow approximately 22.95 acres of outdoor cannabis cultivation. All cultivation would occur under hoop structures with a maximum height of 16 feet and would be located in three separate areas. Cultivation Area A would be 16.53 acres, Cultivation Area B 4.63 acres and Cultivation Area C 1.79 acres. No processing would occur on-site. The three cultivation areas, the operations area and an administrative hold area would each be fully encircled separately with six to eight-foot tall no-climb deer fencing. Outdoor lighting would be fully-shielded, night sky compliant, activated by motion sensor and set to shut off after 6 minutes or less. No new structures are proposed as part of this project. The project would be screened from view from Highway 246 by 70 Bishop Pine and 57 Coast Live Oak trees to be planted along the existing berm. Revegetation of a 3.28 acre area along the Santa Ynez River riparian corridor would include 9 Bishop Pines, 110 Coast Live Oaks and 30 California Box Elder trees, as well as 6 species of shrubs, groundcovers and perennials.

At present, there are 27 structures on the site. The cannabis operation would include the use of five of the existing structures.

Existing Structures to be used for Cannabis:

Structure #30: Pesticide/Chemical/Tool Storage Building (320 sq. ft.)

Structure #36: Farm Office (160 sq. ft.) – restroom to be added

Structure #37: 5,000 gallon Water Tank (80 sq. ft.) (as built - previously unpermitted)
Structures #38 and #39 20,000-gallon water tanks (155 sq. ft. each)

Six structures will be demolished:

Structure #9: Singlewide Residential Trailer (640 sq.ft.)
Structure #10: Shed (112 sq. ft.)
Structure #11: Carport (256 sq. ft.)
Structure #13: Bunker/Bomb Shelter
Structure #20: Doublewide Residential Trailer (1,320 sq. ft.)
Structure #23: Processing Barn (6,260 sq. ft.)

After demolition, 16 existing non-cannabis structures would remain. Eight of the remaining existing non-cannabis related structures are 'as-built' and did not obtain the necessary permits and would be legalized through this land use permit and subsequent building permit approvals.

Structure #1: Primary Residence – Addition (1,216 sq. ft.)
Structure #8: Garage conversion later (725 sq. ft.)
Structure #14: Horse Corrals – Covered (3,000 sq. ft.)
Structure #18: Fuel Dispenser w/ 2 Above-Ground Storage Tanks (64 sq. ft.)
Structure #19: 3-Sided Pole Barn (736 sq. ft.)
Structure #21: Shed #2 (180 sq. ft.)
Structure #22: Tool Shed (280 sq. ft.)
Structure #24: Horse Corrals – Covered (5,692 sq. ft.)

Operational hours would generally be from 6:30 a.m. – 4:00 p.m. Monday through Friday. During four annual one-month-long harvest/planting periods hours may be extended to weekends and from 6am to 8pm. The four annual harvest/planting periods would run mid-February to mid-March, mid-May to mid-June, mid-August to mid-September and mid-November to mid-December. There would be five full-time permanent employees, with up to 15 additional employees during the harvest/planting periods. The site is served by four existing private water wells and existing private septic systems. Electrical service is provided by PG&E. Access to the site is provided via private driveway off of State Highway 246. Twenty-nine parking spaces would be provided onsite. A permanent staff restroom will be constructed within the existing 160 sq. ft. office building and portable restroom facilities with hand washing stations will be placed in cultivation areas on the property to serve employees during harvest/planting periods. The property is a 277.43-acre parcel zoned Ag-II-100 and shown as Assessor's Parcel Numbers 099-230-011 and 099-230-034, located at 2200 W. Highway 246 in the Buellton area of the 3rd Supervisorial District.

5.3 Background Information

The subject property is 277.43 acres in size and consists of two Assessor Parcels that comprise one legal lot. The property is bounded by Highway 246 to the north, and several agricultural parcels ranging in size from approximately 35 to 600 acres surround the site in all other directions. The property includes a segment of the Santa Ynez River, which is located mostly on APN 099-230-011. No cannabis activities are proposed on APN 099-230-011.

The subject property has historically been farmed in row crops and is subject to a Williamson Act agricultural preserve contract 69-AP-053. On June 21, 2019, the Santa Barbara County Agricultural Preserve Advisory Committee (APAC) reviewed the proposed project for consistency with the Agricultural Preserves and Farmland Security Zones (Uniform Rules) and voted 3 - 0 to find the proposed Project consistent with the Uniform Rules.

On February 27, 2018, the Santa Barbara County Board of Supervisors adopted ordinance regulations for commercial cannabis operations, including the regulations set forth in Section 35.42.075 [Cannabis Regulations] of the Land Use and Development Code. Section 35.42.075 of the Land Use and Development Code became effective on March 29, 2018. The Applicant submitted a Land Use Permit application for cannabis cultivation on February 8, 2019. The Director reviewed the application for compliance with Section 35.42.075 of the LUDC and approved the Land Use Permit on July 26, 2019. The Director's approval was granted based upon the proposed cannabis activity's compliance with the applicable policies and standards contained in the Land Use and Development Code. On August 5, 2019, the Appellant filed a timely appeal of the Director's approval (Attachment E). The appeal issues and staff's responses are addressed in Section 6.1 below.

6.0 PROJECT ANALYSIS

6.1 Appeal Issues

On August 5, 2019, the appellant submitted an appeal (Attachment E) citing ten issues as the basis of the appeal. Each issue is addressed below.

Appeal Issue 1 – California Environmental Quality Act (CEQA)

The Appellant asserts that the County has not complied with CEQA and that the proposed project will have significant direct and cumulative impacts that were not disclosed under the County's PEIR. The Appellant highlighted the following environmental conditions of the site:

- *The Santa Ynez River runs through the Project site.*
- *The Project site is located in the 100 year Flood Plain Hazard Area Overlay Zone for the Santa Ynez River.*
- *The Project proposes onsite drying and processing of cultivated cannabis.*
- *The Project site is proximate to an Urban/rural boundary and approximately two miles from the city limits of Buellton.*
- *The Project site is adjacent to at least four other pending cannabis cultivation sites, which will have cumulative impacts on the environment*

Staff Response

All significant environmental impacts that could result from the activities to be authorized under the LUP were adequately considered under the Programmatic EIR. Additionally, environmental

conditions unique to this parcel have been analyzed further through the review of this Land Use Permit. While this review confirmed that the project would not have effects that were not examined in the Programmatic EIR, the applicable Program EIR mitigation measures were incorporated into the project as a result. On February 6, 2018, the Santa Barbara County Board of Supervisors certified the PEIR that analyzed the environmental impacts of the Cannabis Program. The PEIR was prepared in accordance with the State CEQA Guidelines Section 15168 and evaluated the Cannabis 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 PEIR found that the potential concentration of cannabis activities near the Proposed Project site would not create new significant environmental effects or a substantial increase in the severity of previously identified significant effects evaluated in the PEIR. The PEIR also evaluated the cumulative impacts to which cannabis projects would contribute. The analysis also considered other pending, recently approved, and reasonably foreseeable non-cannabis projects that would contribute to the cumulative effects. The PEIR concluded that unavoidable and 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 Board of Supervisors adopted a Statement of Overriding Considerations concluding that the benefits of the Program outweigh the unavoidable adverse environmental effects identified above. Therefore, the PEIR (17EIR-00000-00003) together with the CEQA Checklist included as Attachment C is adequate and subsequent analysis of the environmental impacts of the Proposed Project is not required pursuant to CEQA Guidelines Sections 15162 and 15168(c)(2).

Under CEQA Guidelines Sections 15162 and 15168, following certification of a PEIR, later activities within the Program that will not result in environmental effects not examined in the PEIR may be approved under the PEIR unless a subsequent environmental document is required under Section 15162. Under Section 15162, a subsequent environmental document shall not be prepared unless there are: 1) substantial changes to the project; 2) substantial changes to the circumstances under which the project will be undertaken; and/or 3) new information of substantial importance regarding new or substantially more severe significant impacts, or new or newly feasible mitigation measures or project alternatives.

Santa Ynez River

The project would not result in impacts to the Santa Ynez River requiring additional environmental review beyond what was covered in the PEIR. The subject parcel has been historically cultivated with various crops directly up to the edge of riparian vegetation along the Santa Ynez River. The proposed project includes the restoration and revegetation of a 150-foot-wide area along the river under a Revegetation Plan (see Attachment O), which was developed to satisfy State Water Resources Control Board (SWRCB) Cannabis Cultivation Policies No. 33 and 35, which require revegetation of disturbed land within SWRCB-mandated riparian setback areas. The goal of the revegetation effort is to establish 85 percent absolute native vegetation cover within five (5) years, which would serve as a significant environmental enhancement to and expansion of the native habitat adjacent to the riparian corridor. Additionally, hoops for cannabis cultivation are proposed to be setback 150 feet from the edge of the riparian corridor, which exceeds the 100 foot setback required under Section 35.42.140.C.3 of the LUDC.

As part of the proposed project, the Applicant provided a Biological Resources Assessment (BRA) dated June 28, 2019. The BRA was updated on May 17, 2020 to include a 3.28 acre habitat restoration/revegetation area comprised of 829 container-grown plants (trees, shrubs and perennial grasses). It was further revised on May 7, 2020 to include California Tiger Salamander impact avoidance and minimization measures in the US Fish and Wildlife Service General Conservation Plan. The BRA and subsequent addendums are provided as Attachments J, K, L and O.

Additionally, the County has coordinated with the California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB) and the US Fish and Wildlife Service (USFWS) regarding the proposed Project. CDFW and USFWS did not have any concerns regarding the proximity of the proposed cultivation to the Santa Ynez River. Lastly, the proposed Project will adhere to a 150-foot setback from the top of bank as required by the RWQCB.

Flood Plain

Flood control concerns have been adequately addressed and there is no new information regarding unanticipated impacts related to flooding that were not covered in the PEIR. Chapter 15B of the

Santa Barbara County Code regulates certain development that is located within the Flood Hazard Overlay. The County of Santa Barbara Flood Control District (Flood Control) does not regulate outdoor cultivation within hoop structures or existing permitted structures. Furthermore, as stated in the environmental impact report prepared for the recently adopted hoop structures ordinance amendments (Revision Letter, April 9, 2019, page 6; Thomas D. Fayram, July 3, 2019), hoop structures are not subject to floodway regulatory requirements. Furthermore, Chapter 15B does not require a specific setback for agricultural use such as cultivation of crops.

The proposed cultivation area adheres to the same footprint as what has historically been farmed with row crops. The closest cultivation field is approximately 150 feet from the top of bank of the Santa Ynez River at the closest point. No existing habitable development or proposed new habitable development is proposed within 200 feet of the river as part of the project. Additionally, the proposed hoops would adhere to Section 35.42.140.C.3 of the LUDC which requires a stream and creek setback minimum of 100-feet from the edge of top of bank or riparian, whichever is more protective of the resource.

Proximity to Urban Areas

This is an Agriculture II (AG-II-100) zoned property, located in an area designated Rural in the Comprehensive Plan, and is surrounded by agricultural uses. Pursuant to Sections 35.42.075.B.4 and 35.42.075.D.1.m of the Land Use and Development Code, the Proposed Project is an allowable use on the subject AG-II parcel with the approval of a Land Use Permit. The AG-II-100 zoning is applied to areas appropriate for agricultural uses on agricultural lands located within rural areas identified in the County Comprehensive Plan. The intent of the AG-II zoning is to preserve these lands for longer-term agricultural use. All lots surrounding and in the vicinity of the subject property are also zoned AG-II and have been historically cultivated with various crops, grazing, and other agricultural activities. Finally, the proposed Project complies with all applicable development standards under the LUDC for cannabis cultivation, including but not limited to the odor abatement, lighting, noise and fencing, as well as all applicable development standards for the Ag-II zone including building heights, setback and parking.

Cumulative Impacts

As stated above, the PEIR prepared for the Cannabis Program evaluated the cumulative impacts of the Cannabis Program. CEQA Guidelines Section 15168(c)(2) allows the County to approve an activity as being within the scope of the project covered by a program EIR, if the County finds pursuant to Section 15162 that no new environmental document is required. There were no caps or other limitations assumed in the PEIR. The PEIR evaluated the potentially significant impacts of cannabis operations, including cultivation, nurseries, manufacturing (volatile and non-volatile), distribution, testing, microbusinesses and retail in the unincorporated areas of the County. Impacts in the issue areas of aesthetics and visual resources, agricultural resources, air quality, biological resources, cultural resources, geology, energy conservation, public services, water resources, hazards and public safety, land use and noise were found to be reduced to less than significant levels with mitigation. Mitigation measures were adopted as development standards as part of the ordinance amendments allowing cannabis operations in Santa Barbara County. Class I impacts associated with cumulative effects were identified and either mitigated or overridden.

Additionally, the PEIR assumed that concentrations of cannabis activities would occur in the Santa Ynez Valley, amongst other locations in the County. Therefore, the proximity of the Proposed Project to other cannabis projects is not new information. Staff completed a written checklist pursuant to State CEQA Guidelines 15168(c)(4) and determined that all of the environmental impacts of the proposed Project would be within the scope of the PEIR. On May 24, 2020, P&D staff completed a new checklist upon review of the revised project description (Attachment C). No additional cumulative impacts were identified.

In response to the concern regarding a concentration of cannabis cultivation activities in the W. Highway 246 and Santa Rosa Road region, on September 26, 2019 a cap on allowed acreage of cannabis cultivation adopted by the Board of Supervisors went into effect. This cap does not limit the number or acreage of cultivation sites within a particular area or region of the County outside of the Carpinteria Agriculture Overlay.

Appeal Issue 2 – Land Use Regulations and General Plan

The Appellant asserts that the approved project fails to comply with a number of applicable land use regulations and the County's General Plan.

Staff Response

The proposed Project has been found to be consistent with applicable land use regulations and Comprehensive Plan policies as analyzed in Sections 6.3 and 6.4 of this staff report.

Appeal Issue 3 – Health and Safety Concerns

The Appellant asserts that the project conditions fail to fully address the health and safety concerns of project employees and the public with respect to the generation of organic air pollutants such as VOCs, emissions, ozone, odors and greenhouse gas emissions. The Appellant also states that the project was not reviewed by the County Air Pollution Control District (APCD) for compliance with APCD rules and standards.

Staff Response

The project does not propose any activities that require a permit from APCD. The table below was prepared by APCD staff to indicate when APCD permits are required. As noted in the project description, the proposed project includes the growing of cannabis, but does not include any onsite processing (drying, trimming, etc.) to prepare the product(s) for distribution. None of the project activities require a permit from APCD nor does APCD conduct nuisance enforcement for these agricultural activities as shown in the table. Furthermore, approval and issuance of a Land Use Permit does not alleviate the Applicant from compliance with applicable laws, rules and regulations.

Cannabis Permitting Requirements & Nuisance Enforcement		
Source: SB County Air Pollution Control Website https://www.ourair.org/cannabis/		
Operation	Permit Required	Nuisance Enforced
Growing	No	No
Processing (drying, trimming, etc.) – on site	No	No
Processing (drying, trimming, etc.) – off site	Yes	Yes
Manufacturing – on site	Yes	Yes
Manufacturing – off site	Yes	Yes
Distribution, Storage, and/or Packaging – on site	No	No
Distribution, Storage, and/or Packaging – off site	Yes	Yes

Appeal Issue 4 – Fencing, Security and Landscaping and Screening Plans

The Appellant asserts that the fencing, security, and landscaping plans fail to adequately screen and provide security. Visibility of hoop structures from Santa Rosa Road and a recognized scenic corridor along Highway 246 are of particular concern.

Staff Response

All proposed cannabis cultivation areas are fully encircled with 6-8 foot tall no-climb deer fencing with locked gates, security cameras and motion activated light sensors that meet the requirements of the LUDC. The proposed Fencing Plan was reviewed and conceptually approved by the Sheriff’s Office. Final review of the Fencing and Security Plan will occur during review of the Business License application through the County Executive Office. (See Sheet 4 - Lighting, Fencing and Security Plan of the Project Plans – Attachment D).

The proposed hoop structures and cultivation areas are approximately 1,810 feet from Highway 246 and are located behind a berm that ranges from two to six feet high moving east to west along the northern boundary of Cultivation Areas A and B. The maximum height of the proposed hoop structures is 16 feet. The Revised Landscape Plan, included as Sheets 5 and 6 of Attachment D, includes 70 Bishop Pine and 57 Coast Live Oak trees along the berm that will provide screening from public views from W. Highway 246. These tree species reach heights of 25 to 50 feet when mature.

Additionally, the proposed project also provides screening of views of the site from Santa Rosa Road which runs on the south side of the Santa Ynez River roughly parallel to Highway 246. Restoration and revegetation of a 3.28 acre previously cultivated area along the Santa Ynez River riparian corridor will provide screening. The revegetation area was designed to satisfy State Water Resources Control Board (SWRCB) Cannabis Cultivation Policies #33 and #35 which require revegetation of disturbed land within the SWRCB-mandated 150 foot setback area. The revegetation area will include 9 Bishop Pines, 110 Coast Live Oaks and 30 California Box Elder

trees, as well as 6 species of shrubs, groundcovers and perennials. (See Sheet 6 – Landscape Screening Plan of the Project Plans – Attachment D).

The parcel is not located within a Design Control Overlay zone, nor is Highway 246 designated a recognized scenic corridor or Scenic Highway in this area and the proposed Project was not required to be reviewed by the Board of Architectural Review.

Appeal Issue 5 – Noise Plan

The Appellant states that the approved Noise Plan does not adequately ensure that interior noise shall not exceed 65 decibels beyond the Project site.

Staff Response

Section 35.42.075.C.5 of the LUDC requires that a Noise Plan be prepared for indoor, mixed light, nursery cultivation and manufacturing. As mentioned in Section 4.0 above, the project was revised to remove all previously proposed cannabis-related activities west of Cultivation Area C, which included a nursery. The revised project consists of outdoor cultivation and does not include a nursery, manufacturing or on-site processing, and therefore a Noise Plan is not required per the LUDC. However, the Applicant has provided a Noise Study (See Attachment I). The only noise source would be the air conditioning unit on the cannabis office located 500 feet from the property line and 650 feet from the nearest sensitive receptor (an onsite residence). Aside from the onsite residences, the closest offsite sensitive receptor is a residence located more than 1,500 feet from the office. Based on the study, noise levels would not exceed the allowable maximum limit of 65 decibels at property lines and inside residences as per the Cannabis Ordinance.

In addition, Condition 8 of the Land Use Permit (Attachment B) includes a provision to ensure that exterior noise will not exceed 65 decibels beyond the property line.

Appeal Issue 6 – Revegetation, Habitat and Tree Protection Plan, and Wildlife Movement Plan

The Appellant asserts that the approved Revegetation, Habitat and Tree Protection Plan and Wildlife Movement Plan are inadequate with respect to protection of sensitive habitats and species.

Staff Response

The Applicant submitted a Biological Resource Assessment (BRA) dated April 10, 2019 and amended July 18, 2019 and May 7, 2020. The BRA report states that the proposed outdoor cannabis cultivation areas are unlikely to contain sensitive plant communities or animal species due to the developed nature and historic and ongoing use of the site.

The United States Fish and Wildlife Service (USFWS) reviewed the BRA and determined that a 10(a)(1)B Incidental Take Permit (ITP) for the California Tiger Salamander (CTS) be processed. Although the proposed Project would utilize existing, disturbed land and remain within historically cultivated areas, USFWS required the submittal of an ITP due to its proximity, 1.3-miles, to a (CTS) pond. P&D coordinated with USFWS to incorporate the 22 impact avoidance and minimization measures in the USFWS General Conservation Plan for Cultivation Activities into

the Habitat Protection Plan. Additionally, Condition 22 (See Attachment B – Conditions of Approval) requires the Applicant to provide evidence of all required permits and approvals from USFWS prior to Land Use Permit issuance.

The project also includes a Revegetation Plan to restore riparian plantings between the river and Cultivation Areas A and B (also discussed above under Appeal Issue 5). This area includes a dirt road, abandoned agricultural materials and equipment, some trash and debris. These materials and the dirt road would be removed so that the area can be revegetated with native species consistent with the State Water Resources Control Board Cannabis Cultivation Policy.

Appeal Issue 7 – Lighting Plan

The Appellant asserts that the approved Lighting Plan inadequately addresses the minimization and avoidance of light pollution in a scenic rural area.

Staff Response

The Lighting Plan (See Attachment D, Sheet 4) depicts lighting fixtures that are consistent with the LUDC requirements. The lights are motion-sensor activated only, are fully-shielded and will be directed downward. The lights will be activated for no more than six minutes when motion is detected to minimize impacts to neighbors and the night sky. To further reduce lighting impacts, the mounting height of the lights is limited to eight feet as consistent with recommendations from the International Dark Sky Association.

Appeal Issue 8 – Site Transportation Demand Management Plan (STDMP)

The Appellant asserts that the STDMP fails to fully address the effects of traffic created by the proposed Project during harvest and lacks details regarding employee carpooling.

Staff Response

The subject parcel has been historically cultivated and is changing crop types from cilantro to cannabis. Section 35.42.075 D.1.j of the LUDC requires the Applicant to prepare a STDMP that includes 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 STDMP (See Sheet 8 of Attachment D) that includes carpool and vanpool parking on the project site, mandatory provision of carpooling and vanpooling in any labor provider contracts and the Applicant participation in an emergency ride home program through

Traffic Solutions. With the implementation of these methods to reduce vehicle trips, the project is consistent with the requirements of the STDM regulations.

Appeal Issue 9 – State Water Quality Control Board

The Appellant asserts that given the project's proximity to the Santa Ynez River, the approved Waste Discharge methodology should have been reviewed and approved by the SWQCB for consistency with the Board's permit requirements and for compliance with SWQCB's Cannabis Cultivation Policy.

Staff Response

Condition 10 of the Land Use Permit (Attachment B) includes a requirement that the applicant comply with the State's Cannabis Cultivation Policy. Further, the Applicant submitted information to the State Water Boards regarding the project on July 31, 2018 and received a letter of confirmation of self-certification for compliance with the State Water Board's Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, dated August 30, 2018. RWQCB provided an additional email dated May 29, 2020 confirming that all required information has been provided. Furthermore, the Applicant would be required to prepare annual reports and submit them to the RWQCB to monitor compliance.

Appeal Issue 10 – Conditions of Approval and Mitigation Monitoring

The Appellant asserts that the conditions imposed on the project for permit compliance and mitigation monitoring are inadequate.

Staff Response

A permit compliance and mitigation monitoring program will be in place for this project. Condition of Approval #21 (Attachment B) spells out the requirements that the Applicant must comply with to ensure that all conditions are adhered to and monitored. The condition requires the Applicant to provide the name and contact information of a person to be in charge of project compliance activities, to agree to pay for and to remit a security deposit in advance to cover P&D costs and any outside consultants that might be necessary to ensure compliance, and to allow inspections of the property prior to issuance of their business license, during the active growing season, upon renewal of their business license and at any time throughout the life of the project as deemed necessary by P&D and/or as stipulated in the Conditions of Approval. These conditions are standard and apply to all cannabis cultivation permits approved through Planning and Development.

6.2 Environmental Review

Section 15168(c)(2) of the State CEQA Guidelines allows the County to approve an activity as being within the scope of the project covered by a program environmental impact report if the County finds pursuant to Section 15162 that no new environmental document is required. Prior to approval of the Land Use Permit staff completed a State CEQA Guidelines Section 15168(c)(4) Checklist for Commercial Cannabis Land Use Entitlement and Licensing Applications and

determined that all of the environmental impacts of the proposed project were within the scope of the project covered by the PEIR for the Cannabis Land Use Ordinance and Licensing Program. On May 24, 2020 staff prepared an updated checklist (Attachment C) as the project description had been revised on May 19, 2020, and again determined that all of the environmental impacts of the proposed project were within the scope of the project covered by the PEIR for the Cannabis Land Use Ordinance and Licensing Program. No additional cumulative impacts were identified, and no new environmental document was required under Section 15162.

6.3 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<i>Land Use Element – Land Use Development Policies</i>	
<p><i>Land Use Development Policy 4: 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>Consistent: The proposed project has adequate services to serve the proposed development pursuant to Policy 4.</p> <p>The subject property is served by existing wells that serve agriculture and the existing domestic water system. The project proposes use of the existing onsite wells to provide water for both agricultural and domestic (potable) purposes. Environmental Health Services (EHS) staff stated that the existing water wells were permitted and installed in 2004 and 2016 and that the wells are adequate for use for a single parcel water system that would provide potable water for the proposed development. EHS approval of the proposed single parcel water system will be required prior to issuance of the Land Use Permit (Attachment B, Condition No. 23.)</p> <p>There are three existing septic systems on site and an additional system is proposed to serve the new restroom in the office building. EHS has preliminarily determined that the additional system will be feasible on this property due to the parcel’s large size. EHS approval of the proposed septic system is required prior to issuance of the Land Use Permit (Attachment B, Condition 24.)</p>

	<p>Adequate waste disposal service exists for the project as strategies to reduce solid waste are incorporated and public waste removal systems are adequate in function and capacity to serve the project. Waste generated by cannabis plants (stems, root balls and leaves) will be collected and composted to create fertilizer that will be used later to re-amend the soil during the spring season. All other waste will be collected and stored in a secure area onsite until it is picked up by a waste removal hauler. Existing dump facilities in the County have adequate capacity to serve the project.</p> <p>The project site is accessed via an existing driveway that connects to W. Highway 246. Caltrans has reviewed the project and confirmed in an email dated June 3, 2020 (Attachment N) that no road improvements are required to serve the project.</p> <p>Santa Barbara County Fire Department will continue to provide services to the subject parcel. No new fire services will be required to serve this project as indicated in a July 18, 2019 email from Glenn Fidler of the Santa Barbara County Fire Department after their review of the project which included a site visit.</p> <p>Finally, 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. No additional law enforcement services are anticipated to be needed to serve this project.</p>
Land Use Element – Hillside and Watershed Protection Policies	
<p>Policy 2: <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.</i></p>	<p>Consistent: The proposed project is consistent with all applicable hillside and watershed protection policies because of the following reasons. First, as noted above, the project includes outdoor cannabis cultivation on</p>

Natural features, landforms, and native 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 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.*

agricultural lands and proposes the use of various existing agricultural accessory structures that will be used for an office and storage. All of the structures are existing and have been used as part of the ongoing agricultural operations. The following existing as-built structures will be validated as part of the cannabis operation through this Land Use Permit: one 5,000 gallon 80 sq. ft. water tank.

Second, because of the use of existing structures the project will not result in movement of more than 50 cubic yards of dirt and no grading permit is required.

Third, no structural development is proposed within 200 feet of the Santa Ynez River and no trees will be removed as part of this project.

Additionally, in conformance with Section 35.42.075.D.1.d of the LUDC, 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. The applicant submitted a Notice of Intent from the State Regional Water Quality Control Board (RWQCB), dated August 30, 2018, indicating compliance with the State Water Resources Control Board's Cannabis Cultivation Policy and was assigned WDID number 3_42CC403264. RWQCB provided an additional email dated May 29, 2020 confirming that the Applicant has submitted all required information as stipulated under the State Cannabis General Order. Furthermore, the Applicant would be required to prepare annual reports and submit them to the RWQCB to monitor compliance

	<p>Condition 14 (Attachment B) requires clearance of all construction debris from the site prior to Building Permit Inspection to prevent degradation of streams, wetlands or the Santa Ynez River. Finally, Condition 15 (Attachment B) requires the applicant to maintain the project site in a state of good condition throughout the life of the project, including keeping the site clear of debris and trash which could contribute to water quality degradation.</p>
<p>Land Use Element – Visual Resources Policies</p>	
<p>Visual Resources Policy 2: <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>Consistent: The project is consistent with this policy because no new structures or grading are proposed, it will be fully screened from view from public viewing areas and lighting will be designed to minimize light pollution.</p> <p>The proposed Project includes screening of the cultivation areas by placement of landscaping along the north property line near Cultivation Areas A and B that are visible from a distance from Highway 246, as shown on the Landscape and Screening Plan (Attachment D, Sheet L1.1). In addition the project will be screened from distant views from Santa Rosa Road by the proposed Revegetation Plan (Attachment O). Outdoor lighting will be motion-sensor only, fully-shielded and directed downward, limiting lighting spillover onto adjacent properties. (Attachment B, Condition No. 7). Motion-sensor lights will not be illuminated for more than six minutes each time motion is detected.</p>
<p>Agricultural Element</p>	
<p>Agricultural Element, Goal I: <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.</i></p> <p>Agricultural Element, Policy II.D: <i>Conversion of highly productive agricultural lands whether</i></p>	<p>Consistent: The proposed Project is consistent with this goal and policy because it will continue the long-time agricultural use of the property and will not convert any agricultural lands to development. No new structures are proposed. The five agricultural accessory structures to be used as part of the cannabis operation are existing and will continue to be used for agricultural purposes. The ongoing agricultural use of the 277-acre property will not</p>

<p><i>urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands.</i></p>	<p>be hindered or diminished as this project represents a change of crop and no reduction in cultivated agricultural acreage.</p>
<p>Land Use Element – Biological Resources</p>	
<p>Streams and Creeks Policy I: <i>All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.</i></p>	<p>Consistent: The project is consistent with this policy as it will not result in increased runoff, sedimentation, biochemical degradation or thermal pollution. As discussed in Section 6.1 (Appeal Issue #6), the applicant submitted a Biological Resources Assessment (BRA) dated May 7, 2020. The BRA concludes that because the project will continue to use the active farmland, roadways and disturbed areas on the project site, it will not result in increased runoff, sedimentation, biochemical degradation or thermal pollution.</p> <p>The proposed cultivation area closest to the Santa Ynez River is located 150 feet from the top of bank in an area that has been historically farmed in cilantro. In addition, a Revegetation Plan will be implemented to restore 3.28 acres of disturbed land near the Santa Ynez River adding to the size of its riparian corridor. The revegetation area will also slow runoff into the river and allow better percolation than the previously disturbed and mostly barren area it will replace.</p>

6.4 Zoning: Land Use & Development Code Compliance

The approved cannabis cultivation operation is consistent with the LUDC requirements for the AG-II-100 zone district as they relate to permitted uses, building height, setbacks, and parking, as discussed below.

6.4.1 Intent of AG-II Zone

This is an Agriculture II (AG-II-100) zoned property, located in an area designated Rural in the Comprehensive Plan, and is surrounded by agricultural uses. The AG-II-100 zoning is applied to areas appropriate for agricultural uses on agricultural lands located within rural areas identified in the County Comprehensive Plan. The intent of the AG-II zoning is to preserve these lands for longer-term agricultural use. All lots surrounding and in the vicinity of the subject property are also zoned AG-II and have been historically cultivated with various crops, grazing, and other agricultural activities. The proposed project would

result in the continued agricultural use of the land, which is consistent with the intent of the AG-II zone

6.4.2 Setbacks

Building Setbacks

Section 35.21.050(A) of the LUDC sets forth the following structural setbacks for the AG-II zone:

Front: 50 feet from road centerline and 20 feet from edge of right-of-way

Side: No setback required

Rear: No setback required

Existing development onsite complies with the AG-II zone district setbacks. All development is located towards the central portion of the project site. The structures are setback approximately 1,650 feet from the centerline of Highway 246 and 1,600 feet from the edge of the right-of-way, consistent with the setback requirements of the AG-II zone district.

Creek Setbacks

Section 35.21.050.C.2.e of the LUDC sets forth the setback standards on AG zoned properties from environmentally sensitive habitat (including rivers and creeks). The required setback for rivers and intact high quality streams is 100 feet. The project is consistent with these standards. The closest aspect of the project to the Santa Ynez River, Cultivation Area A, is setback 150 feet from the top of bank and edge of riparian vegetation which are contiguous. 100 foot setbacks are observed for the Class II (Intermittent) watercourses on the property. Smaller drainages on the parcel classified as Class III (Ephemeral) or Class IV (Other) are not considered to be “intact and of high quality” so do not require setbacks. Still 50 foot setbacks are observed from these drainages.

Section 35.42.140 of the LUDC (Hoop Structures Ordinance) sets forth a required setback of 100 feet from top of bank or edge of riparian vegetation. The project is consistent with these standards. Hoops are located more than 150 feet from the Santa Ynez River and more than 100 feet from Class II (Intermittent) watercourses.

6.4.3 Building Height

Section 35.21.050 of the LUDC sets forth a 35 foot height limit for residential structures in AG zones and no limit for other types of structures. The project is consistent with these height standards. All proposed residential structures fit well within the limits. The main residence is 15 feet tall and the three agricultural employee dwellings are 14, 13.71 and 11 feet tall.

6.4.4 Parking

Section 35.36.040 of the LUDC sets forth parking requirements in the AG zones at 2 spaces per dwelling unit and 1 space per 300 square feet of offices. The project is consistent with the parking standards. The site features four dwelling units (requiring 8 spaces) and 876 sq. ft. of offices (requiring 3 parking places) for a total of 11 required parking spaces. The project proposes 29 parking places and therefore is consistent with the parking regulations.

6.4.5 Agricultural Employee Dwellings

Three Agricultural Employee Dwellings (AED's) are located on the site:
Structure #3 – 728 sq. ft. (constructed 1965, Building Permit # 31355)
Structure #7 1,280 sq. ft. (constructed 1945, prior to Land Use Ordinance)
Structure #8 – 725 sq. ft. (constructed 1945, prior to Land Use Ordinance)

As the AED's were built before the adoption of the zoning ordinance (Article 661) in 1970 they are grandfathered in as legal nonconforming structures and are not subject to the current AED requirements in the LUDC (Section 35.42.030). When this project was considered at the Agricultural Preserve Advisory Committee (APAC) on June 21, 2019 the Applicant provided the documentation explaining the need for the AED's and proof of onsite agricultural employment of the employees who will live in them. The APAC found that 1) the Applicant had demonstrated a need for the agricultural employee dwellings on the premises, consistent with the Uniform Rules; and that (2) the property's Ag Preserve contract (78-AP-023) meets the Uniform Rules ongoing eligibility requirements. (Attachment M – APAC Meeting Minutes)

6.4.6 Cannabis Regulations

Section 35.42.075 of the LUDC 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 Land Use Permit application and supporting materials demonstrate that the approved cannabis cultivation operation is in compliance with the applicable standards set forth in 35.42.075 of the LUDC, 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 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 ethno-historic 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 project is consistent with the development standard for archaeological and paleontological surveys. All areas of proposed cannabis cultivation have been subject to previous agricultural use and/or soil disturbance. Furthermore, no grading or new development is included as part of the proposed project. A Phase 1 Archaeological Survey of the project site was conducted by Wood Environment and Infrastructure Solutions, Inc. No unrecorded prehistoric or historic-period resources were identified and the potential to encounter them during project construction or operation was determined to be low. In the unlikely event that isolated cultural resources are encountered during construction/agricultural operations, a condition of approval (Condition #13 – Attachment B) requires that a qualified archaeologist be notified

immediately to assess the significance of the find. This standard discovery process would ensure that the potential for impacts to cultural resources during project construction/operations activities is less than significant.

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 project is consistent with the development standards for fencing and security. The proposed Security Fencing Plan (Attachment D, Sheet 2) includes a six to eight-foot fence to be constructed along the perimeter of the cannabis operations areas to provide security. Locked security gates will be installed at various locations throughout the property. The proposed project does not include the installation of visual markers that would indicate cannabis cultivation occurs on the project site. As previously noted, a Biological Assessment Report (BRA) was prepared in June 2019 and was updated in May 2020. (Provided as Attachment J). The BRA contains a discussion of the project site and the potential of the project to inhibit wildlife movement as a result of fence installation. The BRA concludes that with incorporation of avoidance and minimization measures into the project's Wildlife Movement Plan, the proposed Project will not be injurious to wildlife and would continue to enable wildlife passage.

In addition to Planning & Development review of the Fencing and Security Plan for compliance with applicable development standards, the County Executive Office and Sheriff's Office also must review and sign-off on the plan as part of the Cannabis Business License application process.

- 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.*

The project is consistent with the development standards for landscaping and screening. The proposed project includes the implementation of a Landscape and Screening Plan (Attachment D, Sheet L.1.1) that involves the installation of approximately 770 linear feet of landscaping along the northern boundary of the cultivation areas. The proposed landscaping consists of 70 Bishop Pines and 57 Coast Live Oaks. The irrigation system for the landscaping will be consistent with the Model Water Efficient Landscape Ordinance. The Landscape Plan will provide adequate screening from Highway 246 within five years and is therefore consistent with the Landscape Plan and Screening Plan development standard of the Cannabis Regulations.

Additionally, the proposed Project includes the revegetation of previously disturbed areas along the Santa Ynez River and would be implemented along the southern boundary of Cultivation Areas A and B. The revegetation would enhance the existing riparian vegetation that exists along the northern top of bank of the Santa Ynez River. This revegetation area will contribute to visual screening of the cultivation areas as seen from Santa Rosa Road. The Revegetation Plan dated June 28, 2019 was prepared by a Biologist and was approved as part of the Land Use Permit. A description of the Revegetation Plan is included on the site plans (Attachment D, Sheet 6). Most of the plantings are grasses and native shrub species that naturally occur in upland habitat adjacent to the Santa Ynez River. The Revegetation Plan was revised on February 17, 2020 to add native trees including Coast Live Oak, Bishop Pine and California Box Elder to provide further screening of the project from Santa Rosa Road.

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 Lighting Plan is consistent with the Lighting Plan Development Standards. The proposed Lighting Plan (Attachment D, Sheet 4) depicts exterior lighting that solely consists of motion-sensor lights that are fully-shielded and directed downward to avoid illumination of adjacent properties. The motion-sensor lights would be illuminated for a maximum of six minutes when motion is detected.

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 project is consistent with the development standards for noise.. As discussed in this staff report, the proposed project features only one noise generating source, the air conditioning unit on the office. The Revised Noise Plan (Attachment I) analyzed the noise generated by this equipment (considering distances to property lines and residential units) and concludes that noise levels would not exceed the 65 decibel allowable limit at property lines nor at residences

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 project is located in an AG-II zone district and does not require the submittal of an Odor Abatement Plan pursuant to the requirements of this development standard as no Conditional Use Permit is required.

7. **Signage.** All signs shall comply with Chapter 35.38 (Sign standards).
No signs are included as part of the proposed 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

Wildlife Movement Plan. *The Applicant shall prepare a Wildlife Movement Plan for all commercial cannabis proposed in or near wildlife movement areas for the Department's review and approval..*

The proposed project is consistent with the development standards for Tree Protection, Habitat Protection and Wildlife Movement Plans. The proposed Project does not include the removal of native vegetation or other vegetation. Therefore, the submittal of a Tree Protection Plan or Habitat Protection Plan is not required. Nonetheless, the Applicant provided these plans prepared by a County-approved biologist. A Wildlife Movement Plan was also provided as required due to the project's proximity to the wildlife movement corridor of the Santa Ynez River. All three plans were reviewed by the USFWS which recommended the inclusion of additional avoidance and minimization measures to ensure the protection of the California Tiger Salamander. Compliance with the recommendations in the Revegetation, Habitat & Tree Protection, and Wildlife Movement Plans are included in the conditions of approval (Attachment B, Condition No. 12) and will be monitored by P&D Permit Compliance staff.

Specific Use Development Standards LUDC Section 35.42.075(D)1

- 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.*

All structures for cannabis cultivation operations are existing and are not located on prime soils. Cultivation Areas A and B as identified on Sheet 2 of Attachment D would sit on an area of prime soils, but would rely on in-ground cultivation as allowed by this development standard. The administrative hold area (ancillary use) would not be located on 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.

Land Use and Development Code Section 35.42.075.D.1.d. requires that the applicant for a commercial cannabis activity 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.

The submitted application demonstrates compliance with this standard in that the applicant submitted a letter from the Central Coast Regional Water Quality Control Board dated August 30, 2018, indicating compliance with the State Water Resources Control Board's Cannabis Cultivation Policy and was assigned waste discharge identification (WDID) number 3_42CC403264. RWQCB provided an additional email dated May 29, 2020 confirming that all required information has been provided. Furthermore, the Applicant would be required to prepare annual reports and submit them to the RWQCB to monitor compliance.

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.*

As discussed in Section 6.1 (Appeal Issue #8) in this staff report, the applicant submitted a Site Transportation Demand Management Plan (STDMP) (Sheet 8 of Attachment D) that is compliant with the development standards listed above. As outlined in the STDMP, the cannabis operation would include five full-time, year-round employees and up to 15 additional employees during three annual planting and harvest seasons that would last up to four (4) weeks each. The site plan identifies 29 designated onsite

parking stalls for carpool, vanpool and/or single-occupant vehicles. Project business hours would be approximately 6:00 am to 8:00 pm in summer and 7:00 am – 6:00 pm in winter. Operations would occur seven days per week. As described in the STDMP, the Applicant would promote a carpooling program for employees, include mandatory car/vanpool provisions in any contracts with labor providers and offer car and van pool parking on-site.

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 is consistent with this development standard. The proposed project includes the use of evaporative barriers and timed drip irrigation.

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.***

The proposed project does not require a Conditional Use Permit. Although the subject property is zoned AG-II-100, it is not located adjacent to an Existing Developed Rural Neighborhood (EDRN) or an Urban Rural boundary. The nearest EDRN is the North Highway 246 EDRN located approximately one mile to the northeast. The nearest Urban Rural Boundary (City of Buellton) is located approximately 1.9 miles from the subject property.

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 Project is consistent with this development standard. The proposed Project includes 22.95 acres of hoop structures. The proposed hoop structures would not include interior or exterior lighting

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 project is consistent with this development standards. The proposed hoop structures would not have any permanent structural elements or utilities

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

The Proposed Project is consistent with this development standard of the Hoop Structures and Shade Structures Regulations. The AG-II zone district has a front setback of 50-feet from centerline and 20-feet from edge of right of way but no side or rear setbacks. The proposed hoop structures would be located towards the center of the parcel and well outside of the front setback.

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.*

The Proposed Project would include a 150-foot setback from the Santa Ynez River riparian habitat and top of bank. The proposed Project is consistent with this development standard.

7.0 APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within 10 calendar days of said action. The appeal fee to the Board of Supervisors is \$685.06.

ATTACHMENTS

- A. Findings
- B. Conditions of Approval
- C. CEQA Guidelines § 15168(c)(4) Environmental Checklist
- D. Project Plans dated June 26, 2020
- E. Appeal Package dated August 5, 2019
- F. Email from Regional Water Quality Control Board – May 29, 2020
- G. Revised Revegetation, Habitat and Tree Protection and Wildlife Movement Plans
- H. Link to the Program Environmental Impact Report for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003
- I. Revised Noise Plan
- J. Biological Report - April 10, 2019
- K. Biological Report Amendment Letter - July 19, 2019
- L. Aquatic Survey Results – June 2019
- M. APAC Minutes
- N. Caltrans Email – June 3, 2020
- O. Revised Revegetation - Habitat Protection – Tree Protection –Wildlife Movement Plans

ATTACHMENT A: 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 THE SUBSEQUENT ACTIVITIES IN THE PROGRAM

The County Planning Commission considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Attachment H to the staff report, dated July 1, 2020, and incorporated herein 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 § 15168(c)(4) 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 C to the staff report, dated July 1, 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 Planning Commission finds that the proposed project will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment, and there is no new information of substantial importance under State CEQA Guidelines § 15162 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 LAND USE PERMIT FINDINGS

2.1.1 *Finding required for all Land Use Permits. 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.*

The County Planning Commission finds that the proposed project is adequately served by public or private services and resources. As discussed in the staff report dated July 1,

2020, and incorporated herein by reference, adequate public and private services are in place to serve the proposed project. The subject property is served by an existing agricultural well that has historically been used for crop irrigation. The applicant proposes to use the existing well to serve both agricultural and domestic water, which will require review and approval by the Public Health Department, Environmental Health Services. Sanitary facilities for employees will be provided by portable chemical toilets with hand-washing stations. The proposed onsite wastewater system will require review and approval by the Public Health Department, Environmental Health Services. The subject parcel will continue to be served by the Santa Barbara County Fire Department for fire protection services and by the Santa Barbara County Sheriff for public safety. Ingress and egress to the parcel would continue to be provided off of West Highway 246.

2.1.2 Findings required for all Land Use Permits. In compliance with Subsection 35.82.110.E.1 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 make all of the following findings:

1. The proposed development conforms:

- a. To the applicable provisions of the Comprehensive Plan, including any applicable community or area plan.**
- b. 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).**

The County Planning Commission finds that the proposed development conforms to the applicable provisions of the Comprehensive Plan and the Land Use and Development Code as discussed in the staff report dated July 1, 2020, and incorporated herein by reference. In addition, approval of this Land Use Permit will permit eight as-built structures. The proposed development, including the as-built structures, 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.

2. The proposed development is located on a legally created lot.

The County Planning Commission finds that the proposed development is located on a legally created lot. The subject property is a legal lot created by TPM 13,037 approved by the Santa Barbara County Planning Commission in 1980. The lot is shown on Record of Survey 113-016 recorded March 10, 1981.

3. 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 fees 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).

The County Planning Commission finds that, as conditioned, the subject property is, 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. Additionally, all processing fees have been paid to date.

ATTACHMENT B: CONDITIONS OF APPROVAL

**CONDITIONS OF APPROVAL
CASTLEROCK FAMILY FARMS II, LLC CANNABIS CULTIVATION
LAND USE PERMIT
CASE NO. 19LUP-00000-00050
APNs: 099-230-034 and -011**

Project Description

- 1. Proj Des-01 Project Description.** This Land Use Permit is based upon and limited to compliance with the project description, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

Castlerock Family Farms II, LLC, the Applicant, requests a Land Use Permit, Case No. 19LUP-00000-00050, to allow approximately 22.95 acres of outdoor cannabis cultivation. All cultivation would occur under hoop structures with a maximum height of 16 feet and would be located in three separate areas. Cultivation Area A would be 16.53 acres, Cultivation Area B 4.63 acres and Cultivation Area C 1.79 acres. No processing would occur on-site. The three cultivation areas, the operations area and an administrative hold area would each be fully encircled separately with six to eight-foot tall no-climb deer fencing. Outdoor lighting would be fully-shielded, night sky compliant, activated by motion sensor and set to shut off after 6 minutes or less. No new structures are proposed as part of this project. The project would be screened from view from Highway 246 by 70 Bishop Pine and 57 Coast Live Oak trees to be planted along the existing berm. Revegetation of a 3.28 acre area along the Santa Ynez River riparian corridor would include 9 Bishop Pines, 110 Coast Live Oaks and 30 California Box Elder trees, as well as 6 species of shrubs, groundcovers and perennials.

At present, there are 27 structures on the site. The cannabis operation would include the use of five of the existing structures.

Existing Structures to be used for Cannabis:

Structure #30: Pesticide/Chemical/Tool Storage Building (320 sq. ft.)

Structure #36: Farm Office (160 sq. ft.) – restroom to be added

Structure #37: 5,000 gallon Water Tank (80 sq. ft.) (as built - previously unpermitted)

Structures #38 and #39 20,000-gallon water tanks (155 sq. ft. each)

Six structures will be demolished:

Structure #9: Singlewide Residential Trailer (640 sq.ft.)

Structure #10: Shed (112 sq. ft.)

Structure #11: Carport (256 sq. ft.)

Structure #13: Bunker/Bomb Shelter

Structure #20: Doublewide Residential Trailer (1,320 sq. ft.)

Structure #23: Processing Barn (6,260 sq. ft.)

After demolition, 16 existing non-cannabis structures would remain. Eight of the remaining existing non-cannabis related structures are 'as-built' and did not obtain the necessary permits and would be legalized through this land use permit and subsequent building permit approvals.

Structure #1: Primary Residence – Addition (1,216 sq. ft.)

Structure #8: Garage conversion later (725 sq. ft.)

Structure #14: Horse Corrals – Covered (3,000 sq. ft.)

Structure #18: Fuel Dispenser w/ 2 Above-Ground Storage Tanks (64 sq. ft.)

Structure #19: 3-Sided Pole Barn (736 sq. ft.)

Structure #21: Shed #2 (180 sq. ft.)

Structure #22: Tool Shed (280 sq. ft.)

Structure #24: Horse Corrals – Covered (5,692 sq. ft.)

Operational hours would generally be from 6:30 a.m. – 4:00 p.m. Monday through Friday. During four annual one-month-long harvest/planting periods hours may be extended to weekends and from 6am to 8pm. The four annual harvest/planting periods would run mid-February to mid-March, mid-May to mid-June, mid-August to mid-September and mid-November to mid-December. There would be five full-time permanent employees, with up to 15 additional employees during the harvest/planting periods. The site is served by four existing private water wells and existing private septic systems. Electrical service is provided by PG&E. Access to the site is provided via private driveway off of State Highway 246. Twenty-nine parking spaces would be provided onsite. A permanent staff restroom will be constructed within the existing 160 sq. ft. office building and portable restroom facilities with hand washing stations will be placed in cultivation areas on the property to serve employees during harvest. The property is a 277.43-acre parcel zoned Ag-II-100 and shown as Assessor's Parcel Numbers 099-230-011 and 099-230-034, located at 2200 W. Highway 246 in the Buellton area of the 3rd Supervisorial District.

Any deviations from the project description, exhibits or conditions of approval must be reviewed and approved by Santa Barbara County for conformity with the project as approved. Said deviations may be subject to additional requirements, including but not limited to permit modification and/or environmental review. Deviations without the above described approval will constitute a violation of the subject permit.

Project Specific Conditions

- 2. 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.

- 3. Transfer of Ownership.** In the event that the Permittee sells or transfers its interest in the cannabis operations facility, the Permittee and/or succeeding carrier shall resume all responsibilities concerning the Project and shall be held responsible to the County to maintain consistency with all conditions of approval. The succeeding operator shall immediately notify the County and provide accurate contact and billing information to the County for remaining compliance work for the life of the facility.

DOCUMENTATION: The Permittee shall notify the County of changes in ownership to any or all of the cannabis operations facility.

TIMING: Notification of changes in property ownership shall be given by the Permittee to Planning and Development within 30 days of such change.

- 4. 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.

- 5. Fencing and Security Plan.** The applicant shall implement the Fencing and Security Plan stamped 'Zoning Approved' and dated June 9, 2020.

PLAN REQUIREMENTS: The Fencing and Security Plan must comply with the requirements of the Land Use and Development Code § 35.32.075.C.2.

TIMING: The applicant shall implement the Fencing and Security Plan prior to final building inspection and/or 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.

- 6. Landscape and Screening Plan.** The applicant shall implement the Landscape and Screening Plan stamped ‘Zoning Approved’ and dated June 9, 2020.

PLAN REQUIREMENTS: The Landscape and Screening Plan must comply with the requirements of the Land Use and Development Code § 35.42.075.C.3. The applicant shall file a performance security in an amount sufficient to ensure the installation and maintenance of the landscaping for two years, as determined by a landscape architect and approved by P&D compliance staff.

TIMING: The applicant shall submit one copy of the approved Landscape and Screening Plan to P&D and deposit the performance security prior to issuance of this permit. The applicant shall install all components of the Landscape and Screening Plan prior to final building inspection or commencement of the cannabis activities that are the subject of this permit, whichever occurs first. The applicant shall maintain the landscaping and screening in compliance with the Landscape and Screening Plan throughout the life of the project.

MONITORING: P&D compliance staff inspects to confirm that all components of the Landscape and Screening Plan are installed and maintained pursuant to the requirements of this condition. P&D compliance staff releases the performance security upon a written statement from the Department that the landscaping, in accordance with the approved Landscape and Screening Plan, has been installed and maintained for two years.

- 7. Lighting Plan.** The applicant shall implement the Lighting Plan stamped ‘Zoning Approved’ and dated June 9, 2020.

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 site to confirm that all components of the Lighting Plan are installed, maintained and operated pursuant to the requirements of this condition.

- 8. Noise Plan.** The applicant shall implement the Noise Plan stamped “Zoning Approved” and dated June 9, 2020, to ensure that all noise associated with the cannabis operation shall comply with the following:

PLAN REQUIREMENTS: The Noise Plan must comply with the requirements of the Land Use and Development Code § 35.42.075.C.5.

TIMING: The applicant shall implement the Noise Plan prior to issuance of final building inspection. The applicant shall maintain the project site in compliance with the Noise Plan throughout the life of the project.

MONITORING: P&D compliance staff inspects the project site to confirm that all components of the Noise Plan are installed, operated and maintained 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’ and dated June 9, 2020.

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:
- a. Evaporative barriers on exposed soils and pots;
 - b. Rainwater capture and reuse; and
 - c. Timed drip irrigation.

DOCUMENTATION: The applicant shall document water-conserving features on the Site Plan stamped 'Zoning Approved' and dated June 26, 2020.

- 12. Biological Resources:** The applicant shall implement the "Revegetation, Habitat and Tree Protection and Wildlife Movement Plan" prepared by Watershed Environmental (dated May 7, 2020).

PLAN REQUIREMENTS: The Revegetation, Habitat and Tree Protection and Wildlife Movement Plan must comply with the requirements of the Land Use and Development Code § 35.42.075.C.1 and Appendix J.

TIMING: All components of the Revegetation, Habitat and Tree Protection and Wildlife Movement Plan shall be implemented prior to any cultivation activities. The applicant shall maintain the project site and conduct all commercial cannabis activities subject to this permit in compliance with said Plan throughout the life of the project.

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

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

PLAN REQUIREMENTS: This condition shall be printed on all Building and/or 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 project work.

- 14. Construction Clean-up.** The applicant shall clear the project site of all excess construction debris.

TIMING: Debris clearance shall occur prior to Final Building Inspection.

MONITORING: P&D compliance staff shall site inspect prior to Final Building Inspection.

- 15. Site Maintenance.** The applicant shall maintain the project site in a state of good condition at all times. This includes, but is not limited to: painting; landscape screening; materials and equipment repair; and keeping the site clear of debris, trash and graffiti.
- 16. Inspection.** 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.
- 17. Rules-25 Signed Agreement to Comply.** Prior to Land Use Permit issuance, the Owner/Applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the Owner of the property agrees to comply with the project description, approved exhibits and all conditions of approval. Form may be obtained from the P&D office.
- 18. Rules-26 Performance Security Required.** The Owner/Applicant shall post separate performance securities, the amounts and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of landscape and irrigation, including that called out in the Revegetation Plan (Attachment O). The landscape installation security shall be waived if installation is completed in conformance with applicable requirements prior to Building Final/Occupancy Approval. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan(s) for two years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed all approved landscape & irrigation including the restoration of the area near the river outlined in the Revegetation Plan, per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape & irrigation including the Revegetation Plan have been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved landscape and irrigation including the Revegetation Plan, P&D may use the security to complete the work.
- 19. 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.
- 20. Revocation.** This entitlement to allow commercial cannabis activities may be revoked in compliance with Chapter 35.56.140 (Revocation of Entitlement to Land Use).

- 21. Permit Compliance.** The Owner/Applicant/Operator shall ensure that the project complies with all approved plans and project conditions, including those which must be monitored after the project is built and/or operations commence. To accomplish this the Owner/Applicant/Operator shall:
1. Complete and submit a Permit Compliance Application to Planning and Development and identify a name and number of the contact person for the project compliance activities.
 2. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to approval of LAND USE PERMIT as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.
 3. Participate in Initial Compliance Inspections that may occur:
 - a. Prior to commencement of use and/or issuance of Business License,
 - b. Within the first year (during the active growing season), and
 - c. Other instances as deemed necessary by Planning & Development
 4. Participate in Regular Compliance Inspections that may occur:
 - a. Upon renewal of the County Business License,
 - b. For the life of the project, or as specific in permit conditions, and
 - c. Other instances as deemed necessary by Planning & Development

Plan Requirements: The Owner/Applicant/Operator shall include a note and a copy of this condition on all project plans including Building and Grading Plans.

Timing: Prior to issuance of the Land Use Permit an associated Permit Compliance Application and deposit shall be submitted to Planning & Development.

Monitoring: Planning & Development Compliance Staff or designee shall conduct initial and regular compliance inspections as identified above in accordance with this condition, and as determined to be necessary.

- 22. Bio-9a Threatened and Endangered Species Approvals.** The permittee shall provide evidence that all necessary approvals have been obtained from the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and/or National Marine Fisheries Service, including an Incidental Take Permit and/or Habitat Conservation Plan for the California Tiger Salamander, if required, prior to Land Use Permit issuance.

TIMING Permittee shall provide to P&D copies of approvals obtained from CDFW, FWS and/or NMFS prior to issuance of the Land Use Permit.

MONITORING: Permittee shall provide to P&D copies of approvals from CDFW, FWS and/or NMFS. P&D staff shall confirm receipt of any necessary approvals prior to issuance of the Land Use Permit.

- 23. Single Parcel Water System.** The applicant shall obtain approval from EHS for the use of an existing agricultural water system, as part of a Single Parcel Water System to provide domestic (potable) water for employees of the cannabis activities.

DOCUMENTATION: The applicant shall submit any and all materials and information that EHS requires in order to review the proposed Single Parcel Water System for compliance with any requirements enforced by EHS for the Single Parcel Water System.

TIMING: Prior to issuance of the Land Use Permit, the applicant shall submit the required materials and information for EHS' review and approval.

MONITORING: EHS reviews the material and information regarding the proposed Single Parcel Water System, and may conduct field inspections to verify that the Single Parcel Water System complies with any and all applicable EHS requirements.

- 24. Septic System.** The applicant shall obtain approval from EHS for the proposed new septic system to serve the employee restroom in the office building.

DOCUMENTATION: The applicant shall submit any and all materials and information that EHS requires in order to review the proposed septic system for compliance with EHS standards.

TIMING: Prior to issuance of the Land Use Permit, the applicant shall submit the required materials and information for EHS' review and approval.

MONITORING: EHS reviews the material and information regarding the septic system, and may conduct field inspections to verify that the system complies with any and all applicable EHS requirements.

County Rules and Regulations

- 25. Rules-02 Effective Date.** This Land Use Permit shall become effective upon the expiration of the appeal period provided an appeal has not been filed. If an appeal has been

filed, the permit shall not be deemed effective until final action by the review authority on the appeal.

- 26. Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until all the necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions. Such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
- 27. Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
- 28. Rules-20 Revisions to Related Plans.** The Owner/Applicant shall request a revision for any proposed changes to the approved permit plans. Substantial conformity shall be determined by the Director of P&D.
- 29. Rules-23 Processing Fees Required.** Prior to issuance of this Land Use Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 30. 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 the Planning and Development Department or the Building and Safety Division. These shall be graphically illustrated where feasible.
- 31. 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 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.
- 32. Rules-37 Time Extensions – All Projects.** The Owner/Applicant may request a time extension prior to the expiration of this permit 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.