

COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
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June 21, 2019

Maureen Claffey
Foothill Road
Carpinteria, CA 93013

PLANNING COMMISSION
HEARING OF JUNE 5, 2019

RE: *G&K Farms/K&G Flower Cannabis Cultivation Appeal; 19APL-00000-00009*

Hearing on the request of Maureen Claffey to consider Case No. 19APL-00000-00009 [application filed on March 18, 2019], to appeal the Director's approval of Case No. 18CDP-00000-00077, in compliance with Section 35-182 of Article II, the Coastal Zoning Ordinance; and to determine the project is exempt from CEQA pursuant to Sections 15162, 15164, and 15168(c)(2) of the State Guidelines for Implementation of the California Environmental Quality Act. The application involves property zoned AG-I-10 on Assessor Parcel Number 005-280-040, located at 3561 Foothill Road in the Carpinteria Area, First Supervisorial District.

Dear Ms. Claffey:

At the Planning Commission hearing of June 5, 2019, Commissioner Brown moved, seconded by Commissioner Cooney and failed by a vote of 3 to 2* (Ferini and Blough no) to accept late submittals in the record. *Motion requires 4/5 vote.

Commissioner Cooney moved, seconded by Commissioner Ferini and carried by a vote of 4 to 1 (Brown no) to:

1. Deny the appeal, Case No. 19APL-00000-00009;
2. Make the required findings for approval of the project specified in Attachment A of the staff report dated May 28, 2019, including California Environmental Quality Act (CEQA) findings;
3. Determine the project is exempt from CEQA pursuant to CEQA Guidelines Sections 15162, 15164, and 15168(c)(2), included as Attachment C of the staff report dated May 29, 2019; and
4. Grant *de novo* approval of the project, Case No. 18CDP-00000-00077, subject to the conditions included as Attachment B of the staff report dated May 28, 2019, as revised in the staff memorandum dated June 5, 2019 and at the hearing of June 5, 2019.

Revisions to Conditions of Approval

Revisions to Condition 9

9. ~~Landscape Plan and Screening Plan. The applicant shall implement the Landscape Plan and Screening Plan stamped 'Zoning Approved'.~~

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

- ~~a. Landscaping installed with the purpose of screening commercial cannabis activities shall, within five years, reasonably screen the view of any new structure, including greenhouses and agricultural accessory structures, and onsite parking areas from the nearest public road(s).~~
- ~~b. All landscaping shall be installed prior to initiating cultivation activities.~~
- ~~c. A performance security, in an amount to be determined by a landscape architect and approved by the Department, prior to the issuance of any permits, shall be filed with the County to ensure installation and maintenance of the landscaping for two years. Said performance security shall be released upon a written statement from the Department that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed and maintained for two years.~~
- ~~d. Landscaping shall be maintained for the life of the project.~~

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

9. Landscape Plan and Screening Plan. The applicant shall implement the Landscape Plan and Screening Plan stamped 'Zoning Approved'. PLAN REQUIREMENTS: All landscaping and screening shall comply with the following:

- a. Landscaping installed with the purpose of screening commercial cannabis activities shall, within five years, reasonably screen the view of any new structure, including greenhouses and agricultural accessory structures, and onsite parking areas from the nearest public road(s).
- b. All landscaping shall be installed prior to initiating cultivation activities.
- c. A performance security, in an amount to be determined by a landscape architect and approved by the Department, prior to the issuance of any permits, shall be filed with the County to ensure installation and maintenance of the landscaping for two years. Said performance security shall be released upon a written statement from the Department that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed and maintained for two years.
- d. Landscaping shall be maintained for the life of the project.

TIMING: The Owner/Applicant shall submit two copies of the Plan to P&D processing planner for review & approval prior to issuance of the Coastal Development Permit, AND enter into an Agreement with the County to install required landscaping & water-conserving irrigation systems and maintain required landscaping for two years.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance staff that all required components of the approved Plan are in place as required prior to Final Building Clearance. Compliance staff will release installation security upon satisfactory installation of all items in approved plans.

Revisions to Condition 12

12. ~~Odor Abatement Plan. The applicant shall implement the Odor Abatement Plan stamped 'Zoning Approved'.~~

~~*TIMING: The Odor Abatement Plan shall be implemented prior to commencement of use and/or the issuance of final building inspection and/or throughout the operation of the project, as applicable. All odor abatement measures shall comply with the following:*~~

- ~~*a. Odors must be prevented from being experienced within residential zones.*~~
- ~~*b. An approved odor control system must be installed.*~~
- ~~*c. If an operator is utilizing an approved and certified vapor phase system, the vapor phase systems must comply with the following:*~~
 - ~~*i. The resulting odors must be neutralized, not masked;*~~
 - ~~*ii. The technology must not be utilized in excessive amounts to produce a different scent such as pine or citrus;*~~
 - ~~*iii. The system shall meet the United States Environmental Protection Agency's Acute Exposure Guideline Levels or similar public health threshold.*~~
- ~~*d. The following individual has been designated as the responsible party for responding to odor complaints and must comply with the following procedures for addressing odor complaints:*~~
 - ~~*i. The local contact, as indicated in the approved Plan, shall be available by telephone on a 24-hour basis to respond to calls regarding odor complaints.*~~
 - ~~*ii. The applicant shall provide to property owners and residents of property located within 1,000 feet the contact information of the local contact responsible for responding to odor complaints. The operator is required to immediately notify the County of any changes to the local contact.*~~
 - ~~*iii. The operator is required to notify the County of any complaints that the operator receives, within 24 hours of receiving the complaint.*~~
 - ~~*iv. Failure to respond to calls in a timely and appropriate manner may result in revocation of this permit. Responding in a timely and appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call if corrective action is required to address any violation of this condition.*~~
 - ~~*v. The operator shall implement a complaint tracking system for all complaints that the operator receives, which includes a method for recording the following information:*~~
 - ~~*1. contact information of the complainant, as well as a description of the location from which the complainant detected the odors;*~~

- ~~2. time that the operator received the complaint;~~
- ~~3. description of the complaint;~~
- ~~4. description of the activities occurring onsite when the complainant detected the odors; and~~
- ~~5. actions the operator implemented to address the odor complaint.~~
- ~~vi. The operator shall provide the complaint tracking system records to the Department as part of any Departmental inspections of the cannabis operation and upon the Department's request. The operator shall maintain the complaint tracking records for a minimum of five years.~~
- ~~e. The applicant shall allow the Department access to the facility at all times, without notice, for the purpose of inspecting odor mitigation practices, odor source(s) and complaint tracking system records.~~
- ~~f. If the Department receives three verified complaints regarding odor events in any 365-day period, the Permittee shall implement corrective actions to comply with the odor abatement requirements of Article II Coastal Zoning Ordinance Section 35-144U.C.6. Upon the Department's request, the Permittee shall submit a written statement that sets forth the corrective actions and timing of implementation of each corrective action, subject to the Department's review and approval. The Department may require the corrective actions to be re-certified by a Professional Engineer or a Certified Industrial Hygienist. Notwithstanding the requirements of this condition, the Department may take additional enforcement actions pursuant to Chapter 35-108 (Enforcement and Penalties) which may include, but are not limited to, initiating proceedings to revoke this permit.~~

~~— **MONITORING:** Permit Compliance staff shall monitor implementation prior to final inspection and/or commencement of use, whichever occurs first. Permit Compliance staff has the authority to request additional measures necessary for corrective actions, provided at the cost of the Applicant, to verify compliance with the Odor Abatement Plan.~~

12. Odor Abatement Plan. The applicant shall implement the Odor Abatement Plan stamped 'Approved.' The odor abatement plan must prevent odors from being experienced within residential zones as determined by the Director.

PLAN REQUIREMENTS: The Odor Abatement Plan must include the following:

- a. A floor plan, specifying locations of odor-emitting activities and emissions.
- b. A description of the specific odor-emitting activities that will occur.
- c. A description of the phases (e.g., frequency and length of each phase) of odor-emitting activities.
- d. A description of all equipment and methods to be used for reducing odors.
- e. The Odor Abatement Plan shall be reviewed and certified by a Professional Engineer or a Certified Industrial Hygienist. The certification shall acknowledge that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.
- f. Establish an Odor Complaint resolution plan which includes the following:
 - i. Name and contact information of the individual (local contact) responsible for responding to odor complaints. The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding any odor

- complaints.
- ii. Verification that property owners and residents of property located within 1,000-feet of the cannabis operation (parcel boundaries) have been provided with the odor complaint contact information.
 - iii. Agreement to immediately notify the County of any changes to the local contact
 - iv. Agreement to contact the Permit Compliance Planner within 24 hours of the receiving an odor complaint.
 - v. Acknowledgement that all odor complaints will be responded to in a timely fashion (i.e., response within one hour of the time the initial call was made and corrective action taken within two hours of the initial call).
 - vi. Acknowledgement that failure of an operator to respond to an odor complaint call in a timely fashion may result in revocation of the permit.
- g. Description of an Odor Complaint Tracking System and Implementation Plan. This System shall include the method for recording the following required information:
- i. Complainant contact information
 - ii. Description of the location from which the complainant detected the odors
 - iii. Time that complaint was received
 - iv. Description of the complaint;
 - v. Description of the activities occurring on site when the complainant detected the odors
 - vi. Actions the operator implemented in order to address the odor complaint.
 - vii. Agreement to provide the Complaint Tracking System records to the Department as part of any Departmental inspections of the cannabis operation and upon the Department's request.
 - viii. Agreement to maintain the Complaint Tracking System records for a minimum of five years.
- h. Explicit agreement to allow Planning & Development access to the facility all times, without notice, for the purpose of inspecting odor mitigation practices, odor source(s), and complaint tracking system records.

TIMING: The Owner/Applicant shall submit two copies of the Plan to P&D for review and approval prior to issuance of the Coastal Development Permit.

MONITORING: Permit Compliance staff shall monitor implementation prior to Final Building Clearance and/or commencement of use, whichever occurs first. Permit Compliance staff has the authority to request additional measures necessary for corrective actions, provided at the cost of the Applicant, to verify compliance with the Odor Abatement Plan. Upon installation of the odor control system and quarterly thereafter for one year, Permit Compliance staff shall conduct an inspection of the odor control system to assess its compliance with the requirements of this condition and Coastal Zoning Ordinance Section 35-144U.C.6. As part of each inspection, the County shall retain a professional engineer or certified industrial hygienist, at the applicant's expense, to certify that the odor control system meets the requirements of this condition and Coastal Zoning Ordinance Section 35-144U.C.6.

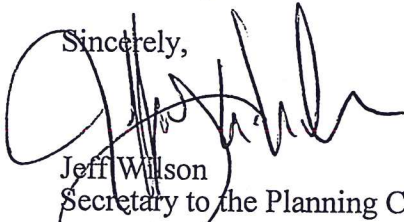
The attached findings and conditions reflect the Planning Commission's actions of June 5, 2019.

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, June 17, 2019 at 5:00 p.m.**

Final action by the County on this project may be appealed to the Coastal Commission by the applicant, an aggrieved person, as defined above, or any two members of the Coastal Commission within the 10 working days following the date the County's Notice of Final Action is received by the Coastal Commission.

Sincerely,



Jeff Wilson
Secretary to the Planning Commission

cc: Case File: 19APL-00000-00009
Planning Commission File
California Coastal Commission, 89 S. California Street, Suite 200, Ventura, CA 93001
Owner: Graham Farrar, 3561 Foothill Road, Carpinteria, CA 93013
Agent: Jay Higgins, 3217 Calle Noguera, Santa Barbara, CA 93105
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Community Services Department
Public Works
Environmental Health Services
APCD
Supervisor
Commissioner
Deputy County Counsel
Planner

**Attachments: Attachment A – Findings
 Attachment B – Conditions of Approval**

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

ADDENDUM TO ENVIRONMENTAL IMPACT REPORT

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15162 AND 15164:

1.1 CONSIDERATION OF THE ADDENDUM AND FULL DISCLOSURE

The County Planning Commission has considered the Addendum dated March 7, 2019 together with the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003. The Addendum reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA. The Addendum, together with the PEIR 17EIR-00000-00003, is adequate for this proposal. On the basis of the whole record, including the Addendum, the previously certified CEQA documents, and any public comments received, the Planning Commission finds that the project changes described in the Addendum will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment nor present new information of substantial importance pursuant to CEQA Guideline 15162.

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.

1.3 FINDINGS ADDRESSING ADDENDUM ISSUE AREAS

As described in the Addendum, the proposed project presents no additional impacts and clearly falls within the definition of an indoor mixed-light and nursery cannabis operation that was studied as part of the PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003. The proposed cannabis operation would result in a cannabis cultivation operation within existing greenhouses. Further, the proposed cannabis operation consists of the implementation of an Odor Control System. The changes to the project site would not result in an increase of previously approved development area and is in conformance with the original Development Plan for the site, Case No. 82-DP-30, and subsequent Amendment (13AMD-00000-00003). Therefore, the project will not increase the severity of existing impacts to the issues identified in the Addendum, and this finding can be made.

2.0 ADMINISTRATIVE FINDINGS

2.1 COASTAL DEVELOPMENT PERMIT FINDINGS

- 2.1.1 *Findings required for all Coastal Development Permits. In compliance with Section 35-60.5 of the Article II Coastal Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that*

adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

As discussed in the staff report, dated May 28, 2019 and incorporated herein by reference, adequate services are available to serve the proposed development. The site will continue to be served by the Carpinteria Valley Water District, Carpinteria-Summerland Fire Protection District, Santa Barbara County Sheriff's Department, and a private septic system. A private agricultural well located on the subject property would provide water for the cannabis operation. Therefore, this finding can be made.

2.1.2 Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may not be appealed to the Coastal Commission. In compliance with Section 35-169.5.3 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development subject to Section 35-169.4.3 for development that may not be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:

- 1. The proposed development conforms:**
 - a. To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;**
 - b. The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).**

As discussed in the staff report, dated May 28, 2019 and incorporated herein by reference, the development conforms to the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan and the Toro Canyon Plan. In addition, the proposed development is consistent with the Article II requirements for the AG-I-10 zone district, as they relate to permitted uses, building heights, setbacks, and parking. Therefore, this finding can be made.

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

The subject lot is a 14.66 acre parcel that is shown as Lot #40 (Parcel "A") of the Martha J. Nidever Property Tract and is shown on Recorded Map Book 7, Page 91 of the County of Santa Barbara Maps and Surveys, and also shown on Assessor's Map Book 005, Page 28. Therefore, this finding can be made.

- 3. The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, 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 Division 10 (Nonconforming Structures and Uses).**

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 Article II Zoning Ordinance, for the AG-I zone district. Additionally, all processing fees have been paid to date. Therefore, this finding can be made.

2.1.3 Additional findings required for sites within the Toro Canyon Plan area.

- 1. In compliance with Section 35-194.6.3 of the Article II Coastal Zoning Ordinance, upon recommendation by the Board of Architectural Review, the decision-maker may approve or conditionally approve an application for a Coastal Development Permit on sites within the Toro Canyon Plan area that includes an exemption to architectural review standards h. or i. of Section 35-194.6.3. if written findings are made that the exemptions would allow a project that: 1) furthers the intent of protecting hillsides and watersheds, 2) enhances and promote better structural and/or architectural design, and 3) minimizes visual or aesthetic impacts.*

The Coastal Development Permit is exempt from the Board of Architectural Review pursuant to Section 35-184 of Article II since the Coastal Development Permit is for a change of use from cultivation of cymbidium orchids to cannabis cultivation within existing greenhouses. No new structures are being proposed. As indicated in Section 6.3 of the staff report dated May 28, 2019, and incorporated herein by reference, the Coastal Development Permit would not result in any new visual impacts. Therefore, this finding can be made.

- 2. In compliance with Section 35-194.9 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit on sites within the Toro Canyon Plan that allows a deviation from a policy or standard of the Local Coastal Program to provide a reasonable use the decision-maker shall first make all of the following findings:*
 - a. Based on the economic information provided by the applicant, as well as any other relevant evidence, each use allowed by the Local Coastal Program policies and/or standards would not provide an economically viable use of the applicant's property.*
 - b. Application of the Local Coastal Program policies and/or standards would unreasonably interfere with the applicant's investment-backed expectations.*
 - c. The use proposed by the applicant is consistent with the applicable zoning.*
 - d. The use and project design, siting, and size are the minimum necessary to avoid a taking.*
 - e. The project is the least environmentally damaging alternative and is consistent with all provisions of the certified Local Coastal Program other than the provisions for which the exception is requested.*
 - f. The development will not be a public nuisance. If it would be a public nuisance, the development shall be denied.*

A deviation from a policy or standard of the Local Coastal Program to provide a reasonable use has not been requested as part of this project. The staff report, dated May 28, 2019 and incorporated herein by reference, discusses the project's consistency with Comprehensive Plan policies. In addition, the project is consistent with Article II requirements for the AG-I-10 zone district, as they relate to cannabis operations, permitted uses, building heights, and parking. The proposed project will not result in deviations from Local Coastal Program policies and standards and will not result in an intensity of use or increase in greenhouse square footage. Therefore, this finding can be made.

ATTACHMENT B: CONDITIONS OF APPROVAL
CONDITIONS OF APPROVAL
G&K FARM/K&G FLOWER CANNABIS CULTIVATION APPEAL
CASE NO. 18CDP-00000-00077
APN: 005-280-040

Project Description

1. **Proj Des-01 Project Description.** This Coastal Development 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:

This Coastal Development Permit is for a proposed cannabis operation by Magu Farms, LLC, to allow the use of 5 existing greenhouses totaling 356,070 square feet for cannabis cultivation, with nursery, mixed-light cultivation, and off-site distribution. A security fence ranging from 6 to 8 feet in height, part of which is existing, is proposed around the perimeter of the cannabis operation. The odor abatement unit would be located within an existing shade structure. Two (2) existing water tanks and four (4) proposed water tanks would be used as part of the cannabis operation. The existing agricultural warehouse of 16,896 square feet is not proposed to be used as part of the cannabis cultivation operations approved under this Coastal Development Permit. The cannabis operation would utilize 15-22 line or contract employees and 6-8 managerial and executive staff, depending on the season. The hours of operation would be from 6:00am to 3:30pm for line or contract staff and 6:00am to 8:00pm for managerial and executive staff, depending on the season. Water for the cannabis cultivation operations would be served by an existing agricultural water well. Domestic water will continue to be served by Carpinteria Valley Water District. The parcel will continue to be served by an existing septic system and the Carpinteria/Summerland Fire Protection District. No grading, tree removal, or vegetation removal is proposed as part of this project. Access will continue to be provided off of Via Real. The property is a 14.66 acre parcel zoned AG-I-10 and shown as Assessor Parcel Number 005-280-040, located at 3480 Via Real with a secondary address of 3561 Foothill Road, Carpinteria, First Supervisorial District.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Project Specific Conditions

3. **Building Permits.** All necessary building permits shall be obtained for any structure and/or uses associated with the cannabis cultivation operations.
4. **Cannabis Waste Discharge Requirements.** The applicant shall comply 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.
5. **Cannabis Waste Management Requirements.** The applicant shall comply with the California Department of Food and Agriculture's comprehensive Cannabis Cultivation regulations which include principles and guidelines for cannabis waste management, including regulations on composting cannabis waste.
6. **Fencing and Security Plan.** The applicant shall implement the Fencing and Security Plan stamped 'Zoning Approved'.

TIMING: The Fencing and Security Plan shall be implemented prior to the issuance of County Business License and/or issuance of final building inspection or commencement of use, as applicable. All fencing and security operations shall comply with the following:

- a. All fencing materials will blend into the surrounding terrain;
- b. Where fencing would separate an agricultural area from native vegetation and/or a Habitat Management Plan easement area, said fencing shall use material or devices that are not injurious to wildlife and enable wildlife passage;
- c. Fencing materials cannot include the following prohibited materials:
 - i. Razor wire;
 - ii. Tarps;
 - iii. Dust guards;
 - iv. Privacy netting;
 - v. Woven or non-woven polyethylene plastic;
- d. All fencing must include lockable gates that are locked at all times, except during active ingress/egress; and
- e. Fencing cannot contain markers indicating that cannabis is cultivated on the site shall be visible.

MONITORING: Permit Compliance staff shall monitor implementation prior to County Business License issuance and throughout the operations of the project.

7. **Inspections.** All permitted commercial cannabis activities are subject to review and inspection from law enforcement or any agents of the State or County charged with enforcement of this Article and shall be at the cost of the Permittee.
8. **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, Article II – Coastal Zoning Ordinance Section 35-144U, the County Code, and State law.

9. **Landscape Plan and Screening Plan.** The applicant shall implement the Landscape Plan and Screening Plan stamped 'Zoning Approved'. PLAN REQUIREMENTS: All landscaping and screening shall comply with the following:

- a. Landscaping installed with the purpose of screening commercial cannabis activities shall, within five years, reasonably screen the view of any new structure, including greenhouses and agricultural accessory structures, and onsite parking areas from the nearest public road(s).
- b. All landscaping shall be installed prior to initiating cultivation activities.
- c. A performance security, in an amount to be determined by a landscape architect and approved by the Department, prior to the issuance of any permits, shall be filed with the County to ensure installation and maintenance of the landscaping for two years. Said performance security shall be released upon a written statement from the Department that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed and maintained for two years.
- d. Landscaping shall be maintained for the life of the project.

TIMING: The Owner/Applicant shall submit two copies of the Plan to P&D processing planner for review & approval prior to issuance of the Coastal Development Permit, AND enter into an Agreement with the County to install required landscaping & water-conserving irrigation systems and maintain required landscaping for two years.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance staff that all required components of the approved Plan are in place as required prior to Final Building Clearance. Compliance staff will release installation security upon satisfactory installation of all items in approved plans.

10. **Lighting Plan.** The applicant shall implement the Lighting Plan stamped 'Zoning Approved'.

TIMING: The Lighting Plan shall be implemented prior to the issuance of County Business License and/or issuance of final building inspection or commencement of use, as applicable. All lighting shall comply with the following:

- a. All lighting must comply with standard set forth in Article II – Coastal Zoning Ordinance Section 35-144U and all applicable Community Plans.
- b. Lighting necessary for security shall consist solely of motion-sensor lights and avoid adverse impacts on adjacent properties.
- c. Outdoor lighting used for parking and loading areas shall be fully shielded and directed downward.
- d. Lighting within hoop structures is prohibited at all times.
- e. All lighting must be sited and designed to avoid light spill or other impacts to ESH.
- f. **Mixed-light cultivation lighting.** Lighting due to cannabis activities that are subject to mixed-light cultivation licenses shall not be visible outside the structure in which the lighting is located between sunset and sunrise.

MONITORING: Permit Compliance staff shall monitor implementation prior to the issuance of County Business License and/or final inspection or commencement of use, and throughout the life of the project.

11. **Noise Plan.** Buildings shall be adequately soundproofed so that interior noise shall not exceed 65 decibels beyond the property line. 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. The combined decibel level for all noise, sources as measured at the property line of the lot on which the cannabis activity is located, shall not exceed 65 decibels. The 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 exceed 65 decibels beyond the property line.
12. **Odor Abatement Plan.** The applicant shall implement the Odor Abatement Plan stamped 'Approved.' The odor abatement plan must prevent odors from being experienced within residential zones as determined by the Director.

PLAN REQUIREMENTS: The Odor Abatement Plan must include the following:

- a. A floor plan, specifying locations of odor-emitting activities and emissions.
- b. A description of the specific odor-emitting activities that will occur.
- c. A description of the phases (e.g., frequency and length of each phase) of odor-emitting activities.
- d. A description of all equipment and methods to be used for reducing odors.
- e. The Odor Abatement Plan shall be reviewed and certified by a Professional Engineer or a Certified Industrial Hygienist. The certification shall acknowledge that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.
- f. Establish an Odor Complaint resolution plan which includes the following:
 - i. Name and contact information of the individual (local contact) responsible for responding to odor complaints. The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding any odor complaints.
 - ii. Verification that property owners and residents of property located within 1,000-feet of the cannabis operation (parcel boundaries) have been provided with the odor complaint contact information.
 - iii. Agreement to immediately notify the County of any changes to the local contact
 - iv. Agreement to contact the Permit Compliance Planner within 24 hours of the receiving an odor complaint.
 - v. Acknowledgement that all odor complaints will be responded to in a timely fashion (i.e., response within one hour of the time the initial call was made and corrective action taken within two hours of the initial call).
 - vi. Acknowledgement that failure of an operator to respond to an odor complaint call in a timely fashion may result in revocation of the permit.
- g. Description of an Odor Complaint Tracking System and Implementation Plan. This System shall include the method for recording the following required

information:

- i. Complainant contact information
 - ii. Description of the location from which the complainant detected the odors
 - iii. Time that complaint was received
 - iv. Description of the complaint;
 - v. Description of the activities occurring on site when the complainant detected the odors
 - vi. Actions the operator implemented in order to address the odor complaint.
 - vii. Agreement to provide the Complaint Tracking System records to the Department as part of any Departmental inspections of the cannabis operation and upon the Department's request.
 - viii. Agreement to maintain the Complaint Tracking System records for a minimum of five years.
- h. Explicit agreement to allow Planning & Development access to the facility all times, without notice, for the purpose of inspecting odor mitigation practices, odor source(s), and complaint tracking system records.

TIMING: The Owner/Applicant shall submit two copies of the Plan to P&D for review and approval prior to issuance of the Coastal Development Permit.

MONITORING: Permit Compliance staff shall monitor implementation prior to Final Building Clearance and/or commencement of use, whichever occurs first. Permit Compliance staff has the authority to request additional measures necessary for corrective actions, provided at the cost of the Applicant, to verify compliance with the Odor Abatement Plan. Upon installation of the odor control system and quarterly thereafter for one year, Permit Compliance staff shall conduct an inspection of the odor control system to assess its compliance with the requirements of this condition and Coastal Zoning Ordinance Section 35-144U.C.6. As part of each inspection, the County shall retain a professional engineer or certified industrial hygienist, at the applicant's expense, to certify that the odor control system meets the requirements of this condition and Coastal Zoning Ordinance Section 35-144U.C.6.

13. **Mitigation Monitoring.** All permitted commercial cannabis activities are also subject to review and inspection from law enforcement or agents of the State of California.

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

TIMING: P&D compliance staff shall conduct inspections and/or review condition compliance annually for five years, and/or upon renewal of County Business License, as applicable. Prior to issuance of Coastal Development Permit, an associated Permit

Compliance case must be opened.

14. **Records.** Permittees of commercial cannabis activities shall maintain clear and adequate records and documentation, in accordance with State law, the State's track-and-trace program, and as required by this Section, demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations. All records, unless otherwise specified in this Section, shall be maintained for five years and shall be subject to review, inspection, examination and audit by the Department.
15. **Revocation.** This entitlement to allow commercial cannabis activities may be revoked in compliance with Section 35-169.8 (Revocation) of the County Code.
16. **Security Fencing Plan.** The applicant shall implement the Security Fencing Plan stamped 'Zoning Approved'.

TIMING: The Security Fencing Plan shall implemented prior to the issuance of County Business License and/or issuance of final building inspection or commencement of use, as applicable. All security fencing shall comply with the following:

- a. All fencing and/or walls shall be made out of material that blends into the surrounding terrain and shall minimize any visual impacts;
- b. 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;
 - i. Fencing materials cannot include the following prohibited materials:
 - ii. Razor wire;
 - iii. Tarps;
 - iv. Dust guards;
 - v. Privacy netting;
 - vi. Woven or non-woven polyethylene plastic;
- c. All fencing must include lockable gates that are locked at all times, except during active ingress/egress; and
- d. Fencing cannot contain markers indicating that cannabis is cultivated on the site shall be visible.

MONITORING: Permit Compliance staff shall monitor implementation prior to County Business License issuance and throughout the operations of the project.

17. **Site Transportation Demand Management (STDM) Plan.** The applicant shall implement the Site Transportation Demand Management Plan stamped 'Zoning Approved'.

TIMING: The STDM Plan shall be implemented prior to commencement of use and/or the issuance of final building inspection and/or throughout the operation of the project, as applicable. All transportation to and from the subject property shall operate as indicated below and comply with the following:

- a. The cannabis operation would utilize 15-22 line or contract employees and 6-8 managerial and executive staff, depending on the season;

- b. The hours of operation would be from 6am to 330pm for line or contract staff and 6am to 8pm for managerial and executive staff, depending on the season;
- c. The site will be accessible via an existing driveway fronting Via Real; and,
- d. The Applicant shall utilize ridesharing to reduce vehicle trips.

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

18. **Transfer of Ownership.** In the event that the Permittee sells or transfers its interest in the commercial cannabis operation, the Permittee and/or succeeding operator shall assume all responsibilities concerning the Project and shall be held responsible by the County for maintaining consistency with all conditions of approval. The succeeding cannabis 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.
 - o **PLAN REQUIREMENTS:** The Permittee shall notify the County of changes in ownership to any or all of the commercial cannabis operation.
 - o **TIMING:** Notification of changes in ownership shall be given by the Permittee and/or the new operator to the County within 30 days of such change.
19. **Water Efficiency.** To the maximum extent feasible, the applicant shall implement the following water-conserving features throughout operation of the project.
 - a. Evaporative barriers on exposed soils and pots.
 - b. Rainwater capture and reuse.
 - c. Recirculated irrigation water (zero waste).
 - d. Timed drip irrigation.
 - e. Soil moisture monitors.
 - f. Use of recycled water.
20. **Abandonment Revocation.** The Permittee shall remove all structures, equipment and associated improvements and restore the site to its pre-cannabis operations state within one year of discontinuing use of the facility or upon permit revocation. Should the permittee require more than one year to complete removal and restoration activities, the permittee shall apply for an extension in a timely manner. In the event the owner requests that the facility or structures remain, the owner must apply for necessary permits for those structures within one year of discontinued use. If the use of the facility is discontinued for a period of more than one year and the facility is not removed or restored to another permitted use, the County may remove the facility at the permittee's expense.
21. **Licenses Required.** In addition to this permit from the County, the Applicant must obtain, and maintain in good status, a valid County business license, as required by the County Codes, and a valid State cannabis license, as required by the California Business and Professions Code.

County Rules and Regulations

22. **Rules-01 Effective Date-Not Appealable to CCC.** This Coastal Development Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal.

No entitlement for the use or development shall be granted before the effective date of the planning permit. ARTICLE II Section 35-169.4.

23. **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.
24. **Rules-20 Revisions Related to Plans.** The Owner/Applicant shall request a revision for any proposed changed to approved Coastal Development Permit plans. Substantial conformity shall be determined by the Director of P&D.
25. **Rules-23 Processing Fees Required.** Prior to issuance of Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
26. **Rules-30 Plan Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
27. **Rules-31 Mitigation Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:
 - a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
 - b. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to issuance of COASTAL DEVELOPMENT 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 (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) 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. Monthly invoices shall be paid by the due date noted on the invoice;
 - c. Note the following on each page of grading and building plans "This project is subject to Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval.
 - d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
28. **Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or

proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

29. **Rules-37 Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.