



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: August 24, 2021
Placement: Departmental
Estimated Tme: 3 hrs. on August 24, 2021
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Lisa Plowman, Director, Planning and Development
Director: (805) 568-2086
Contact Info: Travis Seawards, Deputy Director, Planning and Development
(805) 568-2518

SUBJECT: **Santa Barbara County Coalition for Responsible Cannabis Appeal of the Planning Commission Approval of the Autumn Brands, LLC and Ocean Hill Farms, LLC Cannabis Cultivation Project, Case Nos. 21APL-000000-00020, 20DVP-00000-00011, and 20CDP-00000-00079, First Supervisorial District**

County Counsel Concurrence

As to form: Yes

Other Concurrence:

N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

Staff recommends that your Board take the following actions to deny the appeal and uphold the Planning Commission's approval of the Project:

- a) Deny the appeal, Case No. 21APL-00000-00020;
- b) Make the required findings for approval of the revised Project, Case Nos. 20DVP-00000-00011 and 20CDP-00000-00079, as specified in Attachment 1, including CEQA findings;
- c) Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) constitutes adequate environmental review and no subsequent Environmental Impact Report or Negative Declaration is required pursuant to State CEQA Guidelines Sections 15162 and 15168(c)(2) (Attachments 3 and 4); and
- d) Grant *de novo* approval of the revised Project, Case Nos. 20DVP-00000-00011 and 20CDP-00000-00079, subject to the conditions of approval (included as Attachment 2).

Summary Text:

On September 21, 2020, the Applicant submitted an application for a Coastal Development Permit (CDP) and revised Development Plan (DVP) for a cannabis operation consisting of 8.92 acres of cultivation and 27,942 square feet of cannabis processing, along with the validation of an unpermitted detention basin and bioswale. Cannabis is currently being cultivated and processed on site based on an affidavit of legal nonconforming use.

Minor adjustments have been made to the project description and supporting documents since the Planning Commission hearing on April 28, 2021 for the sake of clarity. No details of the project have been changed. The language below regarding Best Available Control Technology (BACT) was proposed by the Applicant at the Planning Commission hearing on April 28, 2021. The Proposed Project was approved by the Planning Commission with the updated language. A detailed project description is provided below.

A. Proposed Project

The project is a request for a Coastal Development Permit (Case No. 20CDP-00000-00079) and a Revised Development Plan (Case No. 20DVP-00000-00011), which is a revision of the original Development Plan (approved November 17, 1969) to allow approximately 388,472 square feet of mixed light and nursery cannabis cultivation. Cultivation activities will occur within seven existing greenhouses. Processing will occur within Processing Building #1 (23,072 square feet) and Processing Building #2 (4,870 square feet). Onsite cultivation (as defined by the Article II Coastal Zoning Ordinance) will total approximately 9.56 acres.

An approximately 23 foot wide, 162 foot long section of Processing Building #1 will be demolished to provide separation from Greenhouse #3. An approximately 2,000 square foot “as built” boiler room and an approximately 950 square foot “as built” irrigation room attached to Greenhouse #6 will be validated. The equipment associated with the existing Byers Odor Abatement System and an existing emergency generator will be validated under this permit. Additionally, grading associated with the unpermitted installation of a detention basin (approximately 3,300 cubic yards cut and 1,000 cubic yards fill) and bioswale (585 cubic yards cut and 296 cubic yards fill) will be validated. An approximately 22,500 square foot area, including the area of the bioswale, will be restored to the natural riparian habitat. Portions of the existing agricultural access road will be removed so that it is outside of the Environmentally Sensitive Habitat (ESH) buffer area.

The project also includes the demolition/removal of two unpermitted water tanks, a shipping container, two storage structures, and an overhang on Processing Structure #2. The perimeter of the parcel is enclosed with an 8 foot tall chain-link fence. Privacy slats will be added to the chain-link fence for security and screening. Existing landscaping provides screening from the abutting roadway. An existing single-family dwelling will remain onsite. The current residents are co-owners and operators of Autumn Brands.

As new Best Available Control Technology (BACT) is proven to achieve superior odor control, as determined by peer reviewed data and County-approved qualified odor experts, the applicant will make the appropriate BACT upgrades, including but not limited to carbon scrubbers to mitigate odor from cultivation activities in the greenhouses. Any BACT to be employed by the operator at a future date may require additional permits or changes to existing permits as determined by the County. After the

commencement of use, the County shall retain a professional engineer or certified industrial hygienist, at the applicant's expense, to inspect and verify the installation of new best available control technology.

A total of 71 parking spaces exist and will remain. Four of the parking spaces will be reserved for preferential carpool/van parking. The cannabis operation includes up to 150 full time employees, including six to eight managerial staff on site. The hours of operation will be between 6:00 a.m. and 4:00 p.m. Monday through Friday, and 7:00 a.m. to noon on Saturdays. The cannabis operation will be served by an existing on-site agricultural water well and the Carpinteria Valley Water District. A new septic system will provide wastewater treatment for the operation. Access will continue to be taken from the existing driveway off Foothill Road (Highway 192). The property is a 24.03-acre parcel zoned AG-I-20 located within the Coastal Zone and Area A of the Carpinteria Agricultural Overlay. The parcel is shown as APN 005-280-041 and addressed as 3615 Foothill Road, Toro Canyon Plan Area, First Supervisorial District.

B. Background

On September 21, 2020, the Applicant submitted a CDP and DVP application for the Autumn Brands, LLC and Ocean Hill Farms, LLC Cannabis Cultivation Project (herein after Proposed Project), Case Nos. 20DVP-00000-00011 and 20CDP-00000-00079. The project site has been in agricultural production for over fifty years. Cannabis is currently being cultivated and processed on site based on an affidavit of legal nonconforming use. On April 28, 2021 the County Planning Commission reviewed and approved the Proposed Project, finding that it complied with the applicable policies of the County Comprehensive Plan and development standards set forth in Section 35-144U (Cannabis Regulations) of the Article II Coastal Zoning Ordinance (Article II). On May 6, 2020, the Appellant, the Santa Barbara County Coalition for Responsible Cannabis (SBCRC), filed a timely appeal (Case No. 21APL-00000-00020) of the Planning Commission's approval.

C. Appeal Issues and Staff Responses

The appeal application (Attachment 5) contains a letter, dated May 6, 2021, outlining the Appellant's appeal issues. The appeal issues allege inadequate odor control as well as noncompliance with CEQA, the California Coastal Act, and local planning requirements. The appeal letter generally lacks detail to support these allegations. Staff reviewed the appeal issues and found they are without merit. The appeal issues and staff's responses are discussed below.

Appeal Issue No. 1: Inadequate Odor Control:

The Appellant states that the permit conditions lack enforceability and that there will be odor impacts on adjacent land uses.

Staff Response:

The proposed Odor Abatement Plan (OAP) (Attachment 7) was approved by the Planning Commission at the April 28, 2021 hearing. The OAP is consistent with the requirements and development standards from Section 35-144U of Article II. The OAP includes the use of carbon scrubbers within the processing areas and a Byers Scientific Vapor Phase System surrounding the cultivation area. Compliance with the approved OAP is subject to enforcement by County staff.

In addition, the PEIR anticipated that the implementation of the Cannabis Program would expand cannabis operations throughout the County and create the potential for nuisance odor impacts to neighboring receptors on a variety of land uses. The South Coast region was identified in the County's PEIR for the

Cannabis Land Use Ordinance and Licensing Program as one of the five County sub regions that were specifically analyzed. Additionally, the PEIR acknowledged that odors may not be controlled in all instances due to the range of potential cultivation locations, types of cultivation operations, surrounding land uses, wind patterns, and other variables. The PEIR considered odor impacts from cannabis cultivation and concluded that unavoidable and significant (Class I) impacts would result from the Cannabis Program with regard to air quality and malodors. The Board adopted a Statement of Overriding Considerations for Class I impacts, and the 30-day statute of limitations to challenge the adequacy of the PEIR expired without legal challenge.

Appeal Issue No. 2: Noncompliance with CEQA:

The Appellant states that the County did not comply with the California Environmental Quality Act (CEQA) requirements.

Staff Response:

As discussed in Section 6.1 of the Planning Commission Staff Report (Attachment 12) the Proposed Project can be found exempt from further environmental review under CEQA pursuant to Sections 15162 and 15168 of the State CEQA Guidelines. A checklist was prepared in accordance with Section 15168(c)(4) of the State CEQA Guidelines, and is included as Attachment 3. The PEIR is included as Attachment 4.

Appeal Issue No. 3: Noncompliance with the California Coastal Act:

The Appellant states that the County did not comply with the California Coastal Act requirements.

Staff Response:

The Proposed Project was processed in compliance Article II as well as the Local Coastal Land Use Plan, both of which have been certified by the California Coastal Commission. As discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report (Attachment 12), the Proposed Project meets all the requirements of Article II and the Local Coastal Land Use Plan. These requirements include policies and standards for services, agricultural resources, water resources, biological resources, and visual resources.

Appeal Issue No. 4: Noncompliance with Local Planning Requirements:

The Appellant states that the County did not comply with the local planning requirements.

Staff Response:

The Proposed Project was processed in compliance with Article II and the County Comprehensive Plan, including the Toro Canyon Plan and Local Coastal Land Use Plan. As discussed in Sections 6.2 and 6.3 of the Planning Commission Staff Report (Attachment 12), the Proposed Project meets all local planning requirements. Additionally, the project was noticed in compliance with Section 35-181 of Article II. The Proposed Project was thoroughly reviewed by staff as well as the Subdivision/Development Review Committee and was found to meet all requirements. These requirements include policies and standards for services, noise, water resources, biological resources, the AG-I zone district, the Carpinteria Agricultural Overlay, and cannabis cultivation.

Fiscal and Facilities Impacts:

Budgeted: Yes

Total costs for processing the appeal are approximately \$10,000 (40 hours of staff time). The costs for processing cannabis project appeals are partially offset by a fixed appeal fee and cannabis tax revenues. No

fixed appeal fee was collected for this project as this project's location is within the California Coastal Commission Appeal Jurisdiction. Funding for this project is budgeted in the Planning and Development Department's Permitting Budget Program as shown on page D-301 of the County of Santa Barbara Fiscal Year (FY) 2021-22 adopted budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice in the *Coastal View* at least 10 days prior to the hearing on August 24, 2021. The Clerk of the Board shall forward the minute order of the hearing, proof of publication, and return one printed copy of the Cannabis Program PEIR to the attention of Planning and Development Department: Hearing Support.

Attachments:

1. Findings
2. Conditions of Approval with Departmental Condition Letters
 - A. Development Plan
 - B. Coastal Development Permit
3. CEQA Checklist, dated July 29, 2021
4. Link to Program EIR
5. Appeal Application and Letter, dated May 6, 2021
6. Approved Project Plans, dated April 28, 2021
7. Odor Abatement Plan, dated April 16, 2021
8. CVWD Intent to Serve Letter, dated February 20, 2020
9. Biological Resources Assessment, dated January 14, 2021
10. Waste Management Plan
11. Approved Coastal Development Permit, dated April 28, 2021
12. Planning Commission Staff Report, dated March 30, 2021 and Associated Attachments
13. Planning Commission Memorandum, dated April 7, 2021 and Associated Attachments
14. Planning Commission Memorandum, dated April 20, 2021 and Associated Attachments
15. Planning Commission Action Letter, dated April 9, 2021
16. Planning Commission Action Letter, dated May 4, 2021
17. County Counsel Facilitation Report, dated August 4, 2021

Authored by:

Ben Singer, Planner, (805) 934-6587
Development Review Division, Planning and Development Department

ATTACHMENT 1: FINDINGS

1.0 CEQA FINDINGS

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

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

1.1 CONSIDERATION OF THE SUBSEQUENT ACTIVITIES IN THE PROGRAM

The County Board of Supervisors considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Attachment 4 to the Board Agenda Letter, dated August 24, 2021, and incorporated herein by reference), along with the Proposed Project which is an activity within the scope of the PEIR. Staff prepared a written checklist in compliance with State CEQA Guidelines § 15168(c)(4) to document the evaluation of the site and the activity to determine that the environmental effects of the operation are covered in the PEIR (Attachment 3 to the Board Agenda Letter, dated August 24, 2021, 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 Board of Supervisors 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.

2.0 ADMINISTRATIVE FINDINGS

2.1 DEVELOPMENT PLAN FINDINGS

Findings required for all Development Plans. In Compliance with Section 35-174.10 of the Article II Coastal Zoning Ordinance, a Revised Development Plan shall be processed in the same manner as a new Preliminary or Final Development Plan. In compliance with Section 35-174.7 of the Article II Coastal Zoning Ordinance, a Preliminary or Final Development Plan application shall be approved or conditionally approved only if the decision-maker first makes all of the following findings, as applicable:

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

The Board of Supervisors finds that the site for the Proposed Project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development

proposed. As discussed in Section 5.0 of the Planning Commission staff report, dated March 30, 2021, and incorporated herein by reference, the subject property is a 24.03-acre parcel located within Area A of the Carpinteria Agricultural Overlay District and is able to accommodate the proposed structures and uses. All nursery and mature plant cannabis cultivation activities will occur within seven existing, permitted greenhouses totaling approximately 8.92 acres of cultivation. Six greenhouses are currently being used for cannabis cultivation, with Greenhouse #4 currently vacant. Processing will occur in two existing, permitted processing structures. The existing detention basin and bioswale were designed to address runoff from the site and will be validated by the approval of this Revised Development Plan. No new structures are proposed. The Proposed Project, as described in the Planning Commission staff report dated March 30, 2021 and incorporated herein by reference, meets all applicable zoning requirements and development standards pertaining to parking requirements, the AG-I zone district, cannabis regulations, and the Carpinteria Agricultural Overlay as discussed in Section 6.3 of the Planning Commission staff report, dated March 30, 2021, and incorporated herein by reference.

2.1.2 *That adverse impacts are mitigated to the maximum extent feasible.*

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

Section 15168(c) of the State CEQA Guidelines allows the County to approve an activity as being within the scope of the project covered by a program environmental impact report without a new environmental document, if the County finds pursuant to Section 15162 that no new effects could occur or no new mitigation measures will be required and the later activity would not have effects that were not examined in the programmatic environmental impact report.

On April 19, 2021, staff completed the written checklist pursuant to State CEQA Guidelines Section 15168(c)(4) which evaluated the Proposed Project pursuant to the requirements of Section 15162 of the State CEQA Guidelines (Attachment 3 to the Board Agenda Letter, dated August 24, 2021, incorporated herein by reference) and determined that all of the environmental impacts of the cannabis operation will be within the scope of the Proposed Project covered by the PEIR for the Cannabis Land Use Ordinance and Licensing Program. No additional cumulative impacts were identified, and no new environmental document is required.

Mitigation measures which were discussed in the PEIR have been incorporated into the Proposed Project (Attachment 2 to the Board Agenda Letter, dated August 24, 2021, and incorporated herein by reference). The mitigation measures incorporated from the PEIR will mitigate significant environmental impacts to the maximum extent feasible.

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

The Board of Supervisors finds that streets and highways are adequate and properly designed to carry the vehicles related to operations, deliveries, and employees of the Proposed Project. Traffic to the subject parcel from the north will utilize Highway 101 to Via Real, turn onto Nidever Road, onto Foothill Road, and then will enter the site via an existing private driveway on site. Traffic from the south will utilize Highway 101 to Via Real, turn onto Nidever Road, onto Foothill Road, and then enter the site. Via Real, Nidever Road, and Foothill Road are public roads maintained by the County. Highway 101 is a public highway maintained by Caltrans. Both roadways are able to support the trips that will be generated as part of the Proposed Project. The Proposed Project will utilize the same number of employees as the previous cut flower operation, however, the cannabis operation will involve fewer daily trips for export and import of supplies and product compared to the cut flower operation. The Santa Barbara County Public Works Department Transportation Division and the Carpinteria-Summerland Fire District reviewed the Proposed Project, and both issued condition letters (Attachment 2.A and 2.B, Condition No. 38 to the Board Agenda Letter dated, August 24, 2021, and incorporated herein by reference). Caltrans also reviewed the Proposed Project and did not require any conditions.

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

The Board of Supervisors finds that there are adequate public services to serve the Proposed Project. As discussed in Sections 5.0 and 6.0 of the Planning Commission staff report dated, March 30, 2021, and incorporated herein by reference, the subject parcel is served by an existing onsite agricultural well as well as the Carpinteria Valley Water District. Wastewater treatment will be provided by a proposed onsite septic system. The Carpinteria-Summerland Fire District will provide fire protection and emergency response to the subject parcel. The County Sheriff will continue to provide law enforcement to the subject parcel. Cannabis waste removal will continue to be provided by Marborg Industries via a composting contract. Ingress and egress to the parcel will continue to be provided by a private drive way off Foothill Road. The Carpinteria-Summerland Fire Protection District and the Public Works Transportation Division reviewed the access and did not have any comments.

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

The Board of Supervisors finds that the Proposed Project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area. As discussed in Section 6.2 and 6.3 of the Planning Commission staff report, dated March 30, 2021, and incorporated herein by reference, the Proposed Project meets the requirements of the Comprehensive Plan, including the Toro Canyon Plan, and the Article II Coastal Zoning Ordinance, including all zoning and cannabis

regulations. The cultivation and processing aspects of the Proposed Project will utilize seven existing greenhouses and two existing processing structures. There will be no new structural development. The Proposed Project is a change of use from cultivating cut flowers to cannabis, and includes the validation approximately 3,885 cubic yards of cut and 1,300 cubic yards of fill associated with an existing detention basin and bioswale. A 22,500 square foot area will be restored to a riparian wetland due to approximately 7,500 square feet of vegetation being cleared during the construction of the stormwater facility.

The Applicant provided an existing Landscaping and Screening Plan (Sheet SD-4 of Attachment 6 to the Board Agenda Letter, dated August 24, 2021, and incorporated herein by reference), which adequately screens the property from public viewing areas. The proposed Lighting Plan (Sheet SD-5 of Attachment 6 to the Board Agenda Letter, dated August 24, 2021, and incorporated herein by reference) shows that proposed fixtures would be fully shielded and directed downward. No unobstructed beam of light would be directed towards a residential or environmentally sensitive area.

The Odor Abatement Plan (OAP) (Attachment 7 and Sheet SD-7 of Attachment 6 to the Board Agenda Letter, dated August 24, 2021, and incorporated herein by reference) describes the use of a Byers Scientific vapor phase system around the operation, as well as the use of carbon filters within the processing buildings. The OAP is signed by a Certified Industrial Hygienist and asserts that the technology will adequately reduce odors from the site. The Applicant also submitted a Site Transportation Demand Management Plan (Sheet SD-6 of Attachment 6 to the Board Agenda Letter, dated August 24, 2021, and incorporated herein by reference) which includes a rideshare program and carpooling.

The Proposed Project was reviewed by the Air Pollution Control District (APCD), the Carpinteria-Summerland Fire Department, Environmental Health Services, Flood Control, and the Public Works Transportation Division, and all issued condition letters that the project is required to satisfy (Attachment 2.A and 2.B, Condition No. 38 to the Board Agenda Letter, dated August 24, 2021, and incorporated herein by reference)

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

The Board of Supervisors finds that the Proposed Project is in conformance with the Comprehensive Plan, including the Coastal Land Use Plan and Toro Canyon Plan, and the Article II Coastal Zoning Ordinance. As discussed in Section 6.3 of the Planning Commission staff report, dated March 30, 2021, and incorporated herein by reference, the development conforms to the applicable provisions of Article II, including:

- Section 35-68.1 Purpose and Intent [of the AG-I Zone]
- Section 35-68.7 Setbacks for Buildings and Structures [in the AG-I Zone]
- Section 35-68.9 Height Limit [in the AG-I Zone]
- Section 35-97.19 Development Standards for Stream Habitats [in the Environmentally Sensitive Habitat Overlay District]
- Section 35-102F.8.2 Height [in the Carpinteria Agricultural Overlay District]
- 35-102F.8.3 Setbacks [in the Carpinteria Agricultural Overlay District]
- 35-102F.8.5 Prime Agricultural Soils [in the Carpinteria Agricultural Overlay District]

- 35-102F.9 Development Standards for Greenhouses and Related Development [in the Carpinteria Agricultural Overlay District]
- Section 35-113 Required Number of Spaces: Agriculture
- Section 35-114.3 Construction and Design [of All Parking]
- Section 35-144U.C General Commercial Cannabis Activities Development Standards
- Section 35-144U.C Specific Use Development Standards for Cultivation [of Cannabis]

As discussed in Section 6.2 of the Planning Commission staff report, dated March 30, 2021, and incorporated herein by reference, the Proposed Project meets all applicable requirements of the Comprehensive Plan, including the Coastal Land Use Plan and Toro Canyon Plan.

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

The Board of Supervisors finds that the Proposed Project is compatible with and subordinate to the scenic, agricultural, and rural character of the area. The site is a 24.03-acre parcel located within the South Coast Rural Region. The subject property is surrounded by agriculture and low density residential development. The subject property is currently used for cannabis cultivation and has historically been used for cut flower cultivation. All structures on the property are existing, and the newest greenhouses were permitted in 1981. The parcel is not visible from Via Real, Nidever Road, or Highway 101. The parcel abuts Foothill Road and is screened by existing landscaping and fencing, as described in Section 6.2 of the Planning Commission staff report and Sheet SD-4 of Attachment 6 to the staff report, dated March 30, 2021, and incorporated herein by reference. The existing landscaping is required to remain for the life of the project, pursuant to Condition No. 8 (Attachment 2.A and 2.B to the Board Agenda Letter, dated August 24, 2021, and incorporated herein by reference).

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

The Board of Supervisors finds that the Proposed Project will not conflict with any easements for public access through, or public use of the property. No easements exist on the subject parcel for public access through, or public use of the property. The County Community Services Parks Division reviewed the subject parcel and Proposed Project and noted that a public trail easement exists along the frontage, but had no conditions.

2.2 COASTAL DEVELOPMENT PERMIT FINDINGS

Findings required for all Coastal Development Permits.

2.2.1 *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 Board of Supervisors finds that the Proposed Project is adequately served by public or private services and resources. As discussed in the Section 6.2 of the Planning Commission staff report, dated March 30, 2021, and incorporated herein by reference, as well as in Finding

2.1.4 above, adequate services are available to serve the cannabis operation. The site will be served by the Carpinteria Valley Water District, the Carpinteria-Summerland Fire Protection District, and the Santa Barbara County Sheriff's Department. An existing well will provide agricultural water to the operation. A proposed septic system will provide wastewater treatment services. Cannabis waste treatment will continue to be provided by Marborg Industries via a composting contract. Ingress and egress are provided via a private driveway off of Foothill Road.

Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission. In compliance with Section 35-169.5.3 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 for development that is appealable to the Coastal Commission the decision-maker shall first make all of the following findings:

2.2.2 *The proposed development conforms:*

- 1. To the applicable policies of the Comprehensive Plan, including the Coastal Land Use Plan;***
- 2. With the applicable provisions of this article or the project falls within the limited exceptions allowed under Section 35-161 (Nonconforming Use of Land, Buildings, and Structures).***

The Board of Supervisors finds that the proposed development conforms to the applicable policies and provisions. As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report, dated March 30, 2021, and incorporated herein by reference, the Proposed Project conforms with all applicable regulations, policies, and development standards of the Comprehensive Plan, the Toro Canyon Plan, the Coastal Land Use Plan, and the Article II Coastal Zoning Ordinance.

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

The Board of Supervisors finds that the proposed development is located on a legally created lot. The subject lot is a 24.03-acre parcel that is shown as Parcel B of Parcel Map 13,245 in Book 30, Pages 25, 26, and 27 of Parcel Maps in the office of the County Recorder of Santa Barbara County.

2.2.4 *The subject property and development on the property is in compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).*

The Board of Supervisors finds that as conditioned, the subject property is, and the Proposed Project will be, in full compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks, and all other applicable provisions of the Article II Coastal Zoning Ordinance, for the AG-I zone district and CA Overlay. Additionally, all processing fees have been paid to date.

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

The Board of Supervisors finds that the Proposed Project will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast. As discussed in the Planning Commission staff report, dated March 30, 2021, and incorporated herein by reference, the Proposed Project is screened from Foothill Road by existing landscaping and fencing and is not visible from any other public road or recreation area. The landscaping is required to be maintained for the life of the project per Condition No. 8 (Attachment 2.A and 2.B to the Board Agenda Letter, dated August 24, 2021, and incorporated herein by reference). Additionally, no new structures are proposed and, therefore, the Proposed Project will not create any new development that will further impact visual resources.

2.2.6 *The development is compatible with the established physical scale of the area.*

The Board of Supervisors finds that the Proposed Project is compatible with the established physical scale of the area. As discussed in Sections 6.2 and 6.3 of the Planning Commission staff report, dated March 30, 2021, and incorporated herein by reference, the Proposed Project is consistent with the requirements of the Comprehensive Plan, including the Toro Canyon Plan, and the Article II Coastal Zoning Ordinance, including the zoning and cannabis regulations. The Proposed Project consists of cannabis cultivation located within seven existing greenhouses and cannabis processing within two existing processing buildings. The Proposed Project also includes the validation of the existing detention basin and bioswale, which were designed to effectively retain and disperse runoff from the whole site. All other structures on site are existing or previously permitted. The project as a whole will not impact the physical scale of the area. The surrounding area is made up of agricultural uses, including greenhouses, and low density residential development. There are dozens of similar greenhouses between Foothill Road and Highway 101 east of the project site.

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

The Board of Supervisors finds that the Proposed Project complies with the public access and recreation policies of this Article and the Comprehensive Plan, including the Coastal Land Use Plan. There are no public access or recreation facilities on the subject property. The subject property and Proposed Project were reviewed by the County Community Services Parks Division, which noted that a public trail easement exists along the frontage, but had no conditions.

Additional findings required for sites with the Toro Canyon Plan Area

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

The Board of Supervisors finds that the Proposed Project does not require exemptions to the architectural review standards h. or i. of Section 35-194.6.3. Standard h. requires the total vertical height of any graded slopes not to exceed 16 vertical feet in height. Standard i. requires the visible portion of a retaining wall above finished grade not to exceed six feet. The Proposed Project does not include any graded slopes that would exceed 16 feet in height or any retaining walls, and therefore, this finding is not applicable to the project.

2.2.9 *In compliance with Section 35-194.9 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit on sites within the Toro Canyon Plan that allows a deviation from a policy or standard of the Local Coastal Program to provide a reasonable use the decision-maker shall first make all of the following findings:*

- a. Based on the economic information provided by the Applicant, as well as any other relevant evidence, each use allowed by the Local Coastal Program policies and/or standards would not provide an economically viable use of the Applicant's property.*
- b. Application of the Local Coastal Program policies and/or standards would unreasonable interfere with the Applicant's investment-backed expectations.*
- c. The use proposed by the Applicant is consistent with the applicable zoning.*
- d. The use and project design, siting, and size are the minimum necessary to avoid a taking.*
- e. The project is the least environmentally damaging alternative and is consistent with all provisions of the certified Local Coastal Program other than the provisions for which the exception is requested.*
- f. The development will not be a public nuisance. If it would be a public nuisance, the development shall be denied.*

The Board of Supervisors finds that a deviation from a policy or standard of the Local Coastal Program to provide a reasonable use has not been requested as part of the Proposed Project, and that the Proposed Project will not result in deviations from the Local Coastal Program policies and standards, and therefore, this finding is not applicable to the Proposed Project.

ATTACHMENT 2.A: CONDITIONS OF APPROVAL FOR 20DVP-00000-00011
AUTUMN BRANDS AND OCEAN HILL FARMS CANNABIS OPERATION
REVISED DEVELOPMENT PLAN
CASE NO. 20DVP-00000-00011
APN: 005-280-041

Project Description

- 1. Proj Des-01 Project Description.** This Revised Development Plan is based upon and limited to compliance with the project description, the hearing exhibits marked 1-17, dated August 24, 2021, 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 project is a request for a Coastal Development Permit (Case No. 20CDP-00000-00079) and a Revised Development Plan (Case No. 20DVP-00000-00011), which is a revision of the original Development Plan (approved November 17, 1969) to allow approximately 388,472 square feet of mixed light and nursery cannabis cultivation. Cultivation activities will occur within seven existing greenhouses. Processing will occur within Processing Building #1 (23,072 square feet) and Processing Building #2 (4,870 square feet). Onsite cultivation (as defined by the Article II Coastal Zoning Ordinance) will total approximately 9.56 acres.

An approximately 23 foot wide, 162 foot long section of Processing Building #1 will be demolished to provide separation from Greenhouse #3. An approximately 2,000 square foot as built, boiler room and approximately 950 square foot irrigation room attached to Greenhouse #6 will be validated. The equipment associated with the Byers Odor Abatement System and an emergency generator will be validated under this permit. Additionally, grading associated with the unpermitted installation of a detention basin (approximately 3,300 cubic yards cut and 1,000 cubic yards fill) and bioswale (585 cubic yards cut and 296 cubic yards fill) will be validated. An approximately 22,500 square foot area, including the area of the bioswale, will be restored to the natural riparian habitat. Portions of the existing agricultural access road will be removed so that it is outside of the Environmentally Sensitive Habitat (ESH) buffer area.

The project also includes the demolition/removal of two unpermitted water tanks, a shipping container, two storage structures, and an overhang on Processing Structure #2. The perimeter of the parcel is enclosed with an 8 foot tall chain-link fence. Privacy slats will be added to the chain-link fence for security and screening. Existing landscaping provides screening from the abutting roadway. An existing single-family dwelling will remain onsite. The current residents are co-owners and operators of Autumn Brands.

As new Best Available Control Technology (BACT) is proven to achieve superior odor control, as determined by peer reviewed data and County-approved qualified odor experts, the applicant will make the appropriate BACT upgrades, including but not limited to scrubbers to mitigate odor from cultivation activities in the greenhouses. Any BACT to be employed by the operator at a future date may require additional permits or changes to existing permit as determined by the County. After the commencement of use, the County shall retain a professional engineer or certified industrial hygienist, at the applicant's expense, to inspect and verify the installation of new best available control technology.

A total of 71 parking spaces exist and will remain. Four of the parking spaces will be reserved for

preferential carpool/van parking. The cannabis operation includes up to 150 full time employees, including six to eight managerial staff on site. The hours of operation will be between 6:00 a.m. and 4:00 p.m. Monday through Friday, and 7:00 a.m. to noon on Saturdays. The cannabis operation will be served by an existing on-site agricultural water well and the Carpinteria Valley Water District. A new septic system will provide wastewater treatment for the operation. Access will continue to be taken from the existing driveway off Foothill Road (Highway 192). The property is a 24.03-acre parcel zoned AG-I-20 located within the Coastal Zone and Area A of the Carpinteria Agricultural Overlay. The parcel is shown as APN 005-280-041 and addressed as 3615 Foothill Road, Toro Canyon Plan Area, First Supervisorial District.

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

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

Project Specific Conditions

- 3. 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.
- 4. 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.
- 5. 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.

- 6. 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 Zoning Clearance 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
 - 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.

- 7. 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 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.

- 8. 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.

- 9. 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 final building inspection. The applicant shall maintain the project site in compliance with the Lighting Plan throughout the life of the project.

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

- 10. 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 issuance of final building inspection. The applicant shall maintain the project site in compliance with the Noise Plan throughout the life of the project.

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

- 11. 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.

- 12. 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.
- 13. 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.
- 14. Water Efficiency for Commercial Cannabis Activities.** Water-conserving features shall be included in the design of cannabis cultivation. Water-conserving features include the following: rainwater capture and reuse, use of recycled water, and timed drip irrigation.
PLAN REQUIREMENTS: The applicant shall document water-conserving features on the Site Plan stamped "Zoning Approved".
- 15. Habitat Restoration.** The Owner/Applicant shall submit for P&D approval Riparian Area Restoration Plan prepared by a P&D-approved biologist and designed to restore approximately 22,500 square feet of area to natural riparian conditions and including the following components:

 - a. Landscaping shall be with native riparian species as shown on the Riparian Restoration Planting Plan dated January 13, 2021 and stamped "Zoning Approved."
 - b. Species shall be from locally obtained plants and seed stock.
 - c. The new plantings shall be irrigated with drip irrigation during the first and second years to ensure successful germination and plant establishment

- d. Non-native species within the restoration area shall be removed from the creek, however, removal of native species in the creek shall be prohibited.

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

TIMING: The Owner/Applicant shall post a performance security to ensure installation prior to Final Building Inspection Clearance and maintenance for five years. The requirements of this condition shall also be implemented throughout the life of the Proposed Project, as applicable. Permit compliance staff shall conduct site inspections as needed to confirm compliance.

MONITORING: P&D permit processing planner shall check plans prior to issuance. P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the plan set and as detailed in the Riparian Restoration Planting Plan dated January 13, 2021 throughout the life of the project to permit compliance staff.

- 16. Wildlife Movement Plan:** The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Wildlife Movement Plan (WMP) prepared by Storrer Environmental Services, LLC, dated January 14, 2021 and stamped “Zoning Approved”. The WMP measures include:

- 1) *A worker environmental awareness training pamphlet will be prepared and posted on-site for all employees (including site supervisors)*
- 2) *A qualified biologist should be present to oversee site preparation and non-native plant removal in the Riparian Restoration Area to ensure there are no impacts to sensitive wildlife or native plant species*
- 3) *On-going activities within the prescribed 100 foot ESH buffer from Arroyo Paredon Creek will be limited to use of Processing Building #2, existing permitted greenhouses, use of the existing paved fire road, and implementation of riparian restoration*
- 4) *If listed wildlife species are observed, work will be suspended and the CDFW and USFWS (as applicable) will be notified immediately. Sensitive wildlife species may be moved from the work area by a qualified biologist holding the necessary permits.*
- 5) *All erosion control materials shall be free from plastic to prevent entanglement of wildlife.*
- 6) *Trash and food items will be placed in secured waste storage daily so as not to attract wildlife.*

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

TIMING: The requirements of this condition shall be implemented prior to the commencement of installation of lighting and fencing or restoration activities. The requirements of this condition shall also be implemented throughout the life of the Proposed Project, as applicable. Permit compliance staff shall conduct site inspections as needed to confirm compliance.

MONITORING: P&D permit processing planner shall check plans prior to issuance. P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the plan set and as detailed in the WMP prepared by Storrer Environmental Services, LLC, dated January 14, 2021 throughout the life of the project to permit compliance staff.

- 17. 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. 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.

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

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 diesel-powered emergency standby generator engines rated at 50 BHP (brake-horsepower) or greater.

- 18. 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. The Owner shall install a California Air Resources Board (CARB) certified diesel particulate filter to the exhaust system of the generator.

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

- 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. Equipment Storage-Construction.** The Owner/Applicant shall designate a construction equipment filling and storage area(s) to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, water body or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all plans for zoning clearance, grading and building permits.

TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

- 21. Construction Hours.** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 8:00 a.m. and 5:00 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.

- 22. 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 Zoning Clearance and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

- 23. Tree Protection Without a Tree Protection Plan.** All grading, trenching, ground disturbance, construction activities and structural development shall occur beyond six feet of the dripline of all native trees.

- a. Prior to the issuance of a Zoning Clearance for grading or construction, all native trees shall be fenced at least six feet beyond the dripline. Fencing shall be at least three feet in height of chain link or other material acceptable to P&D and shall be staked every six feet. The Owner/Applicant shall place signs stating "tree protection area" at 15 foot intervals on the fence. Fencing and signs shall remain in place throughout all grading and construction activities.
- b. To help ensure the long term survival of native trees, no permanent irrigation systems are permitted within six feet of the dripline of native trees. Any landscaping must be of compatible species requiring minimal irrigation. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.

PLAN REQUIREMENTS: Fencing shall be graphically depicted on project plans. **TIMING:** This condition shall be printed on project plans submitted for Zoning Clearance approval and installed prior to Grading or Building Permit issuance.

MONITORING: P&D compliance monitoring staff shall review plans and confirm fence installation. Compliance staff shall conduct site inspections to ensure compliance during grading and construction.

- 24. Truck Idling.** Idling of trucks shall be prohibited between 9:00 p.m. and 7:00 a.m.

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

TIMING: P&D permit processing planner shall check plans prior to issuance of Zoning Clearance.

County Rules and Regulations

25. **Rules-02 Effective Date-Appealable to CCC.** This Coastal Development Permit shall become effective upon 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 review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
26. **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.
27. **Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
28. **Rules-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.
29. **Rules-09 Signs.** No signs of any type are approved with this action unless otherwise specified. All signs shall be permitted in compliance with Article II.
30. **Rules-11 CDP Expiration-With CUP or DVP.** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. Prior to the expiration of a time extension approved in compliance with Subsection a. above, the review authority who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. A Coastal Development Permit whose expiration date has been extended in compliance with the above will nevertheless expire at the earlier of: (1) the expiration of the most recent time extension or (2) the expiration of the associated Conditional Use Permit or Development Plan (as modified by any extension thereto).
31. **Rules-20 Revisions Related to Plans.** The Owner/Applicant shall request a revision for any proposed changed to approved Coastal Development Permit plans. Substantial conformity shall be determined by the Director of P&D.
32. **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.

33. **DIMF-24d DIMF Fees-Fire.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the Fire Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. This is based on a project type of cannabis cultivation.
TIMING: Fire DIMFs shall be paid to the County Fire Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).
34. **DIMF-24g DIMF Fees-Transportation.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for transportation. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. This is based on a project type of cannabis cultivation.
TIMING: Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).
35. **Rules-25 Signed Agreement to Comply.** Prior to approval of Coastal Development Permit, the Owner/Applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the Owner of the property agrees to comply with the project description, approved exhibits and all conditions of approval. Form may be obtained from the P&D office.
36. **Rules-26 Performance Security Required.** The Owner/Applicant shall post separate performance securities, the amounts and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of landscape and irrigation. The landscape installation security shall be waived if installation is completed in conformance with applicable requirements prior to Building Final/Occupancy Approval. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan(s) for two years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed 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.
37. **Rules-28 Removal of Greenhouses.** The Owner shall sign a written agreement to comply with the County to remove greenhouse or greenhouse related development, or any portion thereof, if any component of the greenhouse development is abandoned (not in operation for 24 consecutive months). If, after 24 months of non-use for greenhouse purposes, greenhouse activities resume, such activities shall be continued without interruption for longer than 90 days within the subsequent one year period, or the facility shall be deemed abandoned and notice of such abandonment shall be served upon the landowner by the County. The Owner shall submit an application for demolition of the applicable development and restoration of agricultural lands suitable to ensure continued agricultural productivity. The removal shall occur within 180 days of issuance of a Coastal

Development Permit for removal. Conversion of greenhouse development to non-agricultural uses shall not be considered in lieu of demolition or removal.

TIMING: The Owner shall sign the written agreement agreeing to this requirement of Article II (or any successor regulations, if the CA Overlay is amended) prior to approval of the follow on Zoning Clearance.

38. **Rules-29 Other Department Conditions.** Compliance with Departmental/Division letters required as follows:
 - a. Air Pollution Control District dated January 21, 2021;
 - b. Environmental Health Services Division dated January 20, 2021;
 - c. Fire Department dated December 3, 2020;
 - d. Flood Control Water Agency dated December 8, 2020.
 - e. Roads dated December 1, 2020.
39. **Rules-30 Plan Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
40. **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.
41. **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.
42. **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.

ATTACHMENT 2.B: CONDITIONS OF APPROVAL FOR 20CDP-00000-00079
AUTUMN BRANDS AND OCEAN HILL FARMS CANNABIS OPERATION
COASTAL DEVELOPMENT PERMIT
CASE NO. 20CDP-00000-00079
APN: 005-280-041

Project Description

- 1. Proj Des-01 Project Description.** This Coastal Development Permit is based upon and limited to compliance with the project description, the hearing exhibits marked 1-17, dated August 24, 2021, 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 project is a request for a Coastal Development Permit (Case No. 20CDP-00000-00079) and a Revised Development Plan (Case No. 20DVP-00000-00011), which is a revision of the original Development Plan (approved November 17, 1969) to allow approximately 388,472 square feet of mixed light and nursery cannabis cultivation. Cultivation activities will occur within seven existing greenhouses. Processing will occur within Processing Building #1 (23,072 square feet) and Processing Building #2 (4,870 square feet). Onsite cultivation (as defined by the Article II Coastal Zoning Ordinance) will total approximately 9.56 acres.

An approximately 23 foot wide, 162 foot long section of Processing Building #1 will be demolished to provide separation from Greenhouse #3. An approximately 2,000 square foot as built, boiler room and approximately 950 square foot irrigation room attached to Greenhouse #6 will be validated. The equipment associated with the Byers Odor Abatement System and an emergency generator will be validated under this permit. Additionally, grading associated with the unpermitted installation of a detention basin (approximately 3,300 cubic yards cut and 1,000 cubic yards fill) and bioswale (585 cubic yards cut and 296 cubic yards fill) will be validated. An approximately 22,500 square foot area, including the area of the bioswale, will be restored to the natural riparian habitat. Portions of the existing agricultural access road will be removed so that it is outside of the Environmentally Sensitive Habitat (ESH) buffer area.

The project also includes the demolition/removal of two unpermitted water tanks, a shipping container, two storage structures, and an overhang on Processing Structure #2. The perimeter of the parcel is enclosed with an 8 foot tall chain-link fence. Privacy slats will be added to the chain-link fence for security and screening. Existing landscaping provides screening from the abutting roadway. An existing single-family dwelling will remain onsite. The current residents are co-owners and operators of Autumn Brands.

As new Best Available Control Technology (BACT) is proven to achieve superior odor control, as determined by peer reviewed data and County-approved qualified odor experts, the applicant will make the appropriate BACT upgrades, including but not limited to scrubbers to mitigate odor from cultivation activities in the greenhouses. Any BACT to be employed by the operator at a future date may require additional permits or changes to existing permit as determined by the County. After the commencement of use, the County shall retain a professional engineer or certified industrial hygienist, at the applicant's expense, to inspect and verify the installation of new best available control technology.

A total of 71 parking spaces exist and will remain. Four of the parking spaces will be reserved for

preferential carpool/van parking. The cannabis operation includes up to 150 full time employees, including six to eight managerial staff on site. The hours of operation will be between 6:00 a.m. and 4:00 p.m. Monday through Friday, and 7:00 a.m. to noon on Saturdays. The cannabis operation will be served by an existing on-site agricultural water well and the Carpinteria Valley Water District. A new septic system will provide wastewater treatment for the operation. Access will continue to be taken from the existing driveway off Foothill Road (Highway 192). The property is a 24.03-acre parcel zoned AG-I-20 located within the Coastal Zone and Area A of the Carpinteria Agricultural Overlay. The parcel is shown as APN 005-280-041 and addressed as 3615 Foothill Road, Toro Canyon Plan Area, First Supervisorial District.

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

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

Project Specific Conditions

3. **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.
4. **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.
5. **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.

- 6. 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 Zoning Clearance 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
 - 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.

- 7. 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 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.

- 8. 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.

- 9. 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 final building inspection. The applicant shall maintain the project site in compliance with the Lighting Plan throughout the life of the project.

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

- 10. 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 issuance of final building inspection. The applicant shall maintain the project site in compliance with the Noise Plan throughout the life of the project.

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

- 11. 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.

- 12. 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.
- 13. 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.
- 14. Water Efficiency for Commercial Cannabis Activities.** Water-conserving features shall be included in the design of cannabis cultivation. Water-conserving features include the following: rainwater capture and reuse, use of recycled water, and timed drip irrigation.
PLAN REQUIREMENTS: The applicant shall document water-conserving features on the Site Plan stamped "Zoning Approved".
- 15. Habitat Restoration.** The Owner/Applicant shall submit for P&D approval Riparian Area Restoration Plan prepared by a P&D-approved biologist and designed to restore approximately 22,500 square feet of area to natural riparian conditions and including the following components:

 - a. Landscaping shall be with native riparian species as shown on the Riparian Restoration Planting Plan dated January 13, 2021 and stamped "Zoning Approved."
 - b. Species shall be from locally obtained plants and seed stock.
 - c. The new plantings shall be irrigated with drip irrigation during the first and second years to ensure successful germination and plant establishment

- d. Non-native species within the restoration area shall be removed from the creek, however, removal of native species in the creek shall be prohibited.

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

TIMING: The Owner/Applicant shall post a performance security to ensure installation prior to Final Building Inspection Clearance and maintenance for five years. The requirements of this condition shall also be implemented throughout the life of the Proposed Project, as applicable. Permit compliance staff shall conduct site inspections as needed to confirm compliance.

MONITORING: P&D permit processing planner shall check plans prior to issuance. P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the plan set and as detailed in the Riparian Restoration Planting Plan dated January 13, 2021 throughout the life of the project to permit compliance staff.

- 16. Wildlife Movement Plan:** The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Wildlife Movement Plan (WMP) prepared by Storrer Environmental Services, LLC, dated January 14, 2021 and stamped "Zoning Approved". The WMP measures include:

- 1) *A worker environmental awareness training pamphlet will be prepared and posted on-site for all employees (including site supervisors)*
- 2) *A qualified biologist should be present to oversee site preparation and non-native plant removal in the Riparian Restoration Area to ensure there are no impacts to sensitive wildlife or native plant species*
- 3) *On-going activities within the prescribed 100 foot ESH buffer from Arroyo Paredon Creek will be limited to use of Processing Building #2, existing permitted greenhouses, use of the existing paved fire road, and implementation of riparian restoration*
- 4) *If listed wildlife species are observed, work will be suspended and the CDFW and USFWS (as applicable) will be notified immediately. Sensitive wildlife species may be moved from the work area by a qualified biologist holding the necessary permits.*
- 5) *All erosion control materials shall be free from plastic to prevent entanglement of wildlife.*
- 6) *Trash and food items will be placed in secured waste storage daily so as not to attract wildlife.*

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

TIMING: The requirements of this condition shall be implemented prior to the commencement of installation of lighting and fencing or restoration activities. The requirements of this condition shall also be implemented throughout the life of the Proposed Project, as applicable. Permit compliance staff shall conduct site inspections as needed to confirm compliance.

MONITORING: P&D permit processing planner shall check plans prior to issuance. P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the plan set and as detailed in the WMP prepared by Storrer Environmental Services, LLC, dated January 14, 2021 throughout the life of the project to permit compliance staff.

- 17. 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. 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.

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

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 diesel-powered emergency standby generator engines rated at 50 BHP (brake-horsepower) or greater.

- 18. 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. The Owner shall install a California Air Resources Board (CARB) certified diesel particulate filter to the exhaust system of the generator.

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

- 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. Equipment Storage-Construction.** The Owner/Applicant shall designate a construction equipment filling and storage area(s) to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, water body or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all plans for zoning clearance, grading and building permits.

TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

- 21. Construction Hours.** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 8:00 a.m. and 5:00 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.

22. **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 Zoning Clearance and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

23. **Tree Protection Without a Tree Protection Plan.** All grading, trenching, ground disturbance, construction activities and structural development shall occur beyond six feet of the dripline of all native trees.

- a. Prior to the issuance of a Zoning Clearance for grading or construction, all native trees shall be fenced at least six feet beyond the dripline. Fencing shall be at least three feet in height of chain link or other material acceptable to P&D and shall be staked every six feet. The Owner/Applicant shall place signs stating "tree protection area" at 15 foot intervals on the fence. Fencing and signs shall remain in place throughout all grading and construction activities.
- b. To help ensure the long term survival of native trees, no permanent irrigation systems are permitted within six feet of the dripline of native trees. Any landscaping must be of compatible species requiring minimal irrigation. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.

PLAN REQUIREMENTS: Fencing shall be graphically depicted on project plans. **TIMING:** This condition shall be printed on project plans submitted for Zoning Clearance approval and installed prior to Grading or Building Permit issuance.

MONITORING: P&D compliance monitoring staff shall review plans and confirm fence installation. Compliance staff shall conduct site inspections to ensure compliance during grading and construction.

24. **Truck Idling.** Idling of trucks shall be prohibited between 9:00 p.m. and 7:00 a.m.

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

TIMING: P&D permit processing planner shall check plans prior to issuance of Zoning Clearance.

County Rules and Regulations

- 25. Rules-02 Effective Date-Appealable to CCC.** This Coastal Development Permit shall become effective upon 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 review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
- 26. 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.
- 27. Rules-05 Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
- 28. Rules-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.
- 29. Rules-09 Signs.** No signs of any type are approved with this action unless otherwise specified. All signs shall be permitted in compliance with Article II.
- 30. Rules-11 CDP Expiration-With CUP or DVP.** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. Prior to the expiration of a time extension approved in compliance with Subsection a. above, the review authority who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. A Coastal Development Permit whose expiration date has been extended in compliance with the above will nevertheless expire at the earlier of: (1) the expiration of the most recent time extension or (2) the expiration of the associated Conditional Use Permit or Development Plan (as modified by any extension thereto).
- 31. Rules-20 Revisions Related to Plans.** The Owner/Applicant shall request a revision for any proposed changed to approved Coastal Development Permit plans. Substantial conformity shall be determined by the Director of P&D.
- 32. 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.

- 33. DIMF-24d DIMF Fees-Fire.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the Fire Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. This is based on a project type of cannabis cultivation.
TIMING: Fire DIMFs shall be paid to the County Fire Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).
- 34. DIMF-24g DIMF Fees-Transportation.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for transportation. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. This is based on a project type of cannabis cultivation.
TIMING: Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).
- 35. Rules-25 Signed Agreement to Comply.** Prior to approval of Coastal Development Permit, the Owner/Applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the Owner of the property agrees to comply with the project description, approved exhibits and all conditions of approval. Form may be obtained from the P&D office.
- 36. Rules-26 Performance Security Required.** The Owner/Applicant shall post separate performance securities, the amounts and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of landscape and irrigation. The landscape installation security shall be waived if installation is completed in conformance with applicable requirements prior to Building Final/Occupancy Approval. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan(s) for two years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed 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.
- 37. Rules-28 Removal of Greenhouses.** The Owner shall sign a written agreement to comply with the County to remove greenhouse or greenhouse related development, or any portion thereof, if any component of the greenhouse development is abandoned (not in operation for 24 consecutive months). If, after 24 months of non-use for greenhouse purposes, greenhouse activities resume, such activities shall be continued without interruption for longer than 90 days within the subsequent one year period, or the facility shall be deemed abandoned and notice of such abandonment shall be served upon the landowner by the County. The Owner shall submit an application for demolition of the applicable development and restoration of agricultural lands suitable to ensure continued agricultural productivity. The removal shall occur within 180 days of issuance of a Coastal

Development Permit for removal. Conversion of greenhouse development to non-agricultural uses shall not be considered in lieu of demolition or removal.

TIMING: The Owner shall sign the written agreement agreeing to this requirement of Article II (or any successor regulations, if the CA Overlay is amended) prior to approval of the follow on Zoning Clearance.

38. **Rules-29 Other Department Conditions.** Compliance with Departmental/Division letters required as follows:
 - a. Air Pollution Control District dated January 21, 2021;
 - b. Environmental Health Services Division dated January 20, 2021;
 - c. Fire Department dated December 3, 2020;
 - d. Flood Control Water Agency dated December 8, 2020.
 - e. Roads dated December 1, 2020.
39. **Rules-30 Plan Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
40. **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.
41. **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.
42. **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.

ATTACHMENT 3: CEQA GUIDELINES § 15168(C)(4) CHECKLIST

ATTACHMENT 5: APPEAL APPLICATION AND LETTER DATED MAY 6, 2021

ATTACHMENT 6: APPROVED PROJECT PLANS DATED APRIL 28, 2021

ATTACHMENT 7: ODOR ABATEMENT PLAN, DATED APRIL 16, 2021

ATTACHMENT 8: CARPINTERIA VALLEY WATER DISTRICT INTENT TO SERVE LETTER,
DATED FEBRUARY 20, 2020

ATTACHMENT 9: BIOLOGICAL RESOURCES ASSESSMENT, DATED JANUARY 14, 2021

ATTACHMENT 10: WASTE MANAGEMENT PLAN

ATTACHMENT 11: APPROVED COASTAL DEVELOPMENT PERMIT, DATED APRIL 28,
2021

ATTACHMENT 12: PLANNING COMMISSION STAFF REPORTED, DATED MARCH 30, 2021

ATTACHMENT 13: PLANNING COMMISSION MEMORANDUM, DATED APRIL 7, 2021

ATTACHMENT 14: PLANNING COMMISSION MEMORANDUM, DATED APRIL 20, 2021

ATTACHMENT 15: PLANNING COMMISSION ACTION LETTER, DATED APRIL 9, 2021

ATTACHMENT 16: PLANNING COMMISSION ACTION LETTER, DATED MAY 4, 2021

ATTACHMENT 17: COUNTY COUNSEL FACILITATION REPORT, DATED AUGUST 4, 2021