

ATTACHMENT 5: APPEAL APPLICATION AND LETTER,
DATED SEPTEMBER 12, 2022



Appeal Application

<i>County Use Only</i>	Appeal Case No.:
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STEP 1: SUBJECT PROPERTY

001-030-023
 ASSESSOR'S PARCEL NUMBER(S)
 6030 Casitas Pass Road, Carpinteria, CA 93013
 PROPERTY ADDRESS (IF APPLICABLE)
 Ceres Farm, LLC
 BUSINESS/ESTABLISHMENT NAME (IF APPLICABLE)

STEP 2: PROJECT DETAILS

Ceres Farm, LLC
 PROJECT TITLE
 19CDP-00000-00015
 CASE NO(S).
 County Planning Commis: 8/31/2022
 DECISION MAKER DATE OF ACTION

Is the appeal related to cannabis activities? Yes No

STEP 3: APPEAL CONTACTS

APPELLANT

Ceres Farm, LLC, Alex Van Wingerden
 NAME (if LLC or other legal entity, must provide documentation)
 6030 Casitas Pass Road
 STREET ADDRESS
 Carpinteria, CA 93013
 CITY, STATE ZIP
 (805) 455-5926 alex@westlandfloral.com
 PHONE EMAIL

AGENT

Gelare Macon, Flowers & Associates, Inc.
 NAME (if LLC or other legal entity, must provide documentation)
 115 W. Canon Perdido Street
 STREET ADDRESS
 Santa Barbara, CA 93101
 CITY, STATE ZIP
 (805)966-2224 x16 gmacon@flowersassoc.com
 PHONE EMAIL

ATTORNEY

NAME (if LLC or other legal entity, must provide documentation)
 STREET ADDRESS
 CITY, STATE ZIP
 PHONE EMAIL

STEP 4: APPEAL DETAILS

Is the Appellant the project Applicant? Yes No

If not, please provide an explanation of how you are an "aggrieved party", as defined in Step 5 on page 2 of this application form:

Please provide a clear, complete, and concise statement of the reasons or ground for appeal:

- Why the decision or determination is consistent/inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law;
- There was error or abuse of discretion;
- The decision is not supported by the evidence presented for consideration;
- There was a lack of a fair and impartial hearing;
- There is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

See attached written Appeal Description letter.

RECEIVED
 2022 SEP 12 A 11:25
 COUNTY CLERK OF SANTA BARBARA
 BOARD OF SUPERVISORS

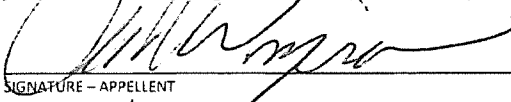
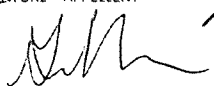
STEP 5: APPELLANT ACKNOWLEDGEMENTS

I hereby certify under penalty of perjury that I have read the information below and that:

1. I have carefully reviewed and prepared the appeal application in accordance with the instructions; and
2. I provided information in this appeal application, including all attachments, which are accurate and correct; and
3. I understand that the submittal of inaccurate or incomplete information or plans, or failure to comply with the instructions may result in processing delays and/or denial of my application; and
4. I understand that it is the responsibility of the applicant/appellant to substantiate the request through the requirements of the appeal application; and
5. I understand that upon further evaluation, additional information/documents/reports/entitlements may be required; and
6. I understand that all materials submitted in connection with this appeal application shall become public record subject to inspection by the public. I acknowledge and understand that the public may inspect these materials and that some or all of the materials may be posted on the Department's website; and
7. I understand that denials will result in no refunds; and
8. I understand that Department staff is not permitted to assist the applicant, appellant, or proponents and opponents of a project in preparing arguments for or against the project; and
9. I understand that there is no guarantee – expressed or implied – that an approval will be granted. I understand that such application must be carefully evaluated and after the evaluation has been conducted, that staff's recommendation or decision may change during the course of the review based on the information presented; and
10. I understand an aggrieved party is defined as any person who in person, or through a representative, appears at a public hearing in connection with the decision or action appealed, or who, by the other nature of his concerns or who for good cause was unable to do either; and
11. If the approval of a Land Use Permit required by a previously approved discretionary permit is appealed, the applicant shall identify:
 - How the Land Use Permit is inconsistent with the previously approved discretionary permit;
 - How the discretionary permit's conditions of approval that are required to be completed prior to the approval of a Land Use Permit have not been completed;
 - How the approval is inconsistent with Section 35.106 (Noticing).

REQUIRED SIGNATURES

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

	Alex Van Wingerden, Ceres Farm, LLC	9/9/22
SIGNATURE – APPELLANT	PRINT NAME	DATE
	Gelare Macon, Flowers & Associates, Inc.	9/8/22
SIGNATURE – AGENT	PRINT NAME	DATE
_____	_____	_____
SIGNATURE – ATTORNEY	PRINT NAME	DATE

Appeal applications can be submitted either via email or in person and must be accompanied by a check for the appeal fee, if required. Please contact P&D staff below for submittal instructions and to determine the appropriate fee.

For South County projects, contact us at front@countyofsb.org or (805) 568-2090.

For North County projects, contact us a nocounte@countyofsb.org or (805) 934-6251.

September 12, 2022

Santa Barbara County Board of Supervisors
123 E. Anapamu Street
Santa Barbara, CA 93101

**Subject: Appeal of Planning Commission Decision of August 31, 2022
19CDP-00000-00015, 6030 Casitas Pass Mixed-Light Cannabis Cultivation**

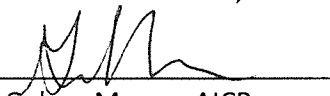
Chair Hartmann and Honorable Supervisors:

As agent on behalf of the applicant, please accept this appeal of the County Planning Commission's decision to approve 19CDP-00000-00015 with the additional condition as described below for Ceres Farm, LLC, located 6030 Casitas Pass Road, Carpinteria, CA APN 001-030-023. The following explains why this decision is inconsistent with the provisions and purposes of the County's Coastal Zoning Ordinance:

- 1. Condition exceeds requirements of the Coastal Zoning Ordinance:** At the Planning Commission hearing on August 31st, the Commission denied the appeal Case No.'s 21APL-00000-00064, 21APL-00000-00066, 21APL-00000-00067, and approved the project Case No. 19CDP-00000-00015, subject to the conditions of approval specified in the approved permit and as amended in the August 31st hearing that added an Odor Abatement Plan Revision Condition. Per the attached Draft Meeting Minutes dated August 31st and Action Letter dated September 2nd, the added condition required the applicant to install odor scrubbers/filters as the primary odor control technology, such as the Regenerative Carbon Scrubbing System or equivalent, within 1 year of project approval throughout the entirety of the cultivation greenhouse. Per the Coastal Zoning Ordinance Section 35-144U.C.6-Odor Abatement Plan, an Odor Abatement Plan comprised of a vapor phase system, carbon filters and multi-tiered odor mitigation response protocol was prepared and certified by an Industrial Hygienist and subsequently approved as meeting the Coastal Zoning Ordinance by the Planning staff and the Director. The Planning Commission action imposed an additional condition above what is required by the Coastal Zoning Ordinance.

For the reason stated above, please grant *de novo* approval of the Project, Case No. 19CDP-00000-00015, subject to the conditions of approval specified in Attachment B of the Staff Report dated August 23, 2022.

Respectfully submitted,
FLOWERS & ASSOCIATES, INC.

By: 
Gelare Macon, AICP
Agent for Applicant

Encls.: Draft Meeting Minutes dated 8/31/22; Staff Report and Attachment B dated 8/23/22; Planning Commission Action Letter dated 9/2/22



COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

COUNTY ENGINEERING BUILDING
123 E. ANAPAMU ST.
SANTA BARBARA, CALIF. 93101-2058
PHONE: (805) 568-2000
FAX: (805) 568-2030

September 2, 2022

Gelare Macon
201 N. Calle Cesar Chavez, Ste. 100
Santa Barbara, CA 93103

PLANNING COMMISSION
HEARING OF AUGUST 31, 2022

RE: *Appeal of Ceres Farm Cannabis Cultivation; 19CDP-00000-00015, 21APL-00000-00064, 21APL-00000-00065, 21APL-00000-00066; 21APL-00000-00067*

Hearing on the request of Mimi Mauracher, Tim Bliss, Charlotte Brownlee, and Danielle Dall'Armi and William Hahn, M.D. ("Appellants") to consider Case Nos. 21APL-00000-00064, 21APL-00000-00065, 21APL-00000-00066, and 21APL-00000-00067, appeals of the Director's approval of Case No. 19CDP-00000-00015 (approved October 8, 2021). The Proposed Project is a request for a Coastal Development Permit to allow for approximately 9.5 acres of cannabis cultivation consisting of 7.86 acres of mature plant cultivation and 1.43 acres of nursery cultivation within existing, permitted greenhouses and approximately 0.21 acres of cultivation (processing and storage) within an existing, permitted storage and processing structure. The appeals were filed in compliance with Section 35-182 of the Article II Coastal Zoning Ordinance. The application involves Assessor Parcel No. 001-030-023, located at 6030 Casitas pass Road, in the Carpinteria area, First Supervisorial District.

Dear Ms. Macon:

At the Planning Commission hearing of August 31, 2022, Commissioner Cooney moved, seconded by Commissioner Parke and carried by a vote of 3 to 2 (Bridley and Martinez no):

1. Acknowledge that the appeal, Case No. 21APL-00000-00065, was withdrawn and no further action is required on the appeal.
2. Deny the appeals, Case Nos. 21APL-00000-00064, 21APL-00000-00066, and 21APL-00000-00067.
3. Make the required findings for approval of the project specified in Attachment A of the staff report dated August 23, 2022, including CEQA findings.
4. Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) is adequate and no subsequent environmental review is required pursuant to CEQA Guidelines §15162 and §15168(c) (Attachments C and D of the staff report dated August 23, 2022).

5. Grant *de novo* approval of the project, Case No. 19CDP-00000-00015, subject to the conditions included as Attachment B of the staff report dated August 23, 2022, and as amended at the hearing of August 31, 2022.

REVISIONS TO CONDITIONS OF APPROVAL

Condition 37 is added as follows:

37. Odor Abatement Plan Revision. Prior to issuance of the Coastal Development Permit, the Applicant shall submit an updated Odor Abatement Plan that incorporates the following language:

Given the research and development state of ventilated greenhouse scrubbers, the Applicant commits to utilizing internal greenhouse odor scrubbers/filters such as the Regenerative Carbon Scrubbing System (RCSS) or equivalent internal greenhouse scrubbers/filters as the means of primary odor control technology no later than twelve (12) months from project approval. Consequently, upon installation and testing of the internal scrubber/filtration system, the facility operator shall also reduce or eliminate the use of vapor-phase neutralizing systems to the maximum extent feasible based upon the ability to prevent fugitive odors from reaching residentially zoned receptors.

The deployment of the RCSS odor control technology, or equivalent internal scrubbing system, would require the grid-like distribution of the scrubbers throughout the interior of the cultivation greenhouse. The specific number of scrubbers will be determined by a Professional Engineer or Certified Industrial Hygienist, consistent with Article II Section 35-144U. Additionally, the ratio of scrubbers per acre will be highly variable based on facility specific design parameters including greenhouse volume, CFM rating for the scrubbers, baseline odor concentration, etc. Therefore, the Project specific design details will be based on final site specific engineering.

PLAN REQUIREMENTS AND TIMING: P&D shall approve the updated Odor Abatement Plan prior to issuance of Coastal Development Permit.

MONITORING: P&D compliance staff will inspect the Project site to confirm the odor control system is constructed pursuant to the requirements of this condition and the updated Odor Abatement Plan for the life of the permit.

The attached findings and conditions reflect the Planning Commission's actions of August 31, 2022.

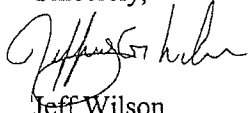
The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission 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, September 12, 2022 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$709.06 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,



Jeff Wilson
Secretary to the Planning Commission

cc: Case File: 19CDP-00000-00015, 21APL-00000-00064, 21APL-00000-00065, 21APL-00000-00066; 21APL-00000-00067
Planning Commission File
Owner: Van Wingerden Family Trust, 6032 Casitas Pass Road, Carpinteria, CA 93013
Applicant: Ceres Farms, LLC, Case Van Wingerden, P.O. Box 1287, Carpinteria, CA 93013
Appellant: Mimi, Mauracher, 6200 Casitas Pass Road, Carpinteria, CA 93013
Appellant: Cate School, Charlotte Brownlee, 1960 Cate Mesa Road, Carpinteria, CA 93013
Appellant: Rose Story Farm, Danielle Dall'Armi and William Hahn M.D., 5950 Casitas Pass Road, Carpinteria, CA 93013
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Community Services Department
Public Works
Environmental Health Services
APCD
Das Williams, First District Supervisor
Michael Cooney, First District Planning Commissioner
Ben Singer, Planner

**Attachments: Attachment A – Findings
Attachment B – Coastal Development Permit with Conditions**

JW/dmv

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

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

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

1.1 CONSIDERATION OF THE SUBSEQUENT ACTIVITIES IN THE PROGRAM

The County Planning Commission considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Attachment D to the staff report, dated August 23, 2022, and incorporated herein by reference), along with the Proposed Project, which is an activity within the scope of the PEIR. The PEIR's certification is not limited to particular purposes or particular areas of the County. The Coastal Commission considered the County's PEIR, and found that the PEIR is consistent with the Local Coastal Program. Staff prepared a written checklist in compliance with State CEQA Guidelines 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 C to the staff report, dated August 23, 2022, and incorporated herein by reference). As shown in the written checklist, the Proposed Project is within the scope of the PEIR and the effects of the Proposed Project were examined in the PEIR. Therefore, on the basis of the whole record, including the written checklist, the previously certified PEIR, and any public comments received, the Planning Commission finds that the Proposed Project will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment, and there is no new information of substantial importance under State CEQA Guidelines Section 15162, warranting the preparation of a new environmental document for the Proposed Project.

1.2 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101. The Final PEIR is also located online here: <http://cannabis.countyofsb.org/zones.sbc>.

2.0 COASTAL DEVELOPMENT PERMIT FINDINGS

2.1 *Findings required for all Coastal Development Permits.*

2.1.1 *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 Planning Commission finds that public and private services are adequately available to serve the Proposed Project. As discussed in Section 6.3 of the staff report dated August 23, 2022, incorporated herein by reference, adequate services are available to serve the Proposed Project. The site will be served by the Carpinteria Valley Water

District in addition to a private well, the Carpinteria-Summerland Fire Protection District, and the Santa Barbara County Sheriff's Department. A new private septic system will provide wastewater treatment for the site.

2.2 Findings required for Coastal Development Permit applications subject to Section 35-169.4.1 for development that may not be appealed to the Coastal Commission. In compliance with Section 35-169.5.1 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development subject to Section 35-169.4.1 for development that may not be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:

2.2.1 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 Planning Commission finds that the Proposed Project conforms to the Comprehensive Plan, including the Coastal Land Use Plan, as well as the applicable provisions of the Article II Coastal Zoning Ordinance. As discussed in Sections 6.3 and 6.4 of the staff report dated August 23, 2022, incorporated herein by reference, the Proposed Project conforms with all applicable regulations, policies, and development standards from the Comprehensive Plan, the Coastal Land Use Plan, and Article II.

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

The Planning Commission finds that the Proposed Project is located on a legally created lot. The subject parcel is a 16.77-acre parcel that is shown as Parcel C of Parcel Map 11,615 in Book 10, Page 69 of Parcel Maps in the office of the County Recorder of Santa Barbara County.

2.2.3 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 Planning Commission finds the subject property and Proposed Project is in compliance with all requirements. As described in the staff report dated August 23, 2022, upon implementation of the Proposed Project the subject parcel is 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, and for the AG-I Zone District. The subject parcel contains a mobile home, an 822-square-foot addition to the pump house, a 2,139-square-foot cooler structure, a 260-square-foot accessory structure, and a 50-square-foot accessory structure, which were constructed without the permits. These five structures will be removed pursuant to the project description and Condition No. 20 of Attachment B to the staff report, dated August 23, 2022, and incorporated herein by reference, and upon removal, the subject parcel will conform to all requirements. Additionally, all processing fees are paid to date.

Appeal of Ceres Farm Cannabis Cultivation; 19CDP-00000-00015, 21APL-00000-00064, 21APL-00000-00065,
21APL-00000-00066; 21APL-00000-00067
Attachment A - Findings
Page A-3



COUNTY OF SANTA BARBARA

Planning and Development

www.sbcountyplanning.org

COASTAL DEVELOPMENT PERMIT NO.: 19CDP-00000-00015

Project Name: CERES FARM LLC - MIXED LIGHT CANNABIS CULTIVATION
Project Address: 6030 CASITAS PASS RD, SANTA BARBARA, CA 93013
A.P.N.: 001-030-023
Zone: AG-I-10

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

APPROVAL DATE: 8/31/2022
LOCAL APPEAL PERIOD BEGINS: 9/1/2022
LOCAL APPEAL PERIOD ENDS: 9/12/2022
DATE OF PERMIT ISSUANCE (if no appeal is filed): 9/13/2022

APPEALS:

1. The approval of this Coastal Development Permit may be appealed to the Board of Supervisors by the applicant, owner, or any aggrieved person. An aggrieved person is defined as any person who, either in person or through a representative, appeared at a public hearing in connection with this decision or action being appealed, or who by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of their concerns, or who, for good cause, was unable to do either. The appeal must be filed in writing and submitted in person to the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to 5:00 p.m. on or before the date that the local appeal period ends as identified above (Article II Section 35-182).
2. Final action by the County on this permit may not be appealed to the California Coastal Commission; therefore payment of a fee is required to file an appeal of the approval of this Coastal Development Permit.

PROJECT DESCRIPTION SUMMARY: The Proposed Project is a request for a Coastal Development Permit to allow for approximately 9.5 acres of cannabis cultivation consisting of 7.86 acres of mature plant cultivation and 1.43 acres of nursery cultivation within existing, permitted greenhouses and approximately 0.21 acres of cultivation (processing and storage) within an existing, permitted storage and processing structure. Up to 15% of cannabis processed will be grown offsite. There will be no more than one import and export per day associated with offsite cannabis. The processing structure will also include office space, non-cannabis storage, and restrooms for employees.

The project also consists of removing an unpermitted mobile home and demolishing the following structures:

- 822-square-foot addition to the pump house;
- 2,139-square-foot cooler structure;
- 260-square-foot accessory structure; and
- 50-square-foot accessory structure.

An existing single-family dwelling will remain on-site and will not be utilized as a part of the cannabis operations. No tree removal, vegetation removal, or grading is proposed. Odor abatement will consist of Benzaco Scientific vapor-phase systems surrounding all cultivation and processing areas, as well as carbon filters within processing areas. The operation will be fenced off by a six-foot high chain-link fence, part of which is existing. Additional avocado trees will be planted to provide screening. Lighting will consist of motion-sensing, fully shielded, and downward directed lights mounted on existing structures. Access will be provided by an existing 26-foot wide driveway, which will connect to a new all-weather fire road throughout the parcel. Water service will be provided by an existing private well on-site and potable water will be provided by the Carpinteria Valley Water District. There is an existing on-site water well that was approved under Case No. 90-CDP-162 with a condition restricting the well from serving any property other than the subject property, APN 001-030-023. With the approval of this permit, that condition will be revoked and the

existing, on-site well may serve other properties subject to approval by County Environmental Health Services. The cultivation will use a closed-loop irrigation system to conserve water.

The operation will utilize 66 employees, including managerial staff. Fifty-two parking spaces will be provided onsite. Carpool parking, bicycle parking, and a shuttle service will be provided to reduce traffic impacts. Employees will be incentivized with monthly monetary benefits to minimize vehicle trips. The Facilities Manager will monitor the trip generation and alternative transportation use, including carpooling and shuttles, and will store and make available alternative transportation records every year. The hours of operation will be 6:00 am – 5:30 pm every day of the week. Ceres Farm, LLC has agreed to observe a set of Community Odor Guidelines that were developed through collaboration between Cannabis Association for Responsible Producers (CARP Growers) and The Coalition for Responsible Cannabis (Coalition). These Guidelines are not part of the Project Description and not enforceable by the County, but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria's unique community, and are a foundation of the Coalition's decision to support this Project. The property is a 16.77-acre parcel zoned AG-I within the Carpinteria Agricultural Overlay, shown as APN 001-030-023 and addressed as 6030 Casitas Pass Road, Carpinteria, First Supervisorial District. To receive additional information regarding this project and/or to view the application and/or plans, please contact Ben Singer at 624 West Foster Road, Suite C, Santa Maria, by email (bsinger@countyofsb.org), or by phone ((805) 934-6587).

PROJECT SPECIFIC CONDITIONS: See Attachment A.

ASSOCIATED CASE NUMBERS: None

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

1. **Notice.** Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including an action on any appeal of this permit (Article II Section 35-181). The *Proof of Posting of Notice on Project Site* shall be signed and returned to the Planning and Development Department prior the issuance of the permit.
2. **Compliance with conditions.** All conditions that are required to be satisfied prior to issuance of the permit have been satisfied and the permit has been signed by the applicant or owner.
3. **Design Review.** If required, the project has been granted final approval by the appropriate Board of Architectural Review (BAR), and an appeal of that final approval has not been filed.
4. **Appeals.** An appeal of the approval of this permit, or an appeal of the final approval by the BAR, has not been filed with the County. If an appeal has been filed then the permit shall not be issued until final action on the appeal(s) has occurred which has the effect of upholding the approval of this permit, and, if applicable, the final approval by the BAR.
5. **Other approvals.** Any other necessary approvals required prior to issuance of this Coastal Development Permit have been granted.

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

1. The approval of this permit shall expire either 12 months from the effective date of the permit or other period allowed in compliance with an approved Time Extension, and shall be considered void and of no further effect unless the permit is either issued within the applicable period in compliance with the terms indicated above or a valid application for a Time Extension is submitted prior to the expiration of this 12 month period and is subsequently approved (Article II Section 35-169).
2. This permit shall expire two years from the date of issuance and be considered void and of no further effect unless the use and/or structure for which the permit was issued has been lawfully established or commenced in compliance with the issued permit or an application for a Time Extension is submitted prior to the expiration of this two year period and is subsequently approved (Article II Section 35-169).
3. The effective date of this permit shall be (a) the day following the close of any applicable appeal period provided an appeal is not filed, or (b) if appealed, the date of final action on the appeal which has the effect of upholding the approval, or (c) some other date as indicated in this permit (Article II Section 35-57B).

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

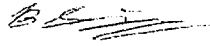
OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all conditions and terms thereof. Undersigned permittee also acknowledges that issuance of this permit for this project does not allow construction or use outside of the project description, not shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

Print name

Signature

Date

Coastal Development Permit Approval By:



for Chair, County
Planning Commission / 8/31/2022

Chair, County Planning Commission

Date

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

Planning and Development Department Issuance By:

Planner

Date

ATTACHMENT A: CONDITIONS OF APPROVAL

Project Description

1. **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:

The Proposed Project is a request for a Coastal Development Permit to allow for approximately 9.5 acres of cannabis cultivation consisting of 7.86 acres of mature plant cultivation and 1.43 acres of nursery cultivation within existing, permitted greenhouses and approximately 0.21 acres of cultivation (processing and storage) within an existing, permitted storage and processing structure. Up to 15% of cannabis processed will be grown offsite. There will be no more than one import and export per day associated with offsite cannabis. The processing structure will also include office space, non-cannabis storage, and restrooms for employees.

The project also consists of removing an unpermitted mobile home and demolishing the following structures:

- 822-square-foot addition to the pump house;
- 2,139-square-foot cooler structure;
- 260-square-foot accessory structure; and
- 50-square-foot accessory structure.

An existing single-family dwelling will remain on-site and will not be utilized as a part of the cannabis operations. No tree removal, vegetation removal, or grading is proposed. Odor abatement will consist of Benzaco Scientific vapor-phase systems surrounding all cultivation and processing areas, as well as carbon filters within processing areas. The operation will be fenced off by a six-foot high chain-link fence, part of which is existing. Additional avocado trees will be planted to provide screening. Lighting will consist of motion-sensing, fully shielded, and downward directed lights mounted on existing structures. Access will be provided by an existing 26-foot wide driveway, which will connect to a new all-weather fire road throughout the parcel. Water service will be provided by an existing private well on-site and potable water will be provided by the Carpinteria Valley Water District. There is an existing on-site water well that was approved under Case No. 90-CDP-162 with a condition restricting the well from serving any property other than the subject property, APN 001-030-023. With the approval of this permit, that condition will be revoked and the existing, on-site well may serve other properties subject to approval by County Environmental Health Services. The cultivation will use a closed-loop irrigation system to conserve water.

2. **Proj Des-01 Project Description:** The operation will utilize 66 employees, including managerial staff. Fifty-two parking spaces will be provided onsite. Carpool parking, bicycle parking, and a shuttle service will be provided to reduce traffic impacts. Employees will be incentivized with monthly monetary benefits to minimize vehicle trips. The Facilities Manager will monitor the trip generation and alternative transportation use, including carpooling and shuttles, and will store and make available alternative transportation records every year. The hours of operation will be 6:00 am – 5:30 pm every day of the week. Ceres Farm, LLC has agreed to observe a set of Community Odor Guidelines that were developed through collaboration between Cannabis Association for Responsible Producers

(CARP Growers) and The Coalition for Responsible Cannabis (Coalition). These Guidelines are not part of the Project Description and not enforceable by the County, but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria's unique community, and are a foundation of the Coalition's decision to support this Project. The property is a 16.77-acre parcel zoned AG-I within the Carpinteria Agricultural Overlay, shown as APN 001-030-023 and addressed as 6030 Casitas Pass 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.

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

Conditions By Issue Area

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

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

MONITORING: P&D permit processing planner shall check plans prior to issuance of Coastal Development Permit and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

5. **Noise-02 Construction Hours:** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m. Monday through Friday.

No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions.

Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

PLAN REQUIREMENTS: The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries.

TIMING: Signs shall be posted prior to commencement of construction and maintained throughout construction.

MONITORING: The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.

Project Specific Conditions

6. **Licenses Required:** The applicant shall obtain and maintain in good status: (1) a valid County business license as required by the County Code Chapter 50, and (2) a valid State cannabis license as required by the California Business and Professions Code for the cannabis activities that are the subject of this permit.
7. **Transfer of Ownership:** In the event that the applicant transfers interest in the commercial cannabis operation, the successor(s) in interest shall assume all responsibilities concerning the project including, but not limited to, maintaining compliance with the conditions of this permit and paying for P&D condition compliance activities throughout the life of the project.

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

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

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

8. **Records:** The applicant shall maintain clear and adequate records and documentation, in accordance with State law, the California Cannabis Track-and-Trace System, and as required by County Code Chapter 35, demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations.

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

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

9. **Permit Compliance:** The Owner/Applicant/Operator shall ensure that the project complies with the County cannabis regulations, all approved plans and project conditions, including those which must be monitored after the project is built and/or operations commence. To accomplish this the Owner/Applicant/Operator shall:

- 1) Complete and submit a Permit Compliance Application to Planning and Development and identify a name and number of the contact person for the project compliance activities.
- 2) Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit

prior to issuance of Coastal Development Permit as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for Business License annual review and for P&D to hire and manage outside consultants when deemed necessary by P&D staff to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

3) Participate in Initial Compliance Inspections that may occur:

- i. Prior to commencement of use and/or issuance of Business License,
- ii. Within the first year (during the active growing season), and [remove if retail, i.e. delivery, storefront]
- iii. Other instances as deemed necessary by Planning & Development

4) Participate in Regular Compliance Inspections that may occur:

- i. Upon renewal of the County Business License,
- ii. For the life of the project, or as specific in permit conditions, and
- iii. Other instances as deemed necessary by Planning & Development

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

TIMING: Prior to issuance of Coastal Development Permit an associated Permit Compliance Application and deposit shall be submitted to Planning & Development.

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

- 10. Fencing and Security Plan:** The applicant shall implement the Fencing and Security Plan stamped "Zoning Approved".

PLAN REQUIREMENTS: The Fencing and Security Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§35-144U.C.2) as that section reads as of the date of project approval.

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

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

- 11. Landscape and Screening Plan:** The applicant shall implement the Landscape and Screening Plan stamped "Zoning Approved".

PLAN REQUIREMENTS: The Landscape and Screening Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§35-144U.C.3) as that section reads as of the date of project approval. The applicant shall file a performance security in an amount sufficient to ensure the installation and maintenance of the landscaping for two years, as determined by a landscape architect

and approved by P&D compliance staff.

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

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

- 12. Lighting Plan:** The applicant shall implement the Lighting Plan stamped "Zoning Approved".

PLAN REQUIREMENTS: The Lighting Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.4 and -C.1.g) as that section reads as of the date of project approval.

TIMING: All components of the Lighting Plan shall be implemented prior to commencement of the cannabis activities that are the subject of this permit. The applicant shall maintain the project site in compliance with the Lighting Plan throughout the life of the project.

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

- 13. Noise Plan:** The applicant shall implement the Noise Plan stamped "Zoning Approved,".

PLAN REQUIREMENTS: The Noise Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.5), as that section reads as of the date of project approval.

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

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

- 14. Odor Abatement Implementation and Monitoring:** The applicant shall implement the Odor Abatement Plan stamped 'Zoning Approved'. The Odor Abatement Plan must prevent odors from being experienced within residential zones as determined by the Director. The applicant shall follow all methods for reducing odor as outlined in the Odor Abatement Plan and shall deploy, or re-deploy the best available control technologies or methods as necessary, or as determined by the County.

PLAN REQUIREMENTS: The Odor Abatement system shall be graphically depicted on project plans and comply with Article II, Section 35-144U.C.6 as that section reads as of the date of project

approval. The depicted Odor Abatement system shall conform to the Odor Abatement Plan as reviewed and certified by a Professional Engineer or a Certified Industrial Hygienist.

TIMING: The Odor Abatement system shall be installed prior to the commencement of cultivation activities. The Applicant shall maintain the system in good operating condition throughout duration of cannabis cultivation activities.

MONITORING: P&D 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 the approved Odor Abatement Plan. 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 Abatement system, specification, operation and procedures has been installed, operating, and maintained as specified in the approved Odor Abatement Plan.

- 15. Odor Control Notification:** The Owner/Applicant shall inform P&D compliance monitoring staff prior to making any changes to the product/substance used within the approved vapor phase odor control system. The Owner/Applicant shall submit detailed product information, including but not limited to materials safety data sheets, to P&D compliance staff for review and approval. P&D staff shall coordinate their review of the proposed product/substance with the Santa Barbara Air Pollution Control District (SBCAPCD). The SBCAPCD shall assess whether this product, or its contents, are listed on the State's Toxic Air Contaminant List or other similar hazardous air contaminants list.

TIMING: The Owner/Applicant shall inform P&D compliance monitoring staff of their intent to change the product used within the vapor phase odor control system prior to its use. The Owner/Applicant shall receive P&D approval prior to use of new product/substance.

MONITORING: P&D compliance monitoring staff shall review the proposed product/substance changes and associated information materials in coordinate with the SBCAPCD. P&D compliance monitoring staff shall ensure that the vapor phase product/solution is implemented and operated in compliance with the approved Odor Abatement Plan and any associated or subsequent addendums.

- 16. Site Transportation Demand Management Plan:** The applicant shall implement the Site Transportation Demand Management Plan stamped "Zoning Approved".

PLAN REQUIREMENTS: The Site Transportation Demand Management Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.1.j) as that section reads as of the date of project approval.

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

MONITORING: The applicant shall demonstrate to P&D compliance staff (e.g., by providing a copy

of an executed contract with a rideshare service or site inspections to verify that trip reduction features are installed onsite) that all components of the approved Site Transportation Demand Management Plan are implemented.

17. **Compliance with State Water Board Requirements:** The applicant shall demonstrate, to the satisfaction of the State Water Resources Control Board, compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy. The Policy includes limitations on the diversion of surface water and certain groundwater diversions, and regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants and fertilizers.

TIMING: The applicant shall satisfy this condition prior to issuance of Coastal Development Permit.

18. **Water Efficiency for Commercial Cannabis Activities:** Water conserving features shall be included in the design of the cannabis cultivation. Water-conserving features including the following: timed-drip irrigation, use of recycled water, and recirculated irrigation water.

PLAN REQUIREMENTS: Water conserving features must comply with the requirements of the Land Use Development Code (§ 35.42.075.D.1.j) or Coastal Zoning Ordinance (§ 35.144U.C.k)

TIMING: The applicant shall implement the Water efficiency measures prior to commencement of use. The applicant shall maintain the project site in compliance with the water efficiency measures throughout the life of the project.

MONITORING: P&D compliance staff shall inspect the project site to confirm that all water efficiency measures are installed, operated and maintained pursuant to the requirements of this condition.

19. **Greenhouse Blackout Curtains:** The owner/applicant/operator shall install and maintain a mechanized blackout screening system within growing areas to prevent interior night lighting (grow lights) from being visible outside the green houses structures between sunset and sunrise.

PLAN REQUIREMENTS: The mechanized blackout screen system shall be noted on plans submitted for Permit approval

TIMING: The system shall be installed prior to Final Building Inspection Clearance or Commence of Use.

MONITORING: The Owner/Applicant/Operator shall demonstrate proper installation and functioning prior to Final Building Inspection Clearance or Commence of Use. P&D Compliance staff may conduct site inspections as necessary to respond to complaints and ensure blackout screen system is maintained for the life of the project.

20. **Unpermitted Development Removal:** The Owner/Applicant shall demolish or remove the following existing unpermitted structures: an approximately 990 sq. ft. mobile home, an 822 sq. ft. addition to the pump house, and a 2,139 sq. ft. cooler structure. Prior to the initiation of any demolition or construction activities, the owner/applicant shall obtain a Demolition Permit, Building Permit, and/or any other permit required pursuant to the Building Code.

TIMING: The Owner/Applicant shall remove or demolish the unpermitted mobile home, pump house addition, and cooler structure within 90 days of issuance of this Coastal Development Permit.

MONITORING: P&D compliance staff shall inspect the project site to confirm that the structures have been removed.

21. **EM-02 Elapsed Time Meter:** The Owner shall install, operate and properly maintain a dedicated, non-resettable elapsed-time meter on the emergency generator engine. A written record detailing the hours of operation, corresponding meter readings from the hours meter, and reason for each operation, shall be maintained and submitted to the APCD upon request.

TIMING: The time meter and particulate filter shall be installed prior to Final Building Inspection Clearance.

22. **Emergency Generator:** In the event of a power failure, a generator may be used on the site to provide backup power. A generator is allowed for emergency backup electrical purposes only and shall only be continuously operated during an event of interruption of standard electrical service as provided by the local electrical utility company to the subject parcel. For diesel generators, engines shall be certified to meet EPA Tier 4 Final emissions standards. Pursuant to the manufacturer's routine maintenance recommendations, the generator may be exercised on a monthly basis for a period not to exceed 30 minutes.

Timing: The exercise period shall be limited to the hours between 7:30 a.m. and 4:30 p.m., Monday-Friday only & shall not occur on State holidays (e.g., Thanksgiving, Labor Day, etc.). Non-emergency operation beyond 30 minutes per month shall be prohibited. Additionally, Air Pollution Control District (APCD) permits are required for emergency standby generator engines rated at 50 BHP (brake-horsepower) or greater unless the equipment qualifies for an exemption based on low usage.

PLAN REQUIREMENTS: The Permittee shall restate the provisions for compliance on all building plans.

TIMING: If required, Permittee shall obtain an APCD Permit to Operate (PTO) prior to engine operation. All necessary APCD permits, if required, shall be obtained prior to Final Building Inspection Clearance.

County Rules and Regulations

23. **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 §35-169.4
24. **Rules-03 Additional Permits Required:** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance

shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

25. **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.
26. **Rules-08 Sale of Site:** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
27. **Rules-09 Signs:** Signs. No signs of any type are approved with this action unless otherwise specified. All signs shall be permitted in compliance with the County Land Use and Development Code.
28. **Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changes to approved Coastal Development Plans plans. Substantial conformity shall be determined by the Director of P&D.
29. **Rules-22 Leased Facilities:** The Operator and Owner are responsible for complying with all conditions of approval contained in this Conditional Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
30. **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.
31. **Rules-26 Performance Security Required:** The Owner/Applicant shall post separate performance securities, the amounts and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of landscape & irrigation. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan for two years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed of all approved landscape & irrigation plans per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape & irrigation have been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved landscape and irrigation, P&D may use the security to complete the work.
32. **Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:
 1. Carpinteria-Summerland Fire Protection District Letter, dated December 17, 2019.
33. **Rules-30 Plans Requirements:** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
34. **Rules-32 Contractor and Subcontractor Notification:** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors

and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.

35. **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.
36. **Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

Other

37. **Odor Abatement Plan Revision:** Prior to issuance of the Coastal Development Permit, the Applicant shall submit an updated Odor Abatement Plan that incorporates the following language:

Given the research and development state of ventilated greenhouse scrubbers, the Applicant commits to utilizing internal greenhouse odor scrubbers/filters such as the Regenerative Carbon Scrubbing System (RCSS) or equivalent internal greenhouse scrubbers/filters as the means of primary odor control technology no later than twelve (12) months from project approval. Consequently, upon installation and testing of the internal scrubber/filtration system, the facility operator shall also reduce or eliminate the use of vapor-phase neutralizing systems to the maximum extent feasible based upon the ability to prevent fugitive odors from reaching residentially zoned receptors.

The deployment of the RCSS odor control technology, or equivalent internal scrubbing system, would require the grid-like distribution of the scrubbers throughout the interior of the cultivation greenhouse. The specific number of scrubbers will be determined by a Professional Engineer or Certified Industrial Hygienist, consistent with Article II Section 35-144U. Additionally, the ratio of scrubbers per acre will be highly variable based on facility specific design parameters including greenhouse volume, CFM rating for the scrubbers, baseline odor concentration, etc. Therefore, the Project specific design details will be based on final site specific engineering.

PLAN REQUIREMENTS AND TIMING: P&D shall approve the updated Odor Abatement Plan prior to issuance of Coastal Development Permit.

MONITORING: P&D compliance staff will inspect the Project site to confirm the odor control system is constructed pursuant to the requirements of this condition and the updated Odor Abatement Plan for the life of the permit.



COUNTY OF SANTA BARBARA

PLANNING COMMISSION UNAPPROVED MINUTES

Hearing of August 31, 2022
9:00 a.m.

The regular hearing of the Santa Barbara County Planning Commission was called to order by Chair Michael Cooney, at 9:02 a.m.

COMMISSIONERS PRESENT:

C. MICHAEL COONEY	1ST DISTRICT, CHAIR
LAURA M. BRIDLEY	2ND DISTRICT
JOHN PARKE	3RD DISTRICT, VICE-CHAIR
LARRY FERINI	4TH DISTRICT
VINCENT MARTINEZ	5TH DISTRICT

COMMISSIONERS ABSENT:

NONE.

STAFF MEMBERS PRESENT:

Lisa Plowman, Director
Jeff Wilson, Assistant Director/Planning Commission Secretary
David Villalobos, Recording Secretary
Brian Pettit, Deputy County Counsel
Travis Seawards, Deputy Director, Development Review
Joe Dargel, Supervising Planner, Development Review
Ben Singer, Planner, Development Review

NUMBER OF INTERESTED PERSONS: 3

ADMINISTRATIVE AGENDA:

- I. **PLEDGE OF ALLEGIANCE**
- II. **TV COVERAGE ANNOUNCEMENT:** by David Villalobos.
- III. **ROLL CALL:** All Commissioners were present.
- IV. **AGENDA STATUS REPORT:** by Jeff Wilson
- V. **PROJECTION REPORT:** by Jeff Wilson

ACTION: Commissioner Parke moved, seconded by Commissioner Ferini and carried by a vote of 3 to 1 (Bridley no; Martinez absent) to cancel the hearing of October 26, 2022.

- VI. **PUBLIC COMMENT:** None
- VII. **PLANNING COMMISSIONER'S INFORMATIONAL REPORTS:** None

VIII. **MINUTES:** The Minutes of August 3, 2022 and August 10, 2022 were considered as follows:

ACTION: Commissioner Ferini moved, seconded by Commissioner Bridley and carried by a vote of 4 to 0 (Martinez absent) to approve the Minutes of August 3, 2022.

ACTION: Commissioner Bridley moved, seconded by Commissioner Parke and carried by a vote of 4 to 0 (Martinez no) to approve the Minutes of August 10, 2022, as revised.

IX. **DIRECTOR'S REPORT AND BOARD OF SUPERVISORS HEARING SUMMARY:** by Lisa Plowman, Director

X. **STANDARD AGENDA:**

19CDP-00000-00015

21APL-00000-00064

21APL-00000-00065

21APL-00000-00066

1. 21APL-00000-00067 Appeal of Ceres Farm Cannabis Cultivation Carpinteria

17EIR-00000-00003

Joe Dargel, Supervising Planner (805) 568-3573
Ben Singer, Planner (805) 934-6587

Hearing on the request of Mimi Mauracher, Tim Bliss, Charlotte Brownlee, and Danielle Dall'Armi and William Hahn, M.D. ("Appellants") to consider Case Nos. 21APL-00000-00064, 21APL-00000-00065, 21APL-00000-00066, and 21APL-00000-00067, appeals of the Director's approval of Case No. 19CDP-00000-00015 (approved October 8, 2021). The Proposed Project is a request for a Coastal Development Permit to allow for approximately 9.5 acres of cannabis cultivation consisting of 7.86 acres of mature plant cultivation and 1.43 acres of nursery cultivation within existing, permitted greenhouses and approximately 0.21 acres of cultivation (processing and storage) within an existing, permitted storage and processing structure. The appeals were filed in compliance with Section 35-182 of the Article II Coastal Zoning Ordinance. The application involves Assessor Parcel No. 001-030-023, located at 6030 Casitas pass Road, in the Carpinteria area, First Supervisorial District.

ACTION: Commissioner Cooney moved, seconded by Commissioner Parke and carried by a vote of 3 to 2 (Bridley and Martinez no) to:

1. Acknowledge that the appeal, Case No. 21APL-00000-00065, was withdrawn and no further action is required on the appeal.
2. Deny the appeals, Case Nos. 21APL-00000-00064, 21APL-00000-00066, and 21APL-00000-00067.
3. Make the required findings for approval of the project specified in Attachment A of the staff report dated August 23, 2022, including CEQA findings.
4. Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) is adequate and no subsequent environmental review is required pursuant to CEQA Guidelines §15162 and §15168(c) (Attachments C and D of the staff report dated August 23, 2022).

5. **Grant *de novo* approval of the project, Case No. 19CDP-00000-00015, subject to the conditions included as Attachment B of the staff report dated August 23, 2022, and as amended at the hearing of August 31, 2022.**

REVISIONS TO CONDITIONS OF APPROVAL

Condition 37 is added as follows:

37. Odor Abatement Plan Revision. Prior to issuance of the Coastal Development Permit, the Applicant shall submit an updated Odor Abatement Plan that incorporates the following language:

Given the research and development state of ventilated greenhouse scrubbers, the Applicant commits to utilizing internal greenhouse odor scrubbers/filters such as the Regenerative Carbon Scrubbing System (RCSS) or equivalent internal greenhouse scrubbers/filters as the means of primary odor control technology no later than twelve (12) months from project approval. Consequently, upon installation and testing of the internal scrubber/filtration system, the facility operator shall also reduce or eliminate the use of vapor-phase neutralizing systems to the maximum extent feasible based upon the ability to prevent fugitive odors from reaching residentially zoned receptors.

The deployment of the RCSS odor control technology, or equivalent internal scrubbing system, would require the grid-like distribution of the scrubbers throughout the interior of the cultivation greenhouse. The specific number of scrubbers will be determined by a Professional Engineer or Certified Industrial Hygienist, consistent with Article II Section 35-144U. Additionally, the ratio of scrubbers per acre will be highly variable based on facility specific design parameters including greenhouse volume, CFM rating for the scrubbers, baseline odor concentration, etc. Therefore, the Project specific design details will be based on final site specific engineering.

PLAN REQUIREMENTS AND TIMING: P&D shall approve the updated Odor Abatement Plan prior to issuance of Coastal Development Permit.

MONITORING: P&D compliance staff will inspect the Project site to confirm the odor control system is constructed pursuant to the requirements of this condition and the updated Odor Abatement Plan for the life of the permit.

There being no further business to come before the Commission, the hearing was adjourned until 9:00 a.m. on September 7, 2022.

Meeting adjourned at 2:26 p.m.

Jeff Wilson
Secretary to the Planning Commission

SANTA BARBARA COUNTY PLANNING COMMISSION
Coastal Zone Staff Report for the Appeal of Ceres Farms Cannabis Cultivation

Hearing Date: August 31, 2022

Staff Report Date: August 23, 2022

Case No.: 21APL-00000-00064, 21APL-00000-00065, 21APL-00000-00066, 21APL-00000-00067, and 19CDP-00000-00015

Environmental Document: Cannabis Land Use Ordinance and Licensing Program PEIR (17EIR-00000-00003 and SCH No. 2017071016), Pursuant to CEQA Guidelines §15162 and §15168(c)(4)

Deputy Director: Travis Seawards

Division: Development Review

Supervising Planner: Joe Dargel

Supervising Planner Phone #: (805) 568-3573

Staff Contact: Ben Singer

Staff Contact Phone #: (805) 934-6587

PROPERTY OWNER:

Van Wingerden Family Trust
6032 Casitas Pass Road
Carpinteria, CA 93013

APPLICANT:

Ceres Farms, LLC
Case Van Wingerden
P.O. Box 1287
Carpinteria, CA 93013

AGENT:

Gelaré Macon
201 North Calle Cesar Chavez, Suite 100
Santa Barbara, CA 93103
(805) 966-2224

APPELLANT 1:

Mimi Mauracher
6200 Casitas Pass Road
Carpinteria, CA 93013
(805) 689-2669

APPELLANT 3:

Cate School
Charlotte Brownlee
1960 Cate Mesa Road
Carpinteria, CA 93013
(805) 684-4127



This site is identified as Assessor Parcel Number 001-030-023, located at 6030 Casitas Pass Road in the Carpinteria Area, First Supervisorial District

APPELLANT 2:

Tim Bliss
P.O. Box 50440
Santa Barbara, CA 93150
(805) 689-0188

APPELLANT 4:

Rose Story Farm
Danielle Dall'Armi and William Hahn, M.D.
5950 Casitas Pass Road
Carpinteria, CA 93013
(805)566-4885

1.0 REQUEST

Hearing on the request of Mimi Mauracher, Tim Bliss, Charlotte Brownlee, and Danielle Dall'Armi and William Hahn, M.D. ("Appellants") to consider Case Nos. 21APL-00000-00064, 21APL-00000-00065, 21APL-00000-00066, and 21APL-00000-00067, appeals of the Director's approval of Case No. 19CDP-00000-00015 (approved October 8, 2021). The appeals were filed in compliance with Section 35-182 of the Article II Coastal Zoning Ordinance. The application involves Assessor Parcel No. 001-030-023, located at 6030 Casitas Pass Road, in the Carpinteria area, First Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Staff recommends that the Commission follow the procedures below and:

1. Deny the appeals, Case Nos. 21APL-00000-00064, 21APL-00000-00065, 21APL-00000-00066, and 21APL-00000-00067.
2. Make the required findings for approval of the project specified in Attachment A of this staff report, including CEQA findings.
3. Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) is adequate and no subsequent environmental review is required pursuant to CEQA Guidelines §15162 and §15168(c) (Attachments C and D).
4. Grant *de novo* approval of the project, Case No. 19CDP-00000-00015, subject to the conditions included as Attachment B.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

This project is being considered by the County Planning Commission based on Article II, Section 35-182.4.A.2, which states that any decision of the Planning and Development (P&D) Director (Director) to approve, conditionally approve, or deny an application for a Coastal Development Permit may be appealed to the Planning Commission. The Proposed Project includes mixed-light cannabis cultivation, including processing (i.e. drying, curing, trimming), which requires approval of a Coastal Development Permit by the Director based on Section 35-144U.B.4 of Article II. Given that the Coastal Development Permit was approved by the Director and subsequently appealed, the County Planning Commission is the decision-making body on this appeal.

4.0 ISSUE SUMMARY

On October 8, 2021, the Director approved the Ceres Farms Cannabis Cultivation Project (Case No. 19CDP-00000-00015) and found the Project consistent with the development standards for Cannabis Regulations and Coastal Development Permits (Article II, Sections 35-144U and 35-169, respectively). Cannabis cultivation, including drying, curing, and trimming of cannabis, is a principally permitted use in the Agriculture I (AG-I) Zone District pursuant to Section 35-144U and requires approval of a Coastal Development Permit.

The Appellants filed timely appeals during the 10-day appeal period following approval of the Project, citing the following reasons for appeal: unpermitted modifications to the property, inadequacies of the Odor Abatement Plan (OAP), safety risks to employees and the surrounding community, an inability to make the required findings, and the project description being too general.

Subsequent to the appeal of the Project, the Applicant revised the Proposed Project to update the Site Transportation Demand Management Plan (STDMP), include additional odor response protocols in the Odor Abatement Plan (OAP), allow use of the existing on-site well by other properties, and agree to the Community Odor Guidelines developed through collaboration between the Cannabis Association for Responsible Growers (CARP Growers) and the Coalition for Responsible Cannabis (Coalition).

Staff reviewed the appeal issues and finds that the Proposed Project is consistent with the Santa Barbara County Comprehensive Plan, including the Coastal Land Use Plan, and Article II, the Coastal Zoning Ordinance. The information included in this staff report supports *de novo* approval of the modified Ceres Farms Cannabis Cultivation Project.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	Agriculture I, A-I-10 (10 acre minimum parcel size)
Zone	Agriculture I, AG-I-10 (10 acre minimum parcel size)
Site Size	16.77 acres
Present Use & Development	Existing Greenhouses (10.2 acres) and processing buildings (10,000 square feet) for cannabis cultivation/processing (previously used for flowers), Existing Single-Family Dwelling
Surrounding Uses/Zone(s)	North: Agriculture, AG-I-40, Orchards, Agricultural Support Structures, Residences South: Agriculture, AG-I-10, Orchards, Residences East: Agriculture, AG-I-10, Orchards, Residences

Site Information	
	West: Agriculture, AG-I-10, Orchards, Residences
Access	Existing private driveway off of Casitas Pass Road
Public Services	Water Supply: Private onsite well and Carpinteria Valley Water District Sewage: Private onsite wastewater treatment system Fire: Carpinteria/Summerland Fire Protection District Police Services: County Sheriff

5.2 Project Description

As described in Section 4.0 of this staff report above, the Applicant revised the Proposed Project and modified the project description as shown below:

The Proposed Project is a request for a Coastal Development Permit to allow for approximately 9.5 acres of cannabis cultivation consisting of 7.86 acres of mature plant cultivation and 1.43 acres of nursery cultivation within existing, permitted greenhouses and approximately 0.21 acres of cultivation (processing and storage) within an existing, permitted storage and processing structure. Up to 15% of cannabis processed will be grown offsite. There will be no more than one import and export per day associated with offsite cannabis. The processing structure will also include office space, non-cannabis storage, and restrooms for employees.

The project also consists of removing an unpermitted mobile home and demolishing the following structures:

- 822-square-foot addition to the pump house;
- 2,139-square-foot cooler structure;
- 260-square-foot accessory structure; and
- 50-square-foot accessory structure.

An existing single-family dwelling will remain on-site and will not be utilized as a part of the cannabis operations. No tree removal, vegetation removal, or grading is proposed. Odor abatement will consist of Benzaco Scientific vapor-phase systems surrounding all cultivation and processing areas, as well as carbon filters within processing areas. The operation will be fenced off by a six-foot high chain-link fence, part of which is existing. Additional avocado trees will be planted to provide screening. Lighting will consist of motion-sensing, fully shielded, and downward directed lights mounted on existing structures. Access will be provided by an existing 26-foot wide driveway, which will connect to a new all-weather fire road throughout the parcel. Water service will be provided by an existing private well on-site and potable water will be provided by the Carpinteria Valley Water District. There is an existing on-site water well that was approved under Case No. 90-CDP-162 with a condition restricting the well from serving any

property other than the subject property, APN 001-030-023. With the approval of this permit, that condition will be revoked and the existing, on-site well may serve other properties subject to approval by County Environmental Health Services. The cultivation will use a closed-loop irrigation system to conserve water.

The operation will utilize 66 employees, including managerial staff. Fifty-two parking spaces will be provided onsite. Carpool parking, bicycle parking, and a shuttle service will be provided to reduce traffic impacts. Employees will be incentivized with monthly monetary benefits to minimize vehicle trips. The Facilities Manager will monitor the trip generation and alternative transportation use, including carpooling and shuttles, and will store and make available alternative transportation records every year. The hours of operation will be 6:00 am – 5:30 pm every day of the week. Ceres Farm, LLC has agreed to observe a set of Community Odor Guidelines that were developed through collaboration between Cannabis Association for Responsible Producers (CARP Growers) and The Coalition for Responsible Cannabis (Coalition). These Guidelines are not part of the Project Description and not enforceable by the County, but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria's unique community, and are a foundation of the Coalition's decision to support this Project. The property is a 16.77-acre parcel zoned AG-I within the Carpinteria Agricultural Overlay, shown as APN 001-030-023 and addressed as 6030 Casitas Pass Road, Carpinteria, First Supervisorial District.

5.3 Background Information

The project site is developed with the following structures:

- Single-family dwelling, which is not part of the proposed cannabis operation;
- Three greenhouses of approximately 312,500 square feet, 55,100 square feet, and 37,200 square feet, respectively;
- Boiler room of approximately 1,600 square feet;
- Storage and processing structure of approximately 10,000 square feet;
- Pump house of approximately 1,782 square feet (822 square feet to be demolished);
- Well and water tank; and
- Other structures to be demolished as described in the project description above.

The three greenhouses, boiler room, storage and processing structure, and pump house were permitted throughout the 1970's and 1980's. Under current regulations, the greenhouses would require the approval of a Development Plan, and the processing building would require the approval of a Minor Conditional Use Permit pursuant to Section 35.102.F. However, the structures were approved prior to the adoption of Article II, and the existing greenhouses and processing building are therefore legal nonconforming as to permit requirements and setbacks. The Proposed Project does not include any changes to the structures beyond the demolition of

unpermitted buildings, and is consistent with Article II Section 35-162 Nonconforming Buildings and Structures, which allows a building or structure to remain nonconforming, so long as it is otherwise lawful, if it is conforming as to use but nonconforming as to setbacks, height, lot coverage, or other requirements concerning the building or structure. The greenhouses and processing structure are currently being used for cannabis cultivation based on an affidavit of legal nonconforming use.

6.0 PROJECT ANALYSIS

6.1 Appeal Issues

On October 18, 2021, the Appellants submitted their appeal packages (Attachments E-H). The appeal letter submitted by Mimi Mauracher (Attachment E) contains the grounds for appeal. The three other appeal letters reference the Mauracher letter and do not provide additional appeal issues. The appeal issues put forth are unpermitted modifications to the property, inadequacies of the Odor Abatement Plan (OAP), safety risks to employees and the surrounding community, an inability to make the required findings, and the project description being too general. These appeal issues and staff's analysis are provided in the following paragraphs.

Appeal Issue 1 – Unpermitted Modifications to the Property

The Appellants contend that the Applicant made unauthorized changes to the property and did not submit accurate information to the Planning Department, and that therefore the Proposed Project cannot be approved. Additionally, the Appellant asserts that the Applicant must bring the project site into conformance prior to approval of the Proposed Project, rather than as part of the Coastal Development Permit (CDP) for the Proposed Project. The Appellants state that the Applicant is being "rewarded" with an after-the-fact permit, and should be forced to seek multiple CDPs as a matter of "good policy." The Appellants cite the additions of a perimeter road, an expanded asphalt parking area, and modifications to a storage area as unauthorized changes.

Staff Response

The materials submitted by the Applicant to the Planning Department accurately represent the site conditions as confirmed by P&D staff during site visits. Article II allows the road, parking area, and other site modifications, as shown on the project plans (Attachment I), with either a CDP or an Exemption. With implementation of the Proposed Project, the site will conform to all applicable rules and regulations aside from existing, legal non-conforming setbacks.

The project site currently contains an 840-square-foot mobile home, an 822-square-foot addition to the pump house, a 2,139-square-foot cooler structure, a 260-square-foot accessory structure, and a 50-square-foot accessory structure, which were constructed without permits. Pursuant to Article II, validation or demolition of unpermitted development requires the approval of a Coastal Development Permit (Section 35-58 [definition of "Development"]; Section 35-169.2 [requirement for CDP]). Unpermitted development is reviewed as new development, and all

applicable policies, requirements, and standards within Article II and the Coastal Land Use Plan are applied. A permit to validate or demolish existing, unpermitted development may include new uses and development as well.

The project plans (Attachment I) include all structures and improvements that exist or are proposed on the site. Removal of all unpermitted structures is required within 90 days of issuance of the Coastal Development Permit, pursuant to Condition No. 20 (Attachment B). This condition is subject to enforcement by P&D permit compliance staff.

Appeal Issue 2 – Inadequate Odor Abatement Plan

The Appellant identifies four issues with the Odor Abatement Plan (OAP): 2.A) nonconformance with applicable standards; 2.B) failure to incorporate the correct Best Available Control Technology (BACT); 2.C) inability to adequately control odors; and 2.D) inadequate community notification and engagement measures.

2.A – Nonconformance with Standards

The Appellants contend that the OAP is inconsistent because it refers to two separate vapor-phase systems, does not adequately explain odor generation, lacks reliability due to reliance on testing under different climate conditions, and does not map or consider surrounding land uses, including residences, schools, childcare facilities, youth athletic facilities, farms, recreational trails, and roadways.

Staff Response

The revised OAP (Attachment J) is consistent with all standards and requirements of Article II. The OAP is internally consistent and only refers to one vapor-phase system and formula. The OAP includes a complete description of the odor generating activities on-site, including nursery cultivation, flowering of mature plants, harvesting of mature plans, and drying, trimming, and storing of harvested cannabis. The OAP further explains that drying will occur in drying rooms inside the processing building, which will be fitted with both vapor-phase odor neutralizing technology and six separate carbon filters. The OAP thus adequately explains how odors will be effectively neutralized from escaping the processing building.

The OAP does not rely on testing under different climate conditions. The Appellant incorrectly claims the OAP relies on a case study that was performed in Pahrump, Nevada that was completed under different climate conditions. However, the analysis provided in the OAP, and certified by a Licensed Professional Engineer and Certified Industrial Hygienist, is specific to the Santa Barbara County project site and local region. The OAP is based on olfactory assessments at various cannabis cultivation properties in Carpinteria that are deploying the vapor phase technology. The case study in Nevada is provided, along with a case study in Colorado, as supportive information in the first and second attachments to the OAP. Finally, Article II requires OAPs to be reviewed and certified by either a Certified Industrial Hygienist or a Professional Engineer; this OAP was reviewed and certified by both.

Article II does not require mapping of proximate land uses as part of an OAP. In addition, Article II does not have specific odor requirements related to zones or land uses, other than that the OAP must prevent odors from being experienced within residential zones. The nearest residentially zoned property to the project site is within the City of Carpinteria, approximately 3,500 feet to the west of the subject parcel. Article II also requires that the premises of a cannabis cultivation project not be located within 750 feet of a school, day care center, or youth center. The nearest school is more than 1,500 feet east of the subject parcel. All properties adjacent to the subject parcel are agriculturally zoned. Finally, the generation of noise, smoke, odor, and dust is recognized by the County in Agricultural Element Policy I.E as a natural consequence of agricultural practices, and Article II does not contain requirements to prevent odor from being experienced in agricultural zones, regardless of the presence of residences.

2.B – Failure to Incorporate Best Available Control Technology (BACT)

The Appellants contend that the OAP BACT analysis incorrectly identifies chemical deodorant as BACT and notes that the OAP BACT analysis contradicts other recent OAPs when it states that carbon filtration is not generally used within greenhouses due to the large volume of air. The Appellants go on to assert that carbon scrubbers are the appropriate BACT and should be required. The Appellants further note that the BACT analysis was performed by the Applicant's consultant without third party review, which could represent a conflict of interest.

Staff Response

The OAP is consistent with all odor abatement requirements in Article II. Section 35-144.U.C.6 of Article II requires that a Professional Engineer or Certified Industrial Hygienist certify that a project has proposed accepted and available industry-specific best control technologies to mitigate odor, and specifically identifies both vapor-phase and carbon filtration systems as approved odor control systems, subject to certification. This OAP includes the use of carbon filters and a vapor-phase system, both of which are specifically identified in Article II as potential components of approved odor control systems. The proposed vapor-phase system uses essential oils to subtract (rather than mask) cannabis-related oils, and deploys a micro-fogging system encompassing the existing greenhouse and processing building. The OAP describes the efficacy of both odor control methods, the current state of the science regarding odor control in greenhouses versus air-tight enclosed buildings, and the reasoning for not utilizing the alternative methods. Additionally, the OAP includes provisions to re-evaluate, deploy, and re-deploy BACT as determined by P&D. The OAP was reviewed and certified by a Professional Engineer and Certified Industrial Hygienist in compliance with Article II, and Article II does not require OAP review by any additional third party.

2.C – Inability to Adequately Control Odors

The Appellants contend that the OAP will not adequately control odors associated with the Proposed Project, does not include evidence to support the efficacy of the proposed odor

abatement methods, and conflates harvesting and drying activities and how odors for these activities would be managed.

Staff Response

The OAP meets the requirements of Section 35-144U.C.6 of Article II. The OAP includes the use of carbon filters and a vapor-phase system, both of which are specifically identified in Article II as potential components of approved odor control systems. Additionally, the OAP is certified by a Professional Engineer Certified Industrial Hygienist. The OAP is consistent with all provisions of Article II, which requires that odors be prevented from being experienced in residential zones. As described in Appeal Issue 2.A above, the nearest residential zone is within the City of Carpinteria approximately 3,500 feet west of the project site. If odors are identified on residentially zoned parcels, the OAP requires that the Operator take corrective actions. The OAP includes protocols to monitor, receive, and respond to odor complaints. Upon receipt of an odor complaint, the Operator must notify P&D, investigate the complaint and cause, and take corrective actions.

The Appellant speculates that the processing building could have leaks, but there is no evidence this is the case. The OAP is based on on-site field assessments of the current processing building, and includes initial audit and continuing monitoring obligations to identify and correct leaks if they occur in the future. Additionally, harvesting and drying are clearly described in the OAP. Harvesting will occur in the greenhouse, which utilizes the vapor-phase system, and drying will take place in the processing building, which utilizes carbon scrubbers in addition to the vapor-phase system. Curing is a part of the drying process as described in the OAP and occurs within sealed totes.

2.D – Inadequate Community Notification and Engagement

The Appellants contend that the OAP does not include adequate community notification and engagement measures, complete odor response protocols, or any corrective actions. The Appellants further state that the OAP does not include the phone number for the 24-hour contact.

Staff Response

The revised OAP (Attachment J) is consistent with all requirements of Article II, which includes designation of a local contact who is responsible for responding to odor complaints. The local contact is also required to send their contact information to property owners and residents within 1,000 feet of the subject parcel, notify the County of any complaints received within 24 hours, implement a complaint tracking system for all complaints the operator receives, and maintain the records for a minimum of five years. Additionally, pursuant to Article II, failure to respond to calls in a timely and appropriate manner may result in revocation of the permit. The revised OAP identifies the Facilities Manager as the primary odor contact and provides their contact number. The OAP also includes provisions to notify the County within 24 hours of receiving an odor complaint, implements a complaint tracking system, and will maintain the records for a minimum of five years. Article II does not require the tiered odor response protocols

included in the OAP and the operator's commitment to observe the Community Odor Guidelines for approval of the Proposed Project. Nevertheless, the operator is required to implement all provisions of the OAP, including the odor response protocols, pursuant to Condition No. 14 of Attachment B.

Appeal Issue 3 – Safety Risks to Employees and the Surrounding Community

The Appellants contend that no health risk assessment has been conducted with respect to the vapor-phase system and that "site features" create unnecessary safety risks to facility workers and impacts to the surrounding community.

Staff Response

The Proposed Project does not create health or safety risks to the workers or surrounding community. The Appellant asserts "site features" create an unnecessary safety risk but offers no clarification as to what features, only mentioning the lack of a health risk assessment for the vapor-phase system. There are no known potential adverse human health effects associated with the vapor-phase system, and the Santa Barbara County Air Pollution Control District (SBCAPCD) reviewed the vapor-phase system formula and confirmed that none of the ingredients are considered toxic air contaminants as identified by the State of California. Any changes to the solution used within the vapor-phase system must be submitted to Planning and Development and SBCAPCD for review and approval pursuant to Condition No. 15 of Attachment B.

Additionally, the California Division of Occupational Safety and Health (Cal-OSHA) is responsible for general protection of health and safety of workers in California, including workers employed in the cannabis industry, through the implementation of Cal-OSHA regulations set forth in Title 8 of the California Code of Regulations. Enforcement of Cal-OSHA regulations is not part of the County's land use entitlement process. All employers in the cannabis industry, including those who cultivate, manufacture, distribute, and sell cannabis products, must comply with Cal-OSHA regulations protecting the health and safety of workers.

Appeal Issue 4 – Inability to Make the Required Findings

The Appellants contend that there is not adequate information provided to be able to make the required findings for approval of a Coastal Development Permit, asserting that the Proposed Project does not conform to the Coastal Land Use Plan, General Plan, and Coastal Zoning Ordinance. The Appellants specifically describe the Proposed Project as an intensification of use and thus does not comply with Coastal Land Use Plan Policy 8-5.

Staff Response

All findings required for approval of a Coastal Development Permit (CDP) can be made for the Proposed Project. As discussed in Attachment A, the findings required for the approval of a CDP are: 1) that the proposed development conforms to the Comprehensive Plan, including the Coastal Land Use Plan, and Article II; 2) that the proposed development is located on a legally created lot; and 3) that the subject property and development is in compliance with all laws,

rules, and regulations pertaining to zoning uses, setbacks, and other provisions of Article II and that all required fees have been paid.

As discussed in Sections 6.3 and 6.4 below, the Proposed Project is consistent with all applicable requirements of the County Comprehensive Plan, Coastal Land Use Plan, and Article II. The Appellant incorrectly states that Coastal Land Use Plan Policy 8-5 requires CEQA analysis for “intensifications of activities at the site.” In fact, Policy 8-5 only requires discretionary approval and environmental review of all greenhouse projects of 20,000 or more square feet and all additions to existing greenhouse development or other development of 20,000 square feet or more. The Proposed Project does not include any new or redeveloped greenhouses or related development. The three greenhouses, processing building, boiler room, and pump house on-site were all permitted during the 1970s and 1980s, prior to the implementation of Policy 8-5. Cannabis cultivation is a principally permitted use in the AG-I Zone District and authorized with a CDP. The Proposed Project is a crop conversion from cut flowers to cannabis cultivation and does not constitute an intensification of use. In regards to CEQA analysis, the Proposed Project was reviewed under the Cannabis PEIR and associated CEQA checklist and no new impacts were identified, and no additional environmental review is required (Attachments C and D).

Additionally, the subject parcel was legally created by Parcel Map 11,615 in 1972. Although there are four structures and an addition to a structure on-site that were constructed without permits, implementation of the Proposed Project requires demolition of these unpermitted structures. Finally, with adherence to the Conditions of Approval laid out in Attachment B, the subject parcel and development on-site will be in compliance with all laws, rules, and regulations.

Appeal Issue 5 – Vague Project Description

The Appellant contends that the project description is too general and does not adequately address impacts to traffic and circulation or adequacy of the septic system.

Staff Response

The project description, as described in Section 5.2 above, and the project plans, Attachment I, include all information necessary to analyze and approve the Proposed Project, and identify what uses will be conducted; by whom; where; during what hours; and how. The project description and project plans specifically include a Fencing and Security Plan, Landscaping Plan, OAP, Site Transportation Demand Management Plan (STDMP), and water efficiency information. The STDMP (Sheet 6 of Attachment I) identifies traffic circulation routes and includes a combination of vehicle trip reduction measures that will adequately reduce trip generation associated with the Proposed Project. Caltrans reviewed the STDMP and confirmed their requirements are satisfied. Additionally, the Proposed Project was reviewed by County Environmental Health Services, who confirmed that the existing septic system is adequate to serve the proposed number of employees. As discussed in Sections 6.3 and 6.4 below and the Findings (Attachment A), the Proposed Project and all information provided are consistent with the County Comprehensive Plan and Article II and the Coastal Development Permit can be approved.

6.2 Environmental Review

On February 6, 2018, the Santa Barbara County Board of Supervisors certified the Program Environmental Impact Report (PEIR) that analyzed the environmental impacts of the Cannabis Land Use Entitlement and Licensing Program (Cannabis Program). The PEIR was prepared in accordance with the State CEQA Guidelines Section 15168 and evaluated the Program’s impacts, including those in the coastal zone. 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. On February 27, 2018 the Santa Barbara County Board of Supervisors adopted a series of ordinances, including Section 35-144U [Cannabis Regulations] of Article II, the Coastal Zoning Ordinance, that regulate commercial cannabis operations within the County’s unincorporated area. The California Coastal Commission (CCC) reviewed the proposed amendments and on October 10, 2018 certified Section 35-144U of Article II, the Coastal Zoning Ordinance relying on their CEQA equivalent analysis and County certified PEIR. 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 if the County finds, pursuant to Section 15162, that no new environmental document is required. On August 23, 2022, pursuant to the State CEQA Guidelines Section 15168(c)(4), staff completed the Checklist for Commercial Cannabis Land Use Entitlement and Licensing Applications (Attachment C) and determined that all of the environmental impacts of the Project were within the scope of the Project covered by the PEIR for the Cannabis Land Use Ordinance and Licensing Program. No additional cumulative impacts were identified, and no new environmental document was required under Section 15162.

6.3 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
SERVICES	
<p><i>Coastal Land Use Plan (CLUP) Policy 2-6: Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e. water, sewer, roads, etc.) are</i></p>	<p>Consistent: The Project site will have adequate services to support the Proposed Project consistent with Coastal Land Use Plan (CLUP) Policy 2-6.</p> <p>The existing processing building includes restrooms for employees. A new private</p>

<p><i>available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extension or improvements that are required as a result of the Proposed Project. Lack of available public or private services or resources shall be grounds for denial of the Project or reduction in the density otherwise indicated in the land use plan.</i></p>	<p>wastewater treatment system will serve these restrooms. Environmental Health Services (EHS) reviewed the wastewater treatment system and found that the system is feasible and will be able to serve the Proposed Project. Agricultural water will be provided by an existing private well and domestic water will be provided by the Carpinteria Valley Water District, who reviewed the Proposed Project and provided an Intent to Serve Letter.</p> <p>Access for the Proposed Project will be taken via an existing private driveway off Casitas Pass Road. Caltrans reviewed the Proposed Project and did not have any additional requirements. There is an existing single-family dwelling on-site which takes access via the same driveway, but the dwelling is not included in the cannabis operation.</p> <p>Fire protection will continue to be provided by the Carpinteria-Summerland Fire Protection District, and police services will continue to be provided by the Santa Barbara County Sheriff's Department. Additionally, the County Sheriff reviewed the Fencing and Security Plan and determined it to be sufficient. The County Sheriff will be involved in reviewing the Business License as required for all cannabis operations, and will continue to provide police services to the subject parcel. The Proposed Project does not require the provision of any additional services from these departments.</p>
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AGRICULTURE

<p><i>Agricultural Element GOAL I: Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where</i></p>	<p>Consistent: The Proposed Project is consistent with policies that encourage the agricultural viability of land within the County. The Proposed Project consists of cannabis cultivation, both growing and processing,</p>
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<p><i>conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.</i></p> <p>CLUP Policy 8-11: <i>The following requirements shall apply to greenhouse and greenhouse related development within the Carpinteria Valley to protect the long-term productivity of prime agricultural soils.</i></p> <ul style="list-style-type: none"> a. <i>Greenhouse operations on prime agricultural soils shall encourage use of in-soil cultivation methods</i> b. <i>Prime agricultural soils shall not be modified with sterilants or other chemicals that would adversely affect the long-term productivity of the soil.</i> c. <i>The removal of prime agricultural soils shall be prohibited, including removal of indigenous prime soils used as a growing medium for container plants which are sold intact.</i> 	<p>within an existing greenhouse and an existing processing building. The Proposed Project does not include any expansion of facilities, grading, or removal or soils. Cannabis will be cultivated above ground in pots. No prime agricultural soils will be removed from site and no sterilants or other chemicals that would adversely affect the long-term productivity of the soil will be utilized on-site.</p>
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WATER QUALITY

<p>CLUP Policy 3-19: <i>Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.</i></p>	<p>Consistent: The Proposed Project is consistent with the policy that requires the protection of water resources and water quality. No pollutants, chemicals, fuels, lubricants, sewage, or other harmful waste will be discharged into or alongside coastal streams or wetlands. The nearest stream is approximately 900 feet northwest of the subject parcel, and the nearest wetlands are approximately 160 feet north. The subject parcel also includes a permitted detention basin to retain and limit stormwater runoff from the site.</p>
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NOISE

<p>Noise Element Policy 1: <i>In the planning of land use, 65 dB Day-Night Average Sound Level should be regarded as the maximum exterior noise exposure compatible with noise-sensitive uses unless noise mitigation features are included in Project design.</i></p>	<p>Consistent: The Proposed Project is consistent with the policy that requires limited noise production from development. A Noise Plan is provided as Sheet 8 of Attachment I. The Noise Plan includes all noise generating equipment on the subject parcel, as well as their noise levels at the nearest property line. As described in the Noise Plan, no noise will exceed 65dB at any property line. The loudest estimated noise at a property line is approximately 52db.</p>
<p>FLOOD HAZARD</p>	
<p>CLUP Policy 3-11: <i>All development, including construction, excavation, and grading, except for flood control Projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with HUD regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the Projected 100-year flood elevation, as specified in the Flood Plain Management Ordinance.</i></p> <p>CLUP Policy 3-12: <i>Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, i.e., dams, stream channelizations, etc.</i></p>	<p>Consistent: The Proposed Project is consistent with policies that require development to be located outside of floodways and not to contribute to flood hazards. A very small portion of the subject property is within the Flood Recovery Map. The Proposed Project does not include any new development. The existing facilities were approved by the County under various permits throughout the 1970's and 1980's. Included on-site is a detention basin to capture stormwater runoff.</p>
<p>VISUAL RESOURCES</p>	
<p>CLUP Policy 4-2: <i>All commercial, industrial, planned development, and greenhouse Projects shall be required to submit a landscaping plan to the County for approval.</i></p>	<p>Consistent: The Proposed Project is consistent with the policy that requires landscaping plans for greenhouse projects. No new development or redevelopment of existing structures is proposed. A Landscape Plan is included as Sheet 4 of Attachment I. As discussed in Section 6.4.7 below, the</p>

	Landscape Plan will adequately screen the existing structures from all public viewing areas. Additionally, consistency with the landscaping approved for the greenhouse and processing building is required by Condition No. 11 of Attachment B.
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6.4 Zoning: Article II, Coastal Zoning Ordinance Compliance

As detailed below, the Proposed Project is consistent with the Article II requirements for the AG-I-10 Zone District, the Carpinteria Agricultural Overlay District, and the Cannabis Ordinance.

6.4.1 Intent of AG-I-10 Zone District

Per Section 35-68.1 of Article II, the purpose and intent of the AG-I Zone District is to designate and protect land appropriate for long-term agricultural use within or adjacent to urbanized areas, and to preserve prime agricultural soils. The subject site is mapped on the California State Important Farmlands Map as unique farmland. The Proposed Project does not include any new development or redevelopment of existing structures and will remove previously unpermitted development from the property. The cannabis operation will be contained within structures approved by permits in the 1970's and 1980's.

6.4.2 Intent of the Carpinteria Agricultural Overlay District

The subject property is located within Area B of the Carpinteria Agricultural Overlay (CA Overlay) District. Per Section 35-102F of Article II, the purpose of this overlay district is to designate geographic areas of AG-I-zoned lands in the Carpinteria Valley appropriate for the preservation of open field agricultural uses. The intent is to ensure well-designed greenhouse development and to limit the loss of open field agricultural areas for piecemeal greenhouse expansion by providing well-crafted development standards that protect water quality, visual resources, and rural character of the Carpinteria Valley. Specifically, Area B of the Overlay District includes more limitations on the construction of new greenhouses and greenhouse related development than Area A. The Proposed Project does not include any new development, and therefore, the Proposed Project meets the purpose and intent of the CA Overlay District.

6.4.3 Setbacks

The subject parcel is zoned AG-I-10 and is located within the CA Overlay District. Section 35-68.7 sets forth the following setback requirements for buildings and structures located in the AG-I-10 Zone District:

- *Front: 50 feet from the centerline and 20 feet from the right-of-way line of any street.*

- *Side and Rear: 20 feet from the lot lines of the lot on which the building or structure is located*
- *In addition, no hothouse, greenhouse, other plant protection, or related structures shall be located within 30 feet of the right-of-way line of any street nor within 50 feet of the lite line of a lot zoned residential. On lots containing five or more gross acres, an additional setback of 30 feet from the lot lines of the lot on which the structure is located is required.*

Section 35-102F.8.3 of Article II sets forth the following setback requirements for greenhouses, packing and shipping facilities, shade and hoop structures, and related structures within the CA Overlay District:

- *Front: 75 feet from the right-of-way line of any street. For parcels within identified view corridors, the front setback shall be at least 250 feet from right-of-way.*
- *Side and Rear: 30 feet from the lot lines of the lot on which the building or structure is located.*
- *Interior Lot: 20 feet from the lot lines on which the building or structure is located.*
- *100 feet from a residentially-zoned lot or 50 feet from an adjacent parcel where there is an approved residential dwelling located within 50 feet of the parcel boundary.*
- *100 feet from top-of-bank or edge of riparian habitat of natural creek channels, whichever is greater.*

The Proposed Project does not meet the setback requirements for the AG-I Zone District or the CA Overlay. However, the existing greenhouses and processing building were approved and constructed prior to the implementation of Article II in 1982, and are therefore legal non-conforming with regards to setbacks. The Proposed Project does not include any changes to the existing greenhouses or processing building and is consistent with Article II Section 35-162 Nonconforming Buildings and Structures, as discussed in Section 5.3 above.

6.4.4 Height Limit

Section 35-68.9 of Article II sets forth the following height limit requirements for the AG-I Zone:

No building or structure shall exceed a height of 35 feet.

Section 35-102F.8.2 of Article II sets forth the following height requirements:

- *The maximum absolute height of any greenhouse or greenhouse related development, or packing and shipping facility, shall be no greater than 30 feet above finished grade. The maximum absolute height of any shade structure or hoop structure shall be no greater than 12 feet above natural grade.*
- *Within view corridors the maximum absolute height of any greenhouse or greenhouse related development, or packing and shipping facility, shall be no greater than 25 feet above finished grade.*

The Proposed Project meets the height requirements for the AG-I Zone and the CA Overlay. The existing greenhouses and processing building do not exceed 30 feet above finished grade, and no changes are proposed to the structures.

6.4.5 Parking

Section 35-113 of Article II sets forth the following parking requirements for agricultural uses:

- *Commercial greenhouses, hothouses, or other plant protection structure: Two spaces per acre of land in such use*

Section 35-114.3 of Article II sets forth the following parking requirements for all uses:

- *All parking areas shall be graded and drainage provided so as to dispose of all surface water without erosion, flooding, and other inconveniences or hazards.*
- *Uncovered parking areas and driveways shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.*
- *Parking spaces shall be marked and access lanes clearly defined. Bumpers and wheel stops shall be installed as necessary. Every stall designed to accommodate compact cars shall be clearly marked as a compact car stall.*

The Proposed Project meets the parking requirements set forth in Article II. The subject site includes approximately 9.29 acres of greenhouse area, a processing building, a single-family residence, and other accessory structures. These land uses require 20 parking spaces for the greenhouse, two parking spaces for the single-family dwelling, and no parking spaces for the other structures or uses on-site. Based on these requirements, the Proposed Project is required to provide 22 parking spaces, and the Proposed Project includes 52 parking spaces for the cannabis operation, which exceeds the number required pursuant to Article II.

6.4.6 Section 35-102F.9 Greenhouses and Related Development Standards

The Carpinteria Agricultural Overlay District contains 26 development standards. These development standards apply to Coastal Development Permits, Development Plans, and Conditional Use Permits for greenhouses, greenhouse related development, packing and shipping facilities, and shade or hoop structures within the CA Overlay District. The Proposed Project does not include any new or altered greenhouses or related development, and therefore the development standards included in this section do not apply to the Proposed Project.

6.4.7 Cannabis Regulations: Section 35-144U General Commercial Cannabis Activities Development Standards

Section 35-144U of Article II provides standards that are designed to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls, as a result

of and in compliance with State law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment, by establishing minimum land use requirements for medicinal and adult use cannabis activities including cultivation, processing, distribution, manufacturing, testing, and sales. As part of the Coastal Development Permit application, the Applicant submitted all of the required information to show that the proposed cannabis operation will be in compliance with all of the applicable standards in Section 35-144U of Article II, as discussed below.

1. *Archaeological and paleontological surveys.* *When commercial cannabis activities are proposed for lots that have not been subject to prior archaeological or paleontological surveys in accordance with Section 35-65 (Archaeology), the applicant shall provide a Phase I cultural resources study documenting the absence of presence of cultural resources in the Project area...*

The Proposed Project does not include any new development or redevelopment of existing structures, or other ground disturbance. Additionally, the existing facilities were approved by permits in the 1970's and 1980's. The Central Coast Information Center performed an initial records search, which did not include any archaeological or historical resources on the subject parcel, and only included a single historical resource within a 2,000-foot radius. Therefore, an archaeological survey was not required, and this development standard does not apply.

2. *Fencing and Security Plan.* *Security fencing measures for commercial cannabis activities shall be sited and designed to avoid adverse impacts to public access and minimize adverse impacts to visual resources. The Applicant for a permit to allow outdoor, mixed-light, or nursery cannabis cultivation development shall prepare and submit to the Department for review and approval a Security Fencing Plan demonstrating ample security and screening of the commercial cannabis activity. The standards of this Section shall be in addition to Section 35-123 (Fences, Walls and Gate Posts), as well as all other resource protection provisions of this Article and all applicable Community and Area Plans. The Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the Project, as applicable. The Security Fencing Plan shall include the following:*

- a. The Fencing Plan shall depict typical fencing details, including location, fence type, and height.*
- b. All fencing and/or walls shall be made out of material that blends into the surrounding terrain and shall minimize any visual impacts.*
- c. Where fencing will separate an agricultural area from undeveloped areas with native vegetation and/or Habitat Management Plan easement area, said fencing shall use material or devices that are not injurious to wildlife and enable wildlife passage.*
- d. Prohibited fencing materials include razor wire, tarps, dust guard fencing, privacy netting, or woven or non-woven polyethylene plastic.*
- e. The fence shall include lockable gate(s) that are locked at all times, except for during times of active ingress/egress.*

- f. No visual markers indicating that cannabis is cultivated on the site shall be visible from offsite.*
- g. Evidence that the proposed security fencing has been sited and designed to avoid adverse impacts to public access and minimize adverse impacts to visual resources.*

As demonstrated in the Security and Fencing Plan (Sheet 3 of Attachment I), the Proposed Project is consistent with this development standard. The Security and Fencing Plan provided by the Applicant describes fencing details, including location, type, and height. The proposed fencing includes lockable gates, and the Plan does not include any prohibited fencing materials or visual markers that cannabis is cultivated on-site. The Sheriff's Office has reviewed the Fencing and Security Plan and determined it to be sufficient. The Security Plan will also be reviewed by the County Executive Office and the Sheriff's Office as part of the Cannabis Business License application.

- 3. Landscaping Plan and Screening Plan.** *Commercial cannabis activities shall be sited and designed to minimize adverse impacts to visual resources. Landscape screening shall not substitute for siting and design alternatives that avoid or minimize adverse impacts to public views of the ocean and other scenic areas. If it is infeasible to site and design the proposed cannabis cultivation activity to avoid being seen from public places, the applicant for a permit to allow outdoor, indoor, mixed-light, or nursery cannabis cultivation development shall submit a Landscape Plan and Screening Plan to the Department for review and approval...*

As demonstrated in the Landscaping Plan (Sheet 4 of Attachment I), the Proposed Project is consistent with this development standard. The approved landscaping will adequately screen the site from all public viewing areas, and the Applicant is required to maintain the landscaping for the life of the Proposed Project pursuant to Condition No. 11 of Attachment B.

- 4. Lighting Plan.** *Exterior lighting for commercial cannabis activities shall be sited and designed to avoid impacts to biological resources. The applicant for any commercial cannabis activity involving artificial lighting shall submit a Lighting Plan to the Department for review and approval... The Lighting Plan shall include the following:*
- a. Plans that identify all lighting on the lot demonstrating that all lighting will comply with the standards set forth in this Section and all applicable Community and Area Plans.*
 - b. Lighting necessary for security shall consist solely of motion-sensor lights and avoid adverse impacts on properties surrounding the lot on which the cannabis activity is located.*
 - c. Any outdoor lighting used for the illumination of parking areas and/or loading areas, or for security, shall be fully shielded and directed downward.*
 - d. Lighting is prohibited in hoop structures.*
 - e. Lighting is sited and designed to avoid light spill or other impacts to ESH.*

As demonstrated in the Lighting Plan (Sheet 5 of Attachment I), the Proposed Project is consistent with this development standard. Exterior lighting for the proposed processing building will consist of motion-sensor wall-mounted lights at points of entry for the building. All lights will be full cut off, hooded and downward facing.

5. **Noise Plan.** *The applicant for indoor, mixed light, and nursery cultivation, and manufacturing (volatile and non-volatile) permits shall prepare and submit to the Department for review and approval a Noise Plan. The Noise Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the Project as applicable. The Noise Plan shall demonstrate compliance with the following standards:*
- a. *Buildings shall be adequately soundproofed so that interior noise shall not exceed 65 decibels beyond the property. The Plan shall identify noise-generating equipment that will be used and the noise level associated with each.*
 - b. *Environmental control systems shall be located and/or shielded to avoid generating noise levels above 65 decibels heard by sensitive receptors, in compliance with the Santa Barbara County Noise Element.*
 - c. *The combined decibel level for all noise sources, as measured at the property line of the lot on which the cannabis activity is located, shall not exceed 65 decibels.*
 - d. *The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or emergency. The noise produced by a generator shall not be audible by humans from neighboring residences.*

As demonstrated in the Noise Plan (Sheet 8 of Attachment I), the Proposed Project is consistent with this development standard. The Project does not include any equipment that will exceed 65 decibels at a property line. As shown on the Noise Plan, the loudest equipment will be the emergency generator, which will generate 52 decibels at the nearest property line.

6. **Odor Abatement Plan.** *The applicant for cultivation, nursery, manufacturing (volatile and non-volatile), processing, microbusiness, and/or distribution permits, shall (1) prepare and submit to the Department for review and approval, and (2) implement, an Odor Abatement Plan... The Odor Abatement Plan must include the required items listed and addressed below:*
- a. *A floor plan, specifying locations of odor-emitting activity(ies) and emissions.*
 - b. *A description of the specific odor-emitting activity(ies) that will occur.*
 - c. *A description of the phases (e.g., frequency and length of each phase) of odor-emitting activity(ies).*
 - d. *A description of all equipment and methods to be used for reducing odors. A Professional Engineer or a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.*

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

- h. If the Department receives three verified complaints regarding odor events in any 365-day period, the Permittee shall implement corrective actions to comply with the odor abatement requirements of this Section 35-144U.C.7. Upon the Department's request, the Permittee shall submit a written statement that sets forth the corrective actions and timing of implementation of each corrective action, subject to the Department's review and approval. The department may require the corrective actions to be re-certified by a Professional Engineer or a Certified Industrial Hygienist. Notwithstanding the requirements of this Section, the Department may take additional enforcement actions pursuant to Chapter 35-108 (Enforcement and Penalties) which may include, but are not limited to, initiating proceedings to revoke the applicable cannabis land use entitlement(s).*

As demonstrated in the Odor Abatement Plan (Attachment J and Sheet 7 of Attachment I), the Proposed Project is consistent with this development standard. The Odor Abatement Plan (OAP) was prepared and signed by a Certified Industrial Hygienist, identifies and describes all odor-emitting activities, and provides a description of the specific odor control methods and technologies to be used. The primary odor-emitting activities will consist of mature plants within the greenhouse and trimming, drying, storage, and other processing of cannabis within the processing building. The Proposed Project includes the use of Fogco/Benzaco Vapor-Phase Units with the associated piping covering the perimeter of the greenhouse and the processing building. The Proposed Project also includes the use of carbon filters within the processing areas. Carbon filters and vapor-phase units are both odor abatement technologies approved by the County. The OAP also includes the contact information for a 24-hour local contact as well as odor response protocols beyond those required by Section 35-144U of Article II.

- 7. *Signage.*** *All signs shall comply with Chapter 35-138 (Signs and Advertising Structures) and all applicable Community and Area Plans.*

No signs are proposed as part of this Project. No signs exist that indicate cannabis cultivation will occur on-site.

- 8. *Tree Protection, Habitat Protection, and Wildlife Movement Plans.*** *All commercial cannabis activities shall comply with the tree and habitat protection policies and standards set forth in this Article, all applicable Community and Area Plans, and the Coastal Land Use Plan. Commercial cannabis activities shall be sited and designed to avoid environmentally sensitive habitat (ESH) and ESH buffers...*

As discussed in Section 6.3 above, the Proposed Project complies with the applicable Coastal Land Use Plan Policies. The project site does not contain and is not adjacent to any Environmentally Sensitive Habitat (ESH) or other identified habitat. Furthermore, the Proposed Project will not result in the removal of, or impacts to, trees or vegetation, including

ESH, and therefore the Project does not require the preparation of a Tree Protection Plan or Habitat Protection Plan. The project site is also not adjacent to a wildlife corridor, and the preparation of a Wildlife Movement Plan is not required.

- 9. View Impact Study.** *The applicant for a commercial cannabis activity outside of the boundaries of the Carpinteria Agricultural Overlay District shall prepare and submit to the Department a view impact study...*

The subject property is within the CA Overlay District. Therefore, this development standard is not applicable to the Proposed Project.

- 10. Carpinteria Agricultural Overlay District.** *All structures for commercial cannabis activities, including accessory structures, within Area A and Area B of the Carpinteria Agricultural Overlay District shall comply with the standards of Section 35-102F(CA – Carpinteria Agricultural Overlay District).*

As discussed in Sections 6.4.2 and 6.4.6 of this staff report, the subject property is within Area B of the geographically designated CA Overlay District and complies with all development standards of the overlay district.

6.4.8 Cannabis Regulations: Specific Use Development Standards from Section 35-144U.C of Article II

The standards applicable to this proposal are discussed below.

- 1. AG-I Lots 20 acres or less; Lots zoned AG-I-5; and/or Lots zoned AG-I-10 and lots within two miles of an Urban-Rural boundary.** *Outdoor cannabis cultivation, including cannabis cultivation within hoop structures, is prohibited on lots zoned AG-I that are 20 acres or less in size; lots zoned AG-I-5; and/or lots zoned AG-I-10 and lots within two miles of an Urban Rural boundary. Indoor and mixed-light cultivation shall be located in existing structures to the maximum extent feasible. No more than 186 acres of cannabis cultivation, nurseries, and microbusinesses with cultivation shall be allowed at any one time within the boundaries of Area A and Area B of the Carpinteria Agricultural Overlay District, as implemented through the Cannabis Business License Ordinance.*

As demonstrated in the Site Plan (Sheet 1 of Attachment I), the Proposed Project is consistent with Article II development standards. The Proposed Project consists of mature and nursery cultivation within existing, permitted greenhouses and processing within an existing, permitted processing building. No outdoor cannabis cultivation or cannabis cultivation within hoop structures is proposed.

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

The Proposed Project does not include any new development or structures and will not disturb any prime soils. All development to remain on-site was reviewed and approved under separate permits.

- 3. Site Transportation Demand Management Plan.** *The applicant shall prepare and submit to the Department for review and approval a Site Transportation Demand Management Plan that includes the lot location, total number of employees, hours of operation, lot access and transportation routes, and trip origins and destinations. The Transportation Demand Management Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the Project, as applicable. The Transportation Demand Management Plan shall include a combination of the following methods to reduce vehicle trips generated by the manufacturing activity as necessary to avoid impacts to prime soils and on-street parking availability to the maximum extent feasible:*
- 1) Provide for carpool/shuttle/mini bus service for employees, especially during harvesting periods, on cultivation lots.*
 - 2) Provide shared parking areas for ridesharing on large and/or rural lots.*
 - 3) Provide bicycle storage/parking facilities.*
 - 4) Provide incentives to employees to rideshare or take public transportation.*
 - 5) Implement compressed or flexible work schedules to reduce the number of days per week that employees are needed.*

The applicant submitted a Site Transportation Demand Management Plan (STDMP) (Sheet 6 of Attachment I) that will adequately reduce vehicle trips associated with the Proposed Project. The STDMP lays out the routes to and from the site, the expected trips and deliveries, numbers of employees, and hours of operation. The STDMP also includes the use of a shuttle service to transport employees between the project site and local public transportation stops. Additionally, the property has designated carpool spaces and bicycle storage.

- 4. Water efficiency for commercial cannabis activities.** *To the maximum extent feasible, and to the Director's satisfaction, water-conserving features shall be included in the design of proposed cannabis cultivation. These features may include, but are not limited to:*
- 1) Evaporative barriers on exposed soils and pots.*
 - 2) Rainwater capture and reuse.*
 - 3) Recirculated irrigation water (zero waste).*
 - 4) Timed drip irrigation.*

- 5) *Soil moisture monitors.*
- 6) *Use of recycled water.*

As described in Section 5.2 above, Proposed Project is consistent with this development standard. The Proposed Project will use a closed-loop irrigation system to conserve water.

7.0 APPEALS PROCEDURE

The action of the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action. The appeal fee to the Board of Supervisors is \$701.06.

The action of the Board of Supervisors is not appealable to the Coastal Commission.

ATTACHMENTS

- A. Findings
- B. Coastal Development Permit with Conditions
- C. CEQA Guidelines §15168(c)(4) Environmental Checklist
- D. Link to the Program Environmental Impact Report for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003
- E. Mauracher Appeal Application and Letter, dated October 18, 2021
- F. Bliss Appeal Application and Letter, dated October 18, 2021
- G. Cate School Appeal Application and Letter, dated October 18, 2021
- H. Rose Story Farm Appeal Application and Letter, dated October 18, 2021
- I. Project Plans
- J. Odor Abatement Plan, dated March 14, 2022

ATTACHMENT B: COASTAL DEVELOPMENT PERMIT WITH CONDITIONS



COUNTY OF SANTA BARBARA

Planning and Development

www.sbcountyplanning.org

COASTAL DEVELOPMENT PERMIT NO.: 19CDP-00000-00015

Project Name: CERES FARM LLC - MIXED LIGHT CANNABIS CULTIVATION
Project Address: 6030 CASITAS PASS RD, SANTA BARBARA, CA 93013
A.P.N.: 001-030-023
Zone: AG-I-10

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

APPROVAL DATE: 8/31/2022
LOCAL APPEAL PERIOD BEGINS: 9/1/2022
LOCAL APPEAL PERIOD ENDS: 9/12/2022
DATE OF PERMIT ISSUANCE (if no appeal is filed): 9/13/2022

APPEALS:

1. The approval of this Coastal Development Permit may be appealed to the Board of Supervisors by the applicant, owner, or any aggrieved person. An aggrieved person is defined as any person who, either in person or through a representative, appeared at a public hearing in connection with this decision or action being appealed, or who by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of their concerns, or who, for good cause, was unable to do either. The appeal must be filed in writing and submitted in person to the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to 5:00 p.m. on or before the date that the local appeal period ends as identified above (Article II Section 35-182).
2. Final action by the County on this permit may not be appealed to the California Coastal Commission; therefore payment of a fee is required to file an appeal of the approval of this Coastal Development Permit.

PROJECT DESCRIPTION SUMMARY: The Proposed Project is a request for a Coastal Development Permit to allow for approximately 9.5 acres of cannabis cultivation consisting of 7.86 acres of mature plant cultivation and 1.43 acres of nursery cultivation within existing, permitted greenhouses and approximately 0.21 acres of cultivation (processing and storage) within an existing, permitted storage and processing structure. Up to 15% of cannabis processed will be grown offsite. There will be no more than one import and export per day associated with offsite cannabis. The processing structure will also include office space, non-cannabis storage, and restrooms for employees.

The project also consists of removing an unpermitted mobile home and demolishing the following structures:

- 822-square-foot addition to the pump house;
- 2,139-square-foot cooler structure;
- 260-square-foot accessory structure; and
- 50-square-foot accessory structure.

An existing single-family dwelling will remain on-site and will not be utilized as a part of the cannabis operations. No tree removal, vegetation removal, or grading is proposed. Odor abatement will consist of Benzaco Scientific vapor-phase systems surrounding all cultivation and processing areas, as well as carbon filters within processing areas. The operation will be fenced off by a six-foot high chain-link fence, part of which is existing. Additional avocado trees will be planted to provide screening. Lighting will consist of motion-sensing, fully shielded, and downward directed lights mounted on existing structures. Access will be provided by an existing 26-foot wide driveway, which will connect to a new all-weather fire road throughout the parcel. Water service will be provided by an existing private well on-site and potable water will be provided by the Carpinteria Valley Water District. There is an existing on-site water well that was approved under Case No. 90-CDP-162 with a condition restricting the well from serving any property other than the subject property, APN 001-030-023. With the approval of this permit, that condition will be revoked and the

existing, on-site well may serve other properties subject to approval by County Environmental Health Services. The cultivation will use a closed-loop irrigation system to conserve water.

The operation will utilize 66 employees, including managerial staff. Fifty-two parking spaces will be provided onsite. Carpool parking, bicycle parking, and a shuttle service will be provided to reduce traffic impacts. Employees will be incentivized with monthly monetary benefits to minimize vehicle trips. The Facilities Manager will monitor the trip generation and alternative transportation use, including carpooling and shuttles, and will store and make available alternative transportation records every year. The hours of operation will be 6:00 am – 5:30 pm every day of the week. Ceres Farm, LLC has agreed to observe a set of Community Odor Guidelines that were developed through collaboration between Cannabis Association for Responsible Producers (CARP Growers) and The Coalition for Responsible Cannabis (Coalition). These Guidelines are not part of the Project Description and not enforceable by the County, but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria's unique community, and are a foundation of the Coalition's decision to support this Project. The property is a 16.77-acre parcel zoned AG-I within the Carpinteria Agricultural Overlay, shown as APN 001-030-023 and addressed as 6030 Casitas Pass Road, Carpinteria, First Supervisorial District. To receive additional information regarding this project and/or to view the application and/or plans, please contact Ben Singer at 624 West Foster Road, Suite C, Santa Maria, by email (bsinger@countyofsb.org), or by phone ((805) 934-6587).

PROJECT SPECIFIC CONDITIONS: See Attachment A.

ASSOCIATED CASE NUMBERS: None

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

1. **Notice.** Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including an action on any appeal of this permit (Article II Section 35-181). The *Proof of Posting of Notice on Project Site* shall be signed and returned to the Planning and Development Department prior the issuance of the permit.
2. **Compliance with conditions.** All conditions that are required to be satisfied prior to issuance of the permit have been satisfied and the permit has been signed by the applicant or owner.
3. **Design Review.** If required, the project has been granted final approval by the appropriate Board of Architectural Review (BAR), and an appeal of that final approval has not been filed.
4. **Appeals.** An appeal of the approval of this permit, or an appeal of the final approval by the BAR, has not been filed with the County. If an appeal has been filed then the permit shall not be issued until final action on the appeal(s) has occurred which has the effect of upholding the approval of this permit, and, if applicable, the final approval by the BAR.
5. **Other approvals.** Any other necessary approvals required prior to issuance of this Coastal Development Permit have been granted.

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

1. The approval of this permit shall expire either 12 months from the effective date of the permit or other period allowed in compliance with an approved Time Extension, and shall be considered void and of no further effect unless the permit is either issued within the applicable period in compliance with the terms indicated above or a valid application for a Time Extension is submitted prior to the expiration of this 12 month period and is subsequently approved (Article II Section 35-169).
2. This permit shall expire two years from the date of issuance and be considered void and of no further effect unless the use and/or structure for which the permit was issued has been lawfully established or commenced in compliance with the issued permit or an application for a Time Extension is submitted prior to the expiration of this two year period and is subsequently approved (Article II Section 35-169).
3. The effective date of this permit shall be (a) the day following the close of any applicable appeal period provided an appeal is not filed, or (b) if appealed, the date of final action on the appeal which has the effect of upholding the approval, or (c) some other date as indicated in this permit (Article II Section 35-57B).

ATTACHMENT A: CONDITIONS OF APPROVAL

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:

The Proposed Project is a request for a Coastal Development Permit to allow for approximately 9.5 acres of cannabis cultivation consisting of 7.86 acres of mature plant cultivation and 1.43 acres of nursery cultivation within existing, permitted greenhouses and approximately 0.21 acres of cultivation (processing and storage) within an existing, permitted storage and processing structure. Up to 15% of cannabis processed will be grown offsite. There will be no more than one import and export per day associated with offsite cannabis. The processing structure will also include office space, non-cannabis storage, and restrooms for employees.

The project also consists of removing an unpermitted mobile home and demolishing the following structures:

- 822-square-foot addition to the pump house;
- 2,139-square-foot cooler structure;
- 260-square-foot accessory structure; and
- 50-square-foot accessory structure.

An existing single-family dwelling will remain on-site and will not be utilized as a part of the cannabis operations. No tree removal, vegetation removal, or grading is proposed. Odor abatement will consist of Benzaco Scientific vapor-phase systems surrounding all cultivation and processing areas, as well as carbon filters within processing areas. The operation will be fenced off by a six-foot high chain-link fence, part of which is existing. Additional avocado trees will be planted to provide screening. Lighting will consist of motion-sensing, fully shielded, and downward directed lights mounted on existing structures. Access will be provided by an existing 26-foot wide driveway, which will connect to a new all-weather fire road throughout the parcel. Water service will be provided by an existing private well on-site and potable water will be provided by the Carpinteria Valley Water District. There is an existing on-site water well that was approved under Case No. 90-CDP-162 with a condition restricting the well from serving any property other than the subject property, APN 001-030-023. With the approval of this permit, that condition will be revoked and the existing, on-site well may serve other properties subject to approval by County Environmental Health Services. The cultivation will use a closed-loop irrigation system to conserve water.

- 2. Proj Des-01 Project Description:** The operation will utilize 66 employees, including managerial staff. Fifty-two parking spaces will be provided onsite. Carpool parking, bicycle parking, and a shuttle service will be provided to reduce traffic impacts. Employees will be incentivized with monthly monetary benefits to minimize vehicle trips. The Facilities Manager will monitor the trip generation and alternative transportation use, including carpooling and shuttles, and will store and make available alternative transportation records every year. The hours of operation will be 6:00 am – 5:30 pm every day of the week. Ceres Farm, LLC has agreed to observe a set of Community Odor Guidelines that were developed through collaboration between Cannabis Association for Responsible Producers

(CARP Growers) and The Coalition for Responsible Cannabis (Coalition). These Guidelines are not part of the Project Description and not enforceable by the County, but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria's unique community, and are a foundation of the Coalition's decision to support this Project. The property is a 16.77-acre parcel zoned AG-I within the Carpinteria Agricultural Overlay, shown as APN 001-030-023 and addressed as 6030 Casitas Pass 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.

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

Conditions By Issue Area

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

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

MONITORING: P&D permit processing planner shall check plans prior to issuance of Coastal Development Permit and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

5. **Noise-02 Construction Hours:** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m. Monday through Friday.

No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions.

Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

PLAN REQUIREMENTS: The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries.

TIMING: Signs shall be posted prior to commencement of construction and maintained throughout construction.

MONITORING: The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.

Project Specific Conditions

6. **Licenses Required:** The applicant shall obtain and maintain in good status: (1) a valid County business license as required by the County Code Chapter 50, and (2) a valid State cannabis license as required by the California Business and Professions Code for the cannabis activities that are the subject of this permit.
7. **Transfer of Ownership:** In the event that the applicant transfers interest in the commercial cannabis operation, the successor(s) in interest shall assume all responsibilities concerning the project including, but not limited to, maintaining compliance with the conditions of this permit and paying for P&D condition compliance activities throughout the life of the project.

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

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

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

8. **Records:** The applicant shall maintain clear and adequate records and documentation, in accordance with State law, the California Cannabis Track-and-Trace System, and as required by County Code Chapter 35, demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations.

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

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

9. **Permit Compliance:** The Owner/Applicant/Operator shall ensure that the project complies with the County cannabis regulations, all approved plans and project conditions, including those which must be monitored after the project is built and/or operations commence. To accomplish this the Owner/Applicant/Operator shall:

- 1) Complete and submit a Permit Compliance Application to Planning and Development and identify a name and number of the contact person for the project compliance activities.

- 2) Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit

prior to issuance of Coastal Development Permit as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for Business License annual review and for P&D to hire and manage outside consultants when deemed necessary by P&D staff to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

3) Participate in Initial Compliance Inspections that may occur:

- i. Prior to commencement of use and/or issuance of Business License,
- ii. Within the first year (during the active growing season), and [remove if retail, i.e. delivery, storefront]
- iii. Other instances as deemed necessary by Planning & Development

4) Participate in Regular Compliance Inspections that may occur:

- i. Upon renewal of the County Business License,
- ii. For the life of the project, or as specific in permit conditions, and
- iii. Other instances as deemed necessary by Planning & Development

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

TIMING: Prior to issuance of Coastal Development Permit an associated Permit Compliance Application and deposit shall be submitted to Planning & Development.

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

10. **Fencing and Security Plan:** The applicant shall implement the Fencing and Security Plan stamped "Zoning Approved".

PLAN REQUIREMENTS: The Fencing and Security Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§35-144U.C.2) as that section reads as of the date of project approval.

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

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

11. **Landscape and Screening Plan:** The applicant shall implement the Landscape and Screening Plan stamped "Zoning Approved".

PLAN REQUIREMENTS: The Landscape and Screening Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§35-144U.C.3) as that section reads as of the date of project approval. The applicant shall file a performance security in an amount sufficient to ensure the installation and maintenance of the landscaping for two years, as determined by a landscape architect

and approved by P&D compliance staff.

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

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

- 12. Lighting Plan:** The applicant shall implement the Lighting Plan stamped “Zoning Approved”.

PLAN REQUIREMENTS: The Lighting Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.4 and –C.1.g) as that section reads as of the date of project approval.

TIMING: All components of the Lighting Plan shall be implemented prior to commencement of the cannabis activities that are the subject of this permit. The applicant shall maintain the project site in compliance with the Lighting Plan throughout the life of the project.

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

- 13. Noise Plan:** The applicant shall implement the Noise Plan stamped “Zoning Approved,”.

PLAN REQUIREMENTS: The Noise Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.5), as that section reads as of the date of project approval.

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

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

- 14. Odor Abatement Implementation and Monitoring:** The applicant shall implement the Odor Abatement Plan stamped ‘Zoning Approved’. The Odor Abatement Plan must prevent odors from being experienced within residential zones as determined by the Director. The applicant shall follow all methods for reducing odor as outlined in the Odor Abatement Plan and shall deploy, or re-deploy the best available control technologies or methods as necessary, or as determined by the County.

PLAN REQUIREMENTS: The Odor Abatement system shall be graphically depicted on project plans and comply with Article II, Section 35-144U.C.6 as that section reads as of the date of project

approval. The depicted Odor Abatement system shall conform to the Odor Abatement Plan as reviewed and certified by a Professional Engineer or a Certified Industrial Hygienist.

TIMING: The Odor Abatement system shall be installed prior to the commencement of cultivation activities. The Applicant shall maintain the system in good operating condition throughout duration of cannabis cultivation activities.

MONITORING: P&D 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 the approved Odor Abatement Plan. 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 Abatement system, specification, operation and procedures has been installed, operating, and maintained as specified in the approved Odor Abatement Plan.

- 15. Odor Control Notification:** The Owner/Applicant shall inform P&D compliance monitoring staff prior to making any changes to the product/substance used within the approved vapor phase odor control system. The Owner/Applicant shall submit detailed product information, including but not limited to materials safety data sheets, to P&D compliance staff for review and approval. P&D staff shall coordinate their review of the proposed product/substance with the Santa Barbara Air Pollution Control District (SBCAPCD). The SBCAPCD shall assess whether this product, or its contents, are listed on the State's Toxic Air Contaminant List or other similar hazardous air contaminants list.

TIMING: The Owner/Applicant shall inform P&D compliance monitoring staff of their intent to change the product used within the vapor phase odor control system prior to its use. The Owner/Applicant shall receive P&D approval prior to use of new product/substance.

MONITORING: P&D compliance monitoring staff shall review the proposed product/substance changes and associated information materials in coordinate with the SBCAPCD. P&D compliance monitoring staff shall ensure that the vapor phase product/solution is implemented and operated in compliance with the approved Odor Abatement Plan and any associated or subsequent addendums.

- 16. Site Transportation Demand Management Plan:** The applicant shall implement the Site Transportation Demand Management Plan stamped "Zoning Approved".

PLAN REQUIREMENTS: The Site Transportation Demand Management Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.1.j) as that section reads as of the date of project approval.

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

MONITORING: The applicant shall demonstrate to P&D compliance staff (e.g., by providing a copy

of an executed contract with a rideshare service or site inspections to verify that trip reduction features are installed onsite) that all components of the approved Site Transportation Demand Management Plan are implemented.

- 17. Compliance with State Water Board Requirements:** The applicant shall demonstrate, to the satisfaction of the State Water Resources Control Board, compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy. The Policy includes limitations on the diversion of surface water and certain groundwater diversions, and regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants and fertilizers.

TIMING: The applicant shall satisfy this condition prior to issuance of Coastal Development Permit.

- 18. Water Efficiency for Commercial Cannabis Activities:** Water conserving features shall be included in the design of the cannabis cultivation. Water-conserving features including the following: timed-drip irrigation, use of recycled water, and recirculated irrigation water.

PLAN REQUIREMENTS: Water conserving features must comply with the requirements of the Land Use Development Code (§ 35.42.075.D.1.j) or Coastal Zoning Ordinance (§ 35.144U.C.k)

TIMING: The applicant shall implement the Water efficiency measures prior to commence of use. The applicant shall maintain the project site in compliance with the water efficiency measures throughout the life of the project.

MONITORING: P&D compliance staff shall inspect the project site to confirm that all water efficiency measures are installed, operated and maintained pursuant to the requirements of this condition.

- 19. Greenhouse Blackout Curtains:** The owner/applicant/operator shall install and maintain a mechanized blackout screening system within growing areas to prevent interior night lighting (grow lights) from being visible outside the green houses structures between sunset and sunrise.

PLAN REQUIREMENTS: The mechanized blackout screen system shall be noted on plans submitted for Permit approval

TIMING: The system shall be installed prior to Final Building Inspection Clearance or Commence of Use.

MONITORING: The Owner/Applicant/Operator shall demonstrate proper installation and functioning prior to Final Building Inspection Clearance or Commence of Use. P&D Compliance staff may conduct site inspections as necessary to respond to complaints and ensure blackout screen system is maintained for the life of the project.

- 20. Unpermitted Development Removal:** The Owner/Applicant shall demolish or remove the following existing unpermitted structures: an approximately 990 sq. ft. mobile home, an 822 sq. ft. addition to the pump house, and a 2,139 sq. ft. cooler structure. Prior to the initiation of any demolition or construction activities, the owner/applicant shall obtain a Demolition Permit, Building Permit, and/or any other permit required pursuant to the Building Code.

TIMING: The Owner/Applicant shall remove or demolish the unpermitted mobile home, pump house addition, and cooler structure within 90 days of issuance of this Coastal Development Permit.

MONITORING: P&D compliance staff shall inspect the project site to confirm that the structures have been removed.

21. **EM-02 Elapsed Time Meter:** The Owner shall install, operate and properly maintain a dedicated, non-resettable elapsed-time meter on the emergency generator engine. A written record detailing the hours of operation, corresponding meter readings from the hours meter, and reason for each operation, shall be maintained and submitted to the APCD upon request.

TIMING: The time meter and particulate filter shall be installed prior to Final Building Inspection Clearance.

22. **Emergency Generator:** In the event of a power failure, a generator may be used on the site to provide backup power. A generator is allowed for emergency backup electrical purposes only and shall only be continuously operated during an event of interruption of standard electrical service as provided by the local electrical utility company to the subject parcel. For diesel generators, engines shall be certified to meet EPA Tier 4 Final emissions standards. Pursuant to the manufacturer's routine maintenance recommendations, the generator may be exercised on a monthly basis for a period not to exceed 30 minutes.

Timing: The exercise period shall be limited to the hours between 7:30 a.m. and 4:30 p.m., Monday–Friday only & shall not occur on State holidays (e.g., Thanksgiving, Labor Day, etc.). Non-emergency operation beyond 30 minutes per month shall be prohibited. Additionally, Air Pollution Control District (APCD) permits are required for emergency standby generator engines rated at 50 BHP (brake-horsepower) or greater unless the equipment qualifies for an exemption based on low usage.

PLAN REQUIREMENTS: The Permittee shall restate the provisions for compliance on all building plans.

TIMING: If required, Permittee shall obtain an APCD Permit to Operate (PTO) prior to engine operation. All necessary APCD permits, if required, shall be obtained prior to Final Building Inspection Clearance.

County Rules and Regulations

23. **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 §35-169.4
24. **Rules-03 Additional Permits Required:** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance

shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

25. **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.
26. **Rules-08 Sale of Site:** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
27. **Rules-09 Signs:** Signs. No signs of any type are approved with this action unless otherwise specified. All signs shall be permitted in compliance with the County Land Use and Development Code.
28. **Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changes to approved Coastal Development Plans plans. Substantial conformity shall be determined by the Director of P&D.
29. **Rules-22 Leased Facilities:** The Operator and Owner are responsible for complying with all conditions of approval contained in this Conditional Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
30. **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.
31. **Rules-26 Performance Security Required:** The Owner/Applicant shall post separate performance securities, the amounts and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of landscape & irrigation. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan for two years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed of all approved landscape & irrigation plans per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape & irrigation have been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved landscape and irrigation, P&D may use the security to complete the work.
32. **Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:
 1. Carpinteria-Summerland Fire Protection District Letter, dated December 17, 2019.
33. **Rules-30 Plans Requirements:** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
34. **Rules-32 Contractor and Subcontractor Notification:** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors

and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.

- 35. 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.
- 36. 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.