

ATTACHMENT 1: FINDINGS

1.0 CEQA FINDINGS

SUBSEQUENT ACTIVITIES WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT

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

1.1 CONSIDERATION OF SUBSEQUENT ACTIVITIES IN THE PROGRAM

The Board of Supervisors considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Link to the PEIR provided in Attachment 4 to the Board Agenda Letter, dated May 24, 2022, 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 CEQA Section 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 3 to the Board Agenda Letter, dated May 24, 2022, and incorporated herein by reference).

As shown in the written checklist and other information provided in the administrative record (e.g., Proposed Project plans and Development Plan application), 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 pursuant to State CEQA Guidelines Section 15162, thereby warranting the preparation of a new environmental document for the Proposed Project.

1.2 LOCATION OF DOCUMENTS

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

[http://cannabis.countyofsb.org/uploadedFiles/cannabis/Documents/Final PEIR/Santa%20Barbara%20_Cannabis%20FEIR-Volume%201.pdf](http://cannabis.countyofsb.org/uploadedFiles/cannabis/Documents/Final_PEIR/Santa%20Barbara%20_Cannabis%20FEIR-Volume%201.pdf)

[http://cannabis.countyofsb.org/uploadedFiles/cannabis/Documents/Final PEIR/Santa%20Barbara_Cannabis FEIR-Volume%202.pdf](http://cannabis.countyofsb.org/uploadedFiles/cannabis/Documents/Final_PEIR/Santa%20Barbara_Cannabis_FEIR-Volume%202.pdf)

2.0 ADMINISTRATIVE FINDINGS

2.1 COASTAL DEVELOPMENT PERMIT FINDINGS

- A. 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.**

The Board of Supervisors finds that the Proposed Project is adequately served by public or private services and resources. As discussed in the Planning Commission staff report, dated February 22, 2022 included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference, adequate services are available to serve the proposed development. Water will continue to be served by the Carpinteria Valley Water District. An upgraded septic system will provide wastewater treatment. Access will be provided by an existing paved driveway off Via Real. The Carpinteria-Summerland Fire Protection District and Santa Barbara County Sheriff's Department will serve the Proposed Project. Storm water detention will be provided by existing facilities and a new underground detention basin.

- B. 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. [CDPs that are processed in conjunction with a discretionary permit but are not appealable to the CCC] 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:**

2.1.1 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).**

The Board of Supervisors finds that as discussed in the Planning Commission staff report, dated February 22, 2022 included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 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 Community 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 with approval of the setback modification to comply with the Carpinteria Agricultural Overlay. The request for a modification to the 100-ft. top-of-bank setback and 20-ft. southern property line setback is justified. In order to improve circulation and ventilation, the height of the permitted 2-acre greenhouse is proposed to be increased from 15-ft.-1-in. to 22-ft., and the permitted 1.96-acre greenhouse is proposed to be increased from 17-ft.-5-in. to 22-ft. These greenhouses were approved in 1973 and 1980, prior to adoption of the Carpinteria Agricultural Overlay in 2004 under Ordinance Amendment 4529 to the Article II Coastal Zoning Ordinance.

Portions of these greenhouses are located within the 100-ft. setback from the Arroyo Paredon top-of-bank. The BRA (Attachment 9 to the Board Agenda Letter, dated May 24, 2022, and incorporated herein by reference) analyzed the proposed height increase. As described in the Board Agenda Letter, the BRA concluded that with implementation of the proposed HPP, TPP, and WMP (Attachment 9 to the Board Agenda Letter, dated May 24, 2022, and incorporated herein by reference), impacts of the Proposed Project on Arroyo Paredon and biological resources will be less than significant. As required by the Conditions of Approval (Attachment 2-A, Condition No. 9, Attachment 2-B, Condition No. 10 to the Board Agenda Letter, dated May 24, 2022, and incorporated herein by reference), during construction activities, the Applicant will be required to properly store construction equipment away from the Arroyo Paredon top-of-bank and provide a designated equipment parking/storage area. A designated equipment washout area for materials such as paint and concrete will be used in order to avoid pollution of Arroyo Paredon (Attachment 2-A, Condition No. 10, and Attachment 2-B, Condition No. 11 to the Board Agenda Letter, dated May 24, 2022, and incorporated herein by reference).

The as-built and new water tanks in the 20-ft. setback from the southern property line support the operation and conform to the rural character of the area. The subject parcel is largely built out with the permitted greenhouses and processing building area, landscaping, ESH buffer area, parking, and upgraded septic system, and as a result, there are limited areas to allow additional development needed for the cannabis operation. Additionally, placing the water tanks elsewhere onsite could encroach in the ESH buffer area. Further, moving the as-built structures would disrupt the operation and onsite infrastructure, because all irrigation is currently connected to the water tank area.

The CDFW, USFWS, and RWQCB reviewed the Proposed Project and have no further comments regarding the requested modifications or any impacts to Arroyo Paredon and biological resources. The operation and modifications have been reviewed by the Carpinteria Summerland Fire District for accessibility and emergency access. The SBAR conceptually reviewed the lighting, landscaping, new water tanks, height increase of the greenhouses, and as-built structures associated with the Proposed Project. The Proposed Project is conditioned to obtain final approval from the SBAR prior to Coastal Development Permit issuance (Attachment 2-A, Condition No. 3 and Attachment 2-B, Condition No. 4 to the Board Agenda Letter, dated May 24, 2022, incorporated herein by reference).

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

The Board of Supervisors finds that the subject parcel was created in 1914 and recorded in Book 7 Page 91 of the County of Santa Barbara recorded maps, and therefore the proposed development is located on a legally created lot.

2.1.3 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).

The Board of Supervisors finds that as conditioned, the Proposed Project and subject property 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, and Carpinteria Agricultural Overlay with approval of the requested modification as described in detail under Section 6.3 of the Planning Commission staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference. With approval of the requested modification to the Carpinteria Agricultural Overlay 100-ft. setback from the Arroyo Paredon top-of-bank and 20-ft. setback from the southern property line, the following development will be consistent with the Article II Coastal Zoning Ordinance:

- Portions of the two permitted greenhouses within the 100-ft. setback, totaling 41,000 sq. ft., to be increased in height to 22-ft.-tall;
- One as-built 25,360-gallon water tank located 16 ft. from the southern property line;
- Three as-built 36,984-gallon water tanks located 13 ft. from the southern property line;
- One new 25,360-gallon water tank located 16 ft. from the southern property line;

Additionally, all processing fees have been paid to date.

2.1.4 The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

The Board of Supervisors finds that, as discussed under Section 6.2 of the Planning Commission staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference, the Proposed Project will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast since the subject parcel is minimally visible to travelers on Via Real and Highway 101 due to distance, topography, and existing vegetation. Additionally, the Proposed Project includes the implementation of a Landscaping and Screening Plan that will further screen the greenhouses that will have

an increased height of 22 ft.

2.1.5 The proposed development will be compatible with the established physical scale of the area.

The Board of Supervisors finds that, as discussed under Section 6.2 of the staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and herein incorporated by reference, the Proposed Project is compatible with the established physical scale of the area. The surrounding area is made up of agricultural uses and properties developed with greenhouses. The Proposed Project will consist of cannabis cultivation located within existing greenhouses and processing within an existing processing building. The Proposed Project will result in a net reduction of greenhouse area, with all as-built development in the ESH buffer proposed to be demolished and new development consisting of two new water tanks. The Proposed Project also includes installation of a new underground storm water detention basin. The greenhouse, processing building, landscaping, fencing, lighting, and water tanks are compatible in character to development in the Toro Canyon and Carpinteria areas. There are dozens of similar agricultural properties consisting of greenhouses, water tanks, and processing buildings near Via Real within half of a mile radius of the subject parcel. All exterior lighting will be fully shielded and directed downward in keeping with the character of surrounding agricultural development. The development conforms to the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan and the Toro Canyon Community Plan. In addition, the proposed development is consistent with the Article II requirements for the AG-I-10 Zone District and Cannabis Regulations.

2.1.6 The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

The Board of Supervisors finds, as discussed under Section 6.2 of the Planning Commission staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter, dated May 24, 2022 and incorporated herein by reference, that the Proposed Project complies with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan. There are no public access or recreation facilities on the subject property. County Community Services Parks Division reviewed the Proposed Project and had no comments or conditions.

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

- A. 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 Board of Supervisors finds that the Proposed Project does not require exemptions to the architectural review standards h. or i. of Section 35-194.6.3, and therefore, this finding is not applicable to the Proposed Project.

2.2.1 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.**

The Board of Supervisors finds that the Proposed Project does not allow a deviation from a policy or standard of the Local Coastal Program, and therefore, this finding is not applicable to the Proposed Project. A Biological Resources Assessment (BRA) was conducted by Storrer Environmental Services, LLC on November 23, 2021 (Attachment 9 to the Board Agenda Letter dated May 24, 2022, incorporated herein by reference) and peer-reviewed by the County. The BRA delineates the extent of the ESH associated with Arroyo Paredon Creek located in the northern portion of the subject parcel. As explained in detail in Sections 6.2 and 6.3.7 of the Planning Commission Staff Report dated February 22, 2022 and incorporated herein by reference, the Proposed Project includes demolition of all as-built structures within the ESH buffer. Only permitted development will remain in the ESH buffer, consisting of structures that were permitted and constructed prior to the adoption of the Coastal Act and establishment of ESH with the certification of the County's Local Coastal Program. As part of the proposed Native Habitat Enhancement Planting Plan (Attachment 6 to the Board Agenda Letter dated May 24, 2022, incorporated herein by reference), 54,053 sq. ft. of native riparian vegetation will be planted along the northern portion of the parcel within the ESH buffer

area. The BRA analyzed the Proposed Project and concluded that no native vegetation or habitat will be removed.

2.3 DEVELOPMENT PLAN FINDINGS

A. Findings required for all Preliminary and Final Development Plans. In compliance with Section 35-174.7.1 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the decision-maker shall first make all of the following findings:

2.3.1 That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.

The Board of Supervisors finds that, as discussed under Sections 6.2 and 6.3 of the Planning Commission staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference, the site for the Proposed Project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed. The subject property is an 8.96-acre parcel located within Area A of the Carpinteria Agricultural Overlay District. Permitted greenhouse development has been onsite since the 1970s and has been used for flower cultivation activities. Adjacent, surrounding parcels are similarly used for agriculture. The subject parcel is currently being used for cannabis cultivation. Project activities will take place within the permitted greenhouse and processing building. As-built development in support of cultivation and processing will be legalized as part of the Proposed Project.

The Proposed Project was reviewed by Caltrans, CDFW, RWQCB, and none of these agencies have further comments. The Proposed Project is required to comply with RWQCB regulations in order to maintain the CDP, County Business License, and State licensing. The Proposed Project was reviewed by other County departments and is required to comply with all condition letters provided as Attachment 2 to the Board Agenda Letter dated May 24, 2022, incorporated herein by reference.

The Proposed Project provides adequate parking as employees will use 39 parking spaces located onsite and the Project includes a Site Transportation Demand Management Plan included as Attachment 6 to the Board Agenda Letter dated May 24, 2022. As detailed in the evidence to support Coastal Development Permit Finding 2.3.1 (above), there will be adequate services to serve the Proposed Project. As detailed in the evidence to support Coastal Development Permit Finding 2.1.3 (above), the Proposed Project meets all zoning requirements. Additionally, the cannabis cultivation operation is in compliance with the cannabis regulations set forth in 35-144U of Article II related to screening, odor abatement, traffic, noise, security, lighting, and water efficiency.

2.3.2 That adverse impacts are mitigated to the maximum extent feasible.

The Board of Supervisors finds that, as discussed under Section 6.1 of the Planning Commission staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter, dated May 24, 2022 and incorporated herein by reference, adverse impacts are mitigated to the maximum extent feasible. Standard conditions of approval have been imposed on the Proposed Project. Additionally, the Proposed Project will not have any new impacts that were not discussed in the PEIR, and potentially significant environmental impacts identified in the PEIR will be mitigated to the maximum extent feasible. On February 6, 2018, the Santa Barbara County Board of Supervisors (herein after Board of Supervisors) certified a PEIR, Case No. 17EIR-00000-00003, for a Cannabis Land Use Ordinance and Licensing Program. The PEIR was prepared in accordance with the State CEQA Guidelines Section 15168 and evaluated the Program's direct, indirect, and cumulative impacts based on Appendix G of the 2017 State CEQA Guidelines and thresholds in the County's Environmental Thresholds and Guidelines Manual (County of Santa Barbara 2008, revised July 2015). The PEIR identified a number of significant impacts and set forth feasible mitigation measures that would be included as development standards and requirements in the land use and licensing ordinances, which would be applied to site-specific land use entitlement and business licensing applications for commercial cannabis operations authorized under the Program. The PEIR concluded that significant and unavoidable (Class I) impacts would result from the Program. The Board of Supervisors adopted a Statement of Overriding Considerations for the Class I impacts, and the 30-day statute of limitations to challenge the adequacy of the PEIR expired without legal challenge.

Section 15168(c) 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 without a new environmental document, if the County finds pursuant to Section 15162 that no new effects could occur or no new mitigation measures will be required and the later activity would not have effects that were not examined in the programmatic environmental impact report.

On January 10, 2022, staff completed the written checklist pursuant to State CEQA Guidelines Section 15168(c)(4), which evaluated the Proposed Project pursuant to the requirements of Section 15162 of the State CEQA Guidelines (Attachment 3 to the Board Agenda Letter dated May 24, 2022, incorporated herein by reference) and determined that all of the environmental impacts of the cannabis operation will be within the scope of the Proposed 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 is required. Mitigation measures that were discussed in the PEIR have been incorporated into the Conditions of Approval (Attachment 2 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference). The mitigation measures incorporated from the PEIR will mitigate significant environmental impacts to the maximum extent feasible.

2.3.3 That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

The Board of Supervisors finds that, as discussed under Section 6.2 of the Planning Commission staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference, streets and highways are adequate and properly designed to carry the vehicles related to operations, deliveries, and employees of the Proposed Project. Traffic to the subject parcel will utilize an existing driveway off Via Real. Via Real is a public road. All nearby roadways are able to support the trips that will be generated as part of the Proposed Project according to Caltrans and Santa Barbara County Public Works Department.

Per the Traffic Study dated November 30, 2021 (Attachment 10 to the Board Agenda Letter, dated May 24 2022, incorporated herein by reference), the Proposed Project is anticipated to generate a total of 90 Average Daily Trips with four a.m. and four p.m. peak hours trips. This will result in a net increase of 60 ADT and two a.m. and two p.m. peak hour trip compared to the previous cut flower operation. The Santa Barbara County Public Works Department Transportation Division reviewed the Proposed Project and had no comments or conditions. The Carpinteria-Summerland Fire District reviewed the Proposed Project and issued a condition letter (Attachment 2-A, Condition No. 26 and Attachment 2-B, Condition No. 44 to the Board Agenda Letter, dated May 24, 2022, incorporated herein by reference).

2.3.4 That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

The Board of Supervisors finds that there are adequate public services to serve the Proposed Project. As discussed in Section 6.2 of the Planning Commission staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference, and as detailed under the Coastal Development Permit Findings and herein incorporated by reference, there will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the Proposed Project.

2.3.5 That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

The Board of Supervisors finds that the Proposed Project, as conditioned, will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area. The Proposed Project is a change of use from cultivating cut flowers to cultivating cannabis and is a continuation of agricultural use on an agriculturally-zoned property. Project activities will take place within an existing greenhouses and processing and packaging building, totaling 4.15 acres of growing, trimming, and harvesting. As part of the Proposed Project, various as-built accessory structures and portions of previously permitted structures

including a portion of each greenhouse will be demolished. Total grading associated with the upgrading of the septic tank, installation of the underground detention basin, and replacement of existing impervious asphalt to pervious will be up to 120 cubic yards.

The Proposed Project meets all requirements with respect to zoning, Cannabis Regulations, the Carpinteria Agricultural Overlay District, and the Comprehensive Plan, including the Toro Canyon Community Plan. As detailed in Sections 6.2 and 6.3 of the staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter, dated May 24, 2022 and herein incorporated by reference, the proposed Landscape and Screening Plan (Attachment 6 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference), includes new landscaping (screening) in the area abutting Via Real. The proposed Lighting Plan (Attachment 6 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference) includes proposed fixtures that will be fully shielded and directed downward. The South Board of Architectural Review (SBAR) conceptually reviewed the Proposed Project, including the landscaping, lighting, and fencing on two occasions (October 2, 2020 and October 16, 2020) and requested the Applicant return once zoning approval is obtained from the decision maker. Approval of the landscape and screening plan by the SBAR is required prior to Coastal Development Permit issuance (Attachment 2-A, Condition No. 3 and Attachment 2-B, Condition No. 4 to the Planning Commission staff report dated February 22, 2022, incorporated herein by reference).

The Odor Abatement Plan (Attachment 7 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference) includes the use of a regenerative carbon scrubber system (RCSS) as the primary method of odor control within the greenhouses. A carbon adsorption-based system will be used in the processing building. These methods of odor control will ensure that odor is not experienced in residential zones. The Applicant submitted a Site Transportation Demand Management Plan (STDMP) (Attachment 6 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference), which describes carpooling, vanpools, and non-peak hour trips as mechanisms to reduce trips and the number of parked vehicles onsite. The County Public Works Roads Division and Caltrans reviewed the Proposed Project, determined that there will be no significant impacts to the public road system, and did not have any comments or conditions. Additionally, the Carpinteria-Summerland Fire Department reviewed the Proposed Project, including access, for compliance with fire safety regulations, and issued a condition letter (Attachment 2-A, Condition No. 26 and Attachment 2-B, Condition No. 44 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference).

The APCD reviewed the Proposed Project for compliance with air quality regulations and issued a condition letter (Attachment 2-A, Condition No. 26 and Attachment 2-B, Condition No. 44 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference).

2.3.6 That the project is in conformance with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article II and/or the project falls with the limited exception allowed under Section 35-161.7.

The Board of Supervisors finds that the Proposed Project is in conformance with the Comprehensive Plan, including the Coastal Land Use Plan. As discussed in Section 6.3 of the Planning Commission staff report, dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference, the development conforms to the applicable provisions of Article II, including:

- Section 35-68.1 Purpose and Intent [of the AG-I Zone]
- Section 35-68.7 Setbacks for Buildings and Structures [in the AG-I Zone]
- Section 35-68.9 Height Limit [in the AG-I Zone]
- 35-102F.8.2 Height [in the Carpinteria Agricultural Overlay District]
- 35-102F.8.3 Setbacks [in the Carpinteria Agricultural Overlay District]
- 35-102F.8.5 Prime Agricultural Soils [in the Carpinteria Agricultural Overlay District]
- 35-102F.9 Development Standards for Greenhouses and Related Development [in the Carpinteria Agricultural Overlay District]
- Section 35-113 Required Number of Spaces: Agriculture
- Section 35-114.3 Construction and Design [of All Parking]
- Section 35-144U.C General Commercial Cannabis Activities Development Standards
- Section 35-144U.C Specific Use Development Standards for Cultivation [of Cannabis]

As discussed in Section 6.2 of the Planning Commission staff report, dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 incorporated herein by reference, the Proposed Project meets all applicable requirements of the Comprehensive Plan, including the Coastal Land Use Plan.

2.3.7 That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.

The Board of Supervisors finds that the Proposed Project is compatible with and subordinate to the scenic, agricultural, and rural character of the area. The site is an 8.96-acre, AG-zoned parcel located within Carpinteria Agriculture Overlay. The subject property is surrounded by agriculture. The subject parcel is currently used for commercial cannabis cultivation and has historically been used for cut flower cultivation. The Proposed Project will continue the cultivation of crops and agricultural activities on the site.

As described in Sections 6.2 and 6.3 of the Planning Commission staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022, herein incorporated by reference, the parcel abuts Via Real where there will be

landscaping planted to screen the Proposed Project. There are dozens of similar greenhouses within half a mile radius of the subject parcel and the project proposed is similar to those greenhouses in the surrounding area. The Proposed Project includes greenhouse and processing development in support of cultivation of crops. All development conforms to Article II and Comprehensive Plan standards and policies with approval of the requested modification to the Carpinteria Agricultural Overlay setbacks described in detail in Section 6.3 of the Planning Commission staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 incorporated herein by reference. All exterior lighting will be motion-activated, fully shielded, and directed downward in keeping with the scale of surrounding agricultural and residential development. Additionally, the as-built additions to the greenhouses and the processing building are compatible with the permitted development onsite and the rural character of the area.

2.3.8 That the project will not conflict with any easements required for public access through, or public use of a portion of the property.

The Board of Supervisors finds that the Proposed Project will not conflict with any easements required for public access through or public use of a portion of the property. There are no easements for public access through the subject property, nor are there easements for public use of a portion of the subject property. County Community Services Department Parks Division reviewed the subject parcel and Proposed Project and has no comments or conditions.

2.3.9 In compliance with Section 35-174.8 of the Article II Coastal Zoning Ordinance, at the time the Preliminary or Final Development Plan is approved, the decision-maker may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, or screening requirements specific in the applicable zone district when the decision-maker finds the project justifies such modifications.

The Board of Supervisors finds that the modification to the 100-ft. setback from the Arroyo Paredon top-of-bank and 20-ft. interior lot setback required by the Carpinteria Agricultural Overlay is justified. The request for a setback modification applies to the following structures:

- Portions of the two permitted greenhouses located in the 100-ft. setback totaling 41,000 sq. ft., to be increased in height to 22-ft.-tall;
- One as-built 25,360-gallon water tank located 16 ft. from the southern property line;
- Three as-built 36,984-gallon water tanks located 13 ft. from the southern property line; and
- One new 25,360-gallon water tank located 16 ft. from the southern property line.

In order to improve circulation and ventilation, the height of the permitted 2-acre greenhouse is proposed to be increased from 15-ft.-1-in. to 22-ft., and the permitted 1.96-

acre greenhouse is proposed to be increased from 17-ft.-5-in. to 22-ft. These greenhouses were approved in 1973 and 1980, prior to adoption of the Carpinteria Agricultural Overlay in 2004 under Ordinance Amendment 4529 to the Article II Coastal Zoning Ordinance. Portions of these greenhouses are located within the 100-ft. setback from the Arroyo Paredon top-of-bank. The BRA (Attachment 9 to the Board Agenda Letter dated May 24, 2022 incorporated by reference) analyzed the proposed height increase, and as described in Section 6.2 of this Staff Report, the BRA concluded that with implementation of the proposed HPP, TPP, and WMP (Attachment 9 to the Board Agenda Letter dated May 24, 2022 incorporated by reference), impacts of the Proposed Project on Arroyo Paredon and biological resources will be less than significant. As required by the Conditions of Approval (Attachment 2-A, Condition No. 9, Attachment B-2, Condition No. 10), during construction activities, the Applicant will be required to properly store construction equipment away from the Arroyo Paredon top-of-bank and provide a designated equipment parking/storage area. A designated equipment washout area for materials such as paint and concrete will be used in order to avoid pollution of Arroyo Paredon (Attachment 2-A, Condition No. 10, and Attachment 2-B, Condition No. 11).

The as-built and proposed water tanks within the 20-ft. setback from the southern property line area support the operation and conform with the rural character of the area. The subject parcel is largely built out with the permitted greenhouses and processing building area, landscaping, ESH buffer area, parking, and upgraded septic system, and as a result, there are limited areas to allow additional development needed for the cannabis operation. Additionally, placing the water tanks elsewhere onsite could require encroachment of development in the ESH buffer area. Further, moving the as-built structures would disrupt the operation and onsite infrastructure, because all irrigation is currently connected to the water tank area. The as-built structures will not be visible from public viewing areas.

The CDFW, USFWS, and RWQCB reviewed the Proposed Project and have no further comments regarding any impacts to Arroyo Paredon or biological resources. The SBAR conceptually reviewed the Proposed Project and requested that it return to SBAR for preliminary and final approval. The Proposed Project is conditioned to obtain final approval from the SBAR prior to Coastal Development Permit issuance (Attachment 2-A, Condition No. 3 and Attachment 2-B, Condition No. 4 to the Board Agenda Letter dated May 24, 2022, incorporated herein by reference). Lastly, the Carpinteria Summerland Fire District reviewed the Proposed Project for accessibility and emergency access. The Proposed Project is conditioned to comply with the Fire Protection District letter (Attachment 2-A, 2-B, and 2-C to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference).

2.4 **CONDITIONAL USE PERMIT FINDINGS**

- A. Findings required for all Conditional Use Permits. In compliance with Section 35-172.8 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Conditional Use Permit, the decision-maker shall first make all of the following findings:**

2.4.1 That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.

The Board of Supervisors finds that the site for the Proposed Project is adequate to accommodate the Proposed Project. As discussed in the evidence to support Development Plan Finding 2.3.1 (above), the Project site is adequate in terms of location, physical characteristics, shape, and size to accommodate the packing and shipping facility associated with the Proposed Project.

2.4.2 That adverse impacts are mitigated to the maximum extent feasible.

The Board of Supervisors finds that adverse impacts are mitigated to the maximum extent feasible. Standard conditions have been imposed on the Proposed Project. Additionally, the Proposed Project will not have any new impacts that were not discussed in the PEIR, and the Proposed Project's significant environmental impacts will be mitigated to the maximum extent feasible. As discussed in the evidence to support Development Plan Finding 2.3.2 (above), the mitigation measures incorporated from the PEIR will mitigate significant environmental impacts to the maximum extent feasible for the packing and shipping facility.

2.4.3 That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

The Board of Supervisors finds that streets and highways are adequate and properly designed to carry the vehicles related to operations, deliveries, and employees of the Proposed Project. As discussed in the evidence to support Development Plan Finding 2.3.3 (above) Via Real is able to support the trips that will be generated as part of the Proposed Project, including the packing and shipping facility.

2.4.4 That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

The Board of Supervisors finds that there are adequate public services to serve the Proposed Project. As discussed in the evidence to support Development Plan Finding 2.3.4 (above), water supply, sewage disposal, fire protection, police protection, and adequate access will be provided for the packing and shipping facility.

2.4.5 That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

The Board of Supervisors finds that the Proposed Project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood. As discussed in the evidence to support Development Plan Finding 2.3.5 (above), the Proposed Project will be compatible with the surrounding area. The packing and shipping

facility is located between two existing greenhouses will not be visible from any public viewing areas.

2.4.6 That the project is in conformance with the applicable provisions of Article II and the Coastal Land Use Plan.

The Board of Supervisors finds that the Proposed Project is in conformance with the Comprehensive Plan, including Article II, the Coastal Land Use Plan, and the Toro Canyon Community Plan. As discussed in the evidence to support Development Plan Finding 2.3.6 (above), the Proposed Project meets all zoning requirements for packing and shipping facilities.

2.4.7 That in designated rural areas, the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.

The Board of Supervisors finds that the Proposed Project is compatible with and subordinate to the scenic, agricultural, and rural character of the area. As discussed in the evidence to support Development Plan Finding 2.3.7 (above), the packing and shipping facility will continue the agricultural use of the parcel and will be in keeping with the surrounding area.

2.4.8 That the project will not conflict with any easements required for public access through, or public use of a portion of the property.

The Board of Supervisors finds that the Proposed Project will not conflict with any easements required for public access through or public use of a portion of the property. As discussed in the evidence to support Development Plan Finding 2.3.8 (above), there are no easements for public access through the subject property, nor are there easements for public use of a portion of the subject property. County Community Services Department Parks Division reviewed the subject parcel and Proposed Project and has no comments or conditions.

2.4.9 That the proposed use is not inconsistent with the intent of the zone district.

The Board of Supervisors finds that the Proposed Project is consistent with the intent of the AG-I zone district. As discussed in Section 6.3 of the staff report, dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022, incorporated herein by reference, the Proposed Project is consistent with the intent of the AG-I zone district, which is to ensure well-designed greenhouse development and limit the loss of open field agricultural areas from piecemeal greenhouse expansion by protecting the water quality, visual resources, and rural character of the Carpinteria Valley. The subject parcel is currently developed with two greenhouses and greenhouse-related development including packing, shipping, and processing buildings, and the Proposed Project will not result in the loss of any open field agricultural areas.