

ATTACHMENT 5: APPEAL APPLICATION AND LETTER, DATED JULY 20, 2022



COUNTY OF SANTA BARBARA

Planning and Development

www.countyofsb.org/plndev

Appeal to the Board of Supervisors or Planning Commission (County or Montecito)

APPEAL TO THE BOARD OF SUPERVISORS OR PLANNING COMMISSION (APL) on the issuance, revocation, or modification of:

- All Discretionary projects heard by one of the Planning Commissions
- Board of Architectural Review decisions
- Coastal Development Permit decisions
- Land Use Permit decisions
- Planning & Development Director's decisions
- Zoning Administrator's decisions

THIS PACKAGE CONTAINS

✓ APPLICATION FORM

✓ SUBMITTAL REQUIREMENTS

AND, IF ✓'D, ALSO CONTAINS

South County Office 123 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2000 Fax: (805) 568-2030	North County Office 624 W. Foster Road, Suite C Santa Maria, CA 93455 Phone: (805) 934-6250 Fax: (805) 934-6258	Clerk of the Board 105 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2240 Fax: (805) 568-2249
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SUBMITTAL REQUIREMENTS

- 8 Copies of the attached application.
- 8 Copies of a written explanation of the appeal including:
- If you are not the applicant, an explanation of how you are an “**aggrieved party**” (“Any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by the other nature of his concerns or who for good cause was unable to do either.”);
 - A clear, complete and concise statement of the **reasons or grounds for appeal**:
 - Why the decision or determination is consistent with the provisions and purposes of the County’s Zoning Ordinances or other applicable law; or
 - There was error or abuse of discretion;
 - The decision is not supported by the evidence presented for consideration;
 - There was a lack of a fair and impartial hearing; or
 - There is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.
- 1 Check payable to County of Santa Barbara.

Note: There are additional requirements for certain appeals including:

- a. Appeals regarding a previously approved discretionary permit** – If the approval of a Land use permit required by a previously approved discretionary permit is appealed, the applicant shall identify: 1) How the Land Use Permit is inconsistent with the previously approved discretionary permit; 2) How the discretionary permit’s conditions of approval that are required to be completed prior to the approval of a Land Use Permit have not been completed; 3) How the approval is inconsistent with Section 35.106 (Noticing).
- b. Appeals regarding Residential Second Units (RSUs)** – The grounds for an appeal of the approval of a Land Use Permit for a RSU in compliance with Section 35.42.230 (Residential Second Units) shall be limited to whether the approved project is in compliance with development standards for RSUs provided in Section 35.42.230.F (Development Standards).



PLANNING & DEVELOPMENT
APPEAL FORM

SITE ADDRESS: 5980 Casitas Pass Road, Carpinteria, CA 93013

ASSESSOR PARCEL NUMBER: 001-030-022

Are there previous permits/applications? no yes numbers: 19CDP-00000-00016
(include permit# & lot # if tract)

Is this appeal (potentially) related to cannabis activities? no yes

Are there previous environmental (CEQA) documents? no yes numbers: PEIR: 17EIR-00003

1. **Appellant:** Valley Crest Farms, LLC Phone: _____ FAX: _____

Mailing Address: P.O. Box 1287, Carpinteria, CA 93014 E-mail: marc@greenbrierhdgs.com
Street City State Zip

2. **Owner:** Case Van Wingerden, Van Wingerden Trust Phone: (805) 684-4011 FAX: _____

Mailing Address: 1400 Cravens Lane, Carpinteria, CA 93013 E-mail: alex@westlandfloral.com
Street City State Zip

3. **Agent:** Gelare Macon, Flowers & Associates, Inc. Phone: (805) 966-2224 FAX: _____

Mailing Address: 115 W. Canon Perdido St., Santa Barbara, CA 93101 E-mail: gmacon@flowersassoc.com
Street City State Zip

4. **Attorney:** _____ Phone: _____ FAX: _____

Mailing Address: _____ E-mail _____
Street City State Zip

COUNTY USE ONLY

Case Number: _____ Companion Case Number: _____
Supervisorial District: _____ Submittal Date: _____
Applicable Zoning Ordinance: _____ Receipt Number: _____
Project Planner: _____ Accepted for Processing _____
Zoning Designation: _____ Comp. Plan Designation _____

PLANNING & DEVELOPMENT
SANTA BARBARA COUNTY
APPEAL FORM
01/11/19 10:13 AM
MARCUS

COUNTY OF SANTA BARBARA APPEAL TO THE:

BOARD OF SUPERVISORS

PLANNING COMMISSION: COUNTY MONTECITO

RE: Project Title 5980 Casitas Pass Road - Valley Crest Farms, LLC Cannabis Cultivation & Processing

Case No. 19CDP-00000-00016

Date of Action July 13, 2022

I hereby appeal the approval approval w/conditions denial of the:

Board of Architectural Review – Which Board? _____

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? County (south)

Planning & Development Director decision

Zoning Administrator decision

Is the appellant the applicant or an aggrieved party?

Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are and “aggrieved party” as defined on page two of this appeal form:

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

Please see attached written explanation for appeal.

Specific conditions imposed which I wish to appeal are (if applicable):

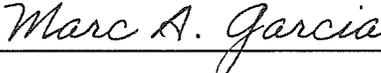
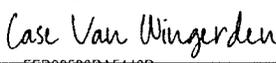
- a. _____
- b. _____
- c. _____
- d. _____

Please include any other information you feel is relevant to this application.

CERTIFICATION OF ACCURACY AND COMPLETENESS Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

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

Print name and sign – Firm		Date
Morgan Krapes-Kiah, Flowers & Associates, Inc.		7/20/22
Print name and sign – Preparer of this form		Date
Marc Garcia, Valley Crest Farms, LLC		7/20/22
Print name and sign – Applicant		Date
Gelare Macon, Flowers & Associates, Inc.		7/20/22
Print name and sign – Agent		Date
Case Van Wingerden, Van Wingerden Trust	DocuSigned by: 	7/20/2022
Print name and sign – Landowner		Date

July 21, 2022

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

**Subject: Attachment to Appeal of Planning Commission Decision of July 13, 2022
19CDP-00000-00016 , 5980 Casitas Pass Mixed-Light Cannabis Cultivation**

Chair Hartmann and Honorable Supervisors:

As agent on behalf of the applicant, please accept this appeal of the County Planning Commission's decision to approve 19CDP-00000-00016 with the additional condition as described below for Valley Crest Farms, LLC, located 5980 Casitas Pass Road, Carpinteria, CA APN 001-030-022. The following lists the reason why this decision is inconsistent with the provisions and purposes of the County's Coastal Zoning Ordinance:

- 1. Condition exceeds requirements of the Coastal Zoning Ordinance:** The Planning Commission denied the appeal Case No. 22APL-00000-00003 and approved the project Case No. 19CDP-00000-00016, subject to the conditions of approval specified in the approved permit and as amended in the July 13, 2022 hearing that added an Odor Abatement Plan Revision Condition. Per the attached Draft Meeting Minutes dated July 13th and Action Letter dated July 15th, the added condition required the applicant to install scrubbers/filters as the primary odor control technology, such as the Regenerative Carbon Scrubbing System or similar, within 1 year of project approval throughout the entirety of the cultivation greenhouse. Per the Coastal Zoning Ordinance Section 35-144U.C.6- Odor Abatement Plan, an Odor Abatement Plan comprised of a vapor phase system, carbon filters and multi-tiered odor mitigation response protocol was prepared and certified by an Industrial Hygienist and subsequently approved as meeting the Coastal Zoning Ordinance by the Planning staff and the Director. The Planning Commission action imposed an additional condition above what is required by the Coastal Zoning Ordinance.

For the reason stated above, please grant *de novo* approval of the Project, Case No. 19CDP-00000-00016, subject to the conditions of approval specified in Attachment B of the staff memorandum dated May 31, 2022 (attached).

Respectfully submitted,
FLOWERS & ASSOCIATES, INC.

By: 
Gelare Macon, AICP
Agent for Applicant

Encls.: Draft Meeting Minutes dated 7/13/22; Staff Memorandum and Attachment B dated 5/13/22;
Planning Commission Action Letter dated 7/15/22



COUNTY OF SANTA BARBARA PLANNING AND DEVELOPMENT

MEMORANDUM

TO: County Planning Commission

FROM: Travis Seawards, Deputy Director, Development Review Division

STAFF CONTACT: Ben Singer, Planner, (805) 934-6587

DATE: May 31, 2022

HEARING DATE: June 1, 2022

RE: Cate School Appeal of 5980 Casitas Pass Cannabis Cultivation
Case Nos. 22APL-00000-00003 and 19CDP-00000-00016
5980 Casitas Pass, Carpinteria, CA, APN 001-030-022

1.0 Introduction

The Appellant submitted a supplemental letter to their appeal with additional information (Attachment A) on Friday, May 27, 2022, after the close of business. Staff received and reviewed the letter on Tuesday, May 31 due to the federal holiday. In the letter, the Appellant alleges two issues in addition to the five in their original appeal: 1) that there is insufficient water to serve the Proposed Project due to restrictions on the well on the adjacent property; and 2) that Regenerative Carbon Scrubbing Technology has been identified as the Best Available Control Technology (BACT) on other cannabis cultivation projects and therefore should have been identified and implemented on the Proposed Project as BACT. Staff's responses to these two additional issues are provided below.

2.0 Water Access

The project description in the staff report dated May 24, 2022, states that water would be provided by the Carpinteria Valley Water District (CVWD) and an existing private well. The private well is located on the adjacent parcel (APN 001-030-023). The Appellant provided evidence that when this well was approved in 1990, it was conditioned to state that water well use shall be used solely for parcel 001-030-023. The Proposed Project, however, has sufficient water provided by the CVWD, as demonstrated by the CVWD Proof of Service Letter (Attachment D). Staff confirmed via telephone that the CVWD has and will serve the water needs of the subject parcel, including domestic and potable water, cannabis irrigation water, and landscaping irrigation

water. As such, the project description has been revised as shown below in strikethrough and underline:

2.1 Project Description

The Proposed Project is a request for a Coastal Development Permit to allow 8.98 acres of cannabis cultivation consisting of 7.72 acres of mature plant cultivation and 0.12 acres of nursery cultivation within an existing, permitted greenhouse and approximately 49,700 square feet of cultivation (processing and storage) within an existing, permitted two-story processing building. Processing activities on-site will include drying, trimming, packaging, and storage. Up to 15% of cannabis processed will be grown off-site. There will be no more than one import and export per day of cannabis grown off-site. The processing building includes office space and restrooms for employees. The Proposed Project also includes removal of a 200-square-foot shed, a 475-square-foot shade structure, a 375-square-foot pole barn, and a 980-square-foot pump house. A permitted single-family dwelling exists and will remain on-site and will not be utilized as part of the cannabis operations. The single-family dwelling is accessed via an easement over the neighboring property to the west. No tree removal, vegetation removal, or grading is proposed. Odor abatement will consist of Benzaco Scientific vapor-phase systems surrounding all cultivation areas (including processing areas). Additionally, carbon filters will be installed within processing areas. The operation will be fenced off by a six-foot high chain-link fence, part of which is existing. Additional avocado trees will be planted to provide screening of the greenhouse and processing building from public viewing areas. Lighting will consist of motion-sensing, fully shielded, and downward directed lights mounted at eight feet on existing structures and twelve-foot tall poles. Access to the cannabis operation will be provided by an existing 25-foot wide driveway off of Casitas Pass Road. Water will be provided ~~by an existing private well, and potable water will be provided~~ by the Carpinteria Valley Water District. In the event that the well located on the adjacent property (APN 001-030-023) is authorized to provide water to the project site, additional water for irrigation will be provided by the well. Wastewater treatment will be provided by an existing private septic system. The cultivation will use a closed-loop irrigation system to conserve water. The operation will utilize a maximum of 70 employees. Hours of operation will be from 6:00 am – 7:00 pm daily. Forty-four parking spaces will be provided on-site. Bicycle parking and a shuttle service will be provided to reduce traffic impacts. The Facilities Manager will monitor the trip generation and alternative transportation use, including carpooling and shuttles, and will store and make available alternative transportation records every year. The Applicant agreed to observe a set of Community Odor Guidelines that were developed through collaboration between the Cannabis Association of Responsible Producers (CARP Growers) and the Coalition for Responsible Cannabis (Coalition). These Guidelines are not part of the Project Description and are not enforceable by the County, but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria's unique community and are a foundation of the Coalition's decision to support this project. The property is a 15.32-acre parcel zoned AG-I within the Carpinteria Agricultural Overlay, shown as APN 001-030-022 and addressed as 5980 Casitas Pass Road, Carpinteria, First Supervisorial District.

3.0 Best Available Control Technology (BACT)

As discussed under Appeal Issue 2 in the staff report dated May 24, 2022, the Odor Abatement Plan (OAP) is consistent with all standards and requirements. Article II requires that applicants submit a certified Odor Abatement Plan (OAP) in which a Professional Engineer or Certified Industrial Hygienist certifies that the odor control equipment and methods are consistent with accepted and available industry-specific best control technologies and methods. Article II also explicitly identifies vapor-phase as an approved odor control system subject to certification.

The OAP included as Attachment G to the staff report dated May 24, 2022, was prepared and certified by a Professional Engineer and Certified Industrial Hygienist. The OAP includes BACT analysis that is specific to the Proposed Project and subject parcel that identifies the vapor-phase system as BACT for the existing greenhouse. The OAP goes further to incorporate a tiered response to odor complaints and adaptive management that requires recertification of the OAP and deployment of additional or alternative BACT in the event that Planning and Development determines the vapor-phase system fails to effectively prevent odors from being experienced in residential zones. The Appellant does not provide evidence to support their claim that vapor-phase systems no longer qualify as BACT, beyond the fact that other applicants have identified carbon scrubbers as BACT and employed them for other projects.

4.0 Recommendation and Procedures

Staff recommends that the Santa Barbara County Planning Commission take the following action:

1. Deny the appeal, Case No. 22APL-00000-00003.
2. Make the required findings for approval of the Proposed Project specified in Attachment A of the staff report dated May 24, 2022, including California Environmental Quality Act (CEQA) findings.
3. Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) is adequate and no subsequent environmental review is required pursuant to CEQA Guidelines §15162 and §15168(c) (Attachments C to this memorandum).
4. Grant *de novo* approval of the Project, Case No. 19CDP-00000-00016, subject to the conditions included in Attachment B to this memorandum.

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

5.0 Attachments

- A. Appellant Supplemental Letter and Appendix

Cate School Appeal of 5980 Casitas Pass Cannabis
Case Nos. 22APL-00000-00003 and 19CDP-00000-00016
May 31, 2022
Page 4

- B. Coastal Development Permit with Conditions
- C. CEQA Guidelines §15168(c)(4) Environmental Checklist
- D. Carpinteria Valley Water District Proof of Service Letter



COASTAL DEVELOPMENT PERMIT NO.: 19CDP-00000-00016

Project Name: 5980 CASITAS PASS MIXED-LIGHT CANNABIS CULTIVATION
Project Address: 5980 CASITAS PASS RD, CARPINTERIA, CA 93013
A.P.N.: 001-030-022
Zone: AG-I-10

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

APPROVAL DATE: 6/1/2022
LOCAL APPEAL PERIOD BEGINS: 6/2/2022
LOCAL APPEAL PERIOD ENDS: 6/13/2022
DATE OF PERMIT ISSUANCE (if no appeal is filed): 6/14/2022

APPEALS:

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

PROJECT DESCRIPTION SUMMARY: The Proposed Project is a request for a Coastal Development Permit to allow 8.98 acres of cannabis cultivation consisting of 7.72 acres of mature plant cultivation and 0.12 acres of nursery cultivation within an existing, permitted greenhouse and approximately 49,700 square feet of cultivation (processing and storage) within an existing, permitted two-story processing building. Processing activities on-site will include drying, trimming, packaging, and storage. Up to 15% of cannabis processed will be grown off-site. There will be no more than one import and export per day of cannabis grown off-site. The processing building includes office space and restrooms for employees. The Proposed Project also includes removal of a 200-square-foot shed, a 475-square-foot shade structure, a 375-square-foot pole barn, and a 980-square-foot pump house. A permitted single-family dwelling exists and will remain on-site and will not be utilized as part of the cannabis operations. The single-family dwelling is accessed via an easement over the neighboring property to the west. No tree removal, vegetation removal, or grading is proposed. Odor abatement will consist of Benzaco Scientific vapor-phase systems surrounding all cultivation areas (including processing areas). Additionally, carbon filters will be installed within processing areas. The operation will be fenced off by a six-foot high chain-link fence, part of which is existing. Additional avocado trees will be planted to provide screening of the greenhouse and processing building from public viewing areas. Lighting will consist of motion-sensing, fully shielded, and downward directed lights mounted at eight feet on existing structures and twelve-foot tall poles. Access to the cannabis operation will be provided by an existing 25-foot wide driveway off of Casitas Pass Road. Water will be provided by the Carpinteria Valley Water District. In the event that the well located on the adjacent property (APN 001-030-023) is authorized to provide water to the project site, additional water for irrigation will be provided by the well. Wastewater treatment will be provided by an existing private septic system. The cultivation will use a closed-loop irrigation system to conserve water. The operation will utilize a maximum of 70 employees. Hours of operation will be from 6:00 am – 7:00 pm daily. Forty-four parking spaces will be provided on-site. Bicycle parking and a shuttle service will be provided to reduce traffic impacts. The Facilities Manager will monitor the trip generation and alternative transportation use, including carpooling and shuttles, and will store and make available alternative transportation records every year. The Applicant agreed to observe a set of Community Odor Guidelines that were developed through collaboration between the Cannabis Association of Responsible Producers (CARP Growers) and the Coalition for Responsible

Cannabis (Coalition). These Guidelines are not part of the Project Description and are not enforceable by the County, but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria's unique community and are a foundation of the Coalition's decision to support this project. The property is a 15.32-acre parcel zoned AG-I within the Carpinteria Agricultural Overlay, shown as APN 001-030-022 and addressed as 5980 Casitas Pass Road, Carpinteria, First Supervisorial District. To receive additional information regarding this project and/or to view the application and/or plans, please contact Ben Singer at 624 West Foster Road, Suite C, Santa Maria, by email (bsinger@countyofsb.org), or by phone ((805) 934-6587).

PROJECT SPECIFIC CONDITIONS: See Attachment A.

ASSOCIATED CASE NUMBERS: 22APL-00000-00003

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

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

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

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

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

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

Print name

Signature

Date

Coastal Development Permit Approval By:

Chair, County Planning Commission

Date

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

Planning and Development Department Issuance By:

Planner

Date

ATTACHMENT A: CONDITIONS OF APPROVAL

Project Description

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

The Proposed Project is a request for a Coastal Development Permit to allow 8.98 acres of cannabis cultivation consisting of 7.72 acres of mature plant cultivation and 0.12 acres of nursery cultivation within an existing, permitted greenhouse and approximately 49,700 square feet of cultivation (processing and storage) within an existing, permitted two-story processing building. Processing activities on-site will include drying, trimming, packaging, and storage. Up to 15% of cannabis processed will be grown off-site. There will be no more than one import and export per day of cannabis grown off-site. The processing building includes office space and restrooms for employees. The Proposed Project also includes removal of a 200-square-foot shed, a 475-square-foot shade structure, a 375-square-foot pole barn, and a 980-square-foot pump house. A permitted single-family dwelling exists and will remain on-site and will not be utilized as part of the cannabis operations. The single-family dwelling is accessed via an easement over the neighboring property to the west. No tree removal, vegetation removal, or grading is proposed. Odor abatement will consist of Benzaco Scientific vapor-phase systems surrounding all cultivation areas (including processing areas). Additionally, carbon filters will be installed within processing areas. The operation will be fenced off by a six-foot high chain-link fence, part of which is existing. Additional avocado trees will be planted to provide screening of the greenhouse and processing building from public viewing areas. Lighting will consist of motion-sensing, fully shielded, and downward directed lights mounted at eight feet on existing structures and twelve-foot tall poles. Access to the cannabis operation will be provided by an existing 25-foot wide driveway off of Casitas Pass Road. Water will be provided by the Carpinteria Valley Water District. In the event that the well located on the adjacent property (APN 001-030-023) is authorized to provide water to the project site, additional water for irrigation will be provided by the well. Wastewater treatment will be provided by an existing private septic system. The cultivation will use a closed-loop irrigation system to conserve water. The operation will utilize a maximum of 70 employees. Hours of operation will be from 6:00 am – 7:00 pm daily. Forty-four parking spaces will be provided on-site. Bicycle parking and a shuttle service will be provided to reduce traffic impacts. The Facilities Manager will monitor the trip generation and alternative transportation use, including carpooling and shuttles, and will store and make available alternative transportation records every year. The Applicant agreed to observe a set of Community Odor Guidelines that were developed through collaboration between the Cannabis Association of Responsible Producers (CARP Growers) and the Coalition for Responsible Cannabis (Coalition). These Guidelines are not part of the Project Description and are not enforceable by the County, but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria's unique community and are a foundation of the Coalition's decision to support this project. The property is a 15.32-acre parcel zoned AG-I within the Carpinteria Agricultural Overlay, shown as APN 001-030-022 and addressed as 5980 Casitas Pass Road, Carpinteria, First Supervisorial District.

- 2. Proj Des-01 Project Description:** Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without

the above described approval will constitute a violation of permit approval.

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

Conditions By Issue Area

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

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

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

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

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

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

Project Specific Conditions

- 5. Cannabis-01 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.
- 6. Cannabis-02 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.

7. **Cannabis-03 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.

8. **Cannabis-04 Permit Compliance:** The Owner/Applicant/Operator shall ensure that the project complies with the County cannabis regulations, all approved plans and project conditions, including those which must be monitored after the project is built and/or operations commence. To accomplish this the Owner/Applicant/Operator shall:

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

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

- 3) Participate in Initial Compliance Inspections that may occur:
 - i. Prior to commencement of use and/or issuance of Business License,
 - ii. Within the first year (during the active growing season), and
 - 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: P&D 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.

- 9. Cannabis-05 Fencing and Security Plan:** The applicant shall implement the Fencing and Security Plan stamped “Zoning Approved”.

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

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

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

- 10. Cannabis-06 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.

- 11. Cannabis-07 Lighting Plan:** The applicant shall implement the Lighting Plan stamped “Zoning Approved”.

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

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

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

- 12. Cannabis-08 Noise Plan:** The applicant shall implement the Noise Plan stamped “Zoning Approved,”.

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

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

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

- 13. Cannabis-10 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, §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.

- 14. Cannabis-11 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 and carbon filtration 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.

- 15. Cannabis-12 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.i) 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 on-site) that all components of the approved Site Transportation Demand Management Plan are implemented.

- 16. Cannabis-13 Compliance with State Water Board Requirements:** The applicant shall demonstrate, to the satisfaction of the State Water Resources Control Board, compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy. The Policy includes limitations on the diversion of surface water and certain groundwater diversions, and regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants and fertilizers.

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

- 17. Cannabis-14 Water Efficiency for Commercial Cannabis Activities:** Water conserving features shall be included in the design of the cannabis cultivation. Water-conserving features including the following: reticulated irrigation water (zero waste), timed drip irrigation, and use of recycle water.

PLAN REQUIREMENTS: Water conserving features must comply with the requirements of the Coastal Zoning Ordinance (§ 35.144U.C.k)

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

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

- 18. Cannabis-20 Greenhouse Blackout Curtains:** The owner/applicant/operator shall install, use 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.

- 19. Unpermitted Development Removal:** The Owner/Applicant shall demolish or remove the following existing unpermitted structures: a 200-square-foot shed, a 475-square-foot shade structure, a 375-square-foot pole barn, and a 980-square-foot pump house. Prior to the initiation of any demolition or construction activities, the Owner/Applicant shall obtain a Demolition Permit, Building Permit, and/or any other permit required pursuant to the Building Code.

TIMING: The Owner/Applicant shall remove or demolish the unpermitted shed, shade structure, pole barn, and pump house within 90 days of issuance of this Coastal Development Permit.

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

- 20. Development Plan Compliance:** The Applicant shall comply with all conditions of approval of Development Plan 95DP025, including, but not limited to, the reservation of an easement for landscaping over APN 001-030-023.

TIMING: The Applicant shall provide proof of compliance to P&D staff prior to issuance of Coastal Development Permit.

MONITORING: P&D staff shall verify compliance with Development Plan 95DP025 prior to issuance

of Coastal Development Permit.

County Rules and Regulations

- 21. Rules-01 Effective Date-Not Appealable to CCC:** This Coastal Development Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. ARTICLE II §35-169.4.
- 22. 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.
- 23. Rules-05 Acceptance of Conditions:** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
- 24. Rules-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.
- 25. 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, the Coastal Zoning Ordinance.
- 26. Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changes to the approved permit plans. Substantial conformity shall be determined by the Director of P&D.
- 27. Rules-22 Leased Facilities:** The Operator and Owner are responsible for complying with all conditions of approval contained in this Coastal Development Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
- 28. Rules-23 Processing Fees Required:** Prior to issuance of this Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 29. Rules-26 Performance Security Required:** The Owner/Applicant shall post separate performance securities, the amounts and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of landscape & irrigation. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan for two years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed of all approved landscape & irrigation, plans per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape and 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/Applicant fails to install or maintain the approved landscape and irrigation, P&D may use the security to complete the work.

- 30. Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:

 1. Carpinteria-Summerland Fire Protection District dated December 23, 2019.
- 31. Rules-30 Plans Requirements:** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
- 32. 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.
- 33. Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner/Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
- 34. 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.



COUNTY OF SANTA BARBARA CALIFORNIA

PLANNING COMMISSION

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

July 15, 2022

Charlott Brownlee
Cate School
1960 Cate Mesa Road
Carpinteria, CA 93013

PLANNING COMMISSION
HEARING OF JULY 13, 2022

RE: *Appeal of 5980 Casitas Pass Cannabis Cultivation; 22APL-00000-00003, 19CDP-00000-00016*

Hearing on the request of Charlotte Brownlee, representative for the Cate School (Appellant) to consider Case No. 22APL-00000-00003, an appeal of the Director's approval of Case No. 19CDP-00000-00016 for 8.98 acres of cannabis cultivation within an existing greenhouse and processing building. The appeal was filed in compliance with Section 35-182 of the Article II Coastal Zoning Ordinance (Article II). The application involves property zoned Agricultural I (AG-I-10) on Assessor's Parcel Number 001-030-022, located at 5980 Casitas Pass Road in the Carpinteria Area, First Supervisorial District. (Continued from 06/01/22)

Dear Ms. Brownlee:

At the Planning Commission hearing of July 13, 2022, Commissioner Parke moved, seconded by Commissioner Bridley and carried by a vote of 5 to 0 to accept late submittals from Danielle and William Hahn and Mimi Maraucher Brown into the record.

Commissioner Cooney moved, seconded by Commissioner Martinez and carried by a vote of 3 to 1 (Ferini no; Commissioner Bridley absent) to:

1. Deny the appeal, Case No. 22APL-00000-00003.
2. Make the required findings for approval of the Proposed Project specified in Attachment A of the staff report dated May 24, 2022, including California Environmental Quality Act (CEQA) findings;
3. Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) is adequate and no subsequent environmental review is required pursuant to CEQA Guidelines §15162 and §15168(c) (Attachment C of the memorandum dated May 31, 2022, and Attachment D of the staff report dated May 24, 2022); and
4. Grant *de novo* approval of the Project, Case No. 19CDP-00000-00016, subject to the conditions of approval specified in Attachment B of the memorandum dated May 31, 2022, and as amended at the hearing of July 13, 2022.

REVISIONS TO CONDITIONS OF APPROVAL

Condition 35 is added as follows:

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

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

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

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

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

The attached findings and conditions reflect the Planning Commission's actions of July 13, 2022.

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

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, July 25, 2022 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$701.06 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,



FOR Jeff Wilson
Secretary to the Planning Commission

cc: Case File: 22APL-00000-00003, 19CDP-00000-00016
Planning Commission File
Owner: Van Wingerden Family Trust, 6030 Casitas Pass Road, Carpinteria, CA 93013
Applicant: Valley Crest Farms, LLC, P.O. Box 1287, Carpinteria, CA 93014
Agent: Gelare Macon, Flowers & Associates, Inc., 115 W. Canon Perdido Street, Santa Barbara, CA 93101
County Chief Appraiser
County Surveyor
Fire Department
Flood Control
Community Services Department
Public Works
Environmental Health Services
APCD
Das Williams, First District Supervisor
Michael Cooney, First District Planning Commissioner
Ben Singer, Planner

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

JW/dmv

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

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

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

1.1 **CONSIDERATION OF THE SUBSEQUENT ACTIVITIES IN THE PROGRAM**

The County Planning Commission considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Attachment D to the staff report, dated May 24, 2022, and incorporated herein by reference), along with the Proposed Project, which is an activity within the scope of the PEIR. The PEIR's certification is not limited to particular purposes or particular areas of the County. The Coastal Commission considered the County's PEIR, and found that the PEIR is consistent with the Local Coastal Program. Staff prepared a written checklist in compliance with State CEQA Guidelines Section 15168(c)(4) to document the evaluation of the site and the activity to determine that the environmental effects of the operation are covered in the PEIR (Attachment C to the memorandum, dated May 31, 2022, and incorporated herein by reference). As shown in the written checklist, the Proposed Project is within the scope of the PEIR and the effects of the Proposed Project were examined in the PEIR. Therefore, on the basis of the whole record, including the written checklist, the previously certified PEIR, and any public comments received, the Planning Commission finds that the Proposed Project will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment, and there is no new information of substantial importance under State CEQA Guidelines Section 15162, warranting the preparation of a new environmental document for the Proposed Project.

1.2 **LOCATION OF DOCUMENTS**

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

2.0 **COASTAL DEVELOPMENT PERMIT FINDINGS**

2.1 *Findings required for all Coastal Development Permits.*

2.1.1 *In compliance with Section 35-60.5 of the Article II Coastal Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.*

The Planning Commission finds that public and private services are adequately available to serve the Proposed Project. As discussed in Section 6.3 of the staff report dated May 24, 2022, adequate services are available to serve the Proposed Project. 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

private septic system will provide wastewater treatment for the site.

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

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

The Planning Commission finds that the Proposed Project conforms to the Comprehensive Plan, including the Coastal Land Use Plan, as well as the applicable provisions of the Article II Coastal Zoning Ordinance. As discussed in Sections 6.3 and 6.4 of the staff report dated May 24, 2022, the Proposed Project conforms with all applicable regulations, policies, and development standards from the Comprehensive Plan, the Coastal Land Use Plan, and Article II.

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

The Planning Commission finds that the Proposed Project is located on a legally created lot. The subject parcel is a 15.32-acre parcel that is shown as Parcel B of Parcel Map 11,615 in Book 10, Page 69 of Parcel Maps in the office of the County Recorder of Santa Barbara County.

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

The Planning Commission finds the subject property and Proposed Project is in compliance with all requirements. As described in the staff report dated May 24, 2022, upon implementation of the Proposed Project the subject parcel is in full compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks, and all other applicable provisions of the Article II Zoning Ordinance, and for the AG-I Zone District. The subject parcel contains a 200-square-foot shed, a 475-square-foot shade structure, a 375-square-foot pole barn, and a 980-square-foot pump house, which were constructed without the benefit of permits. These four structures will be removed pursuant to the project description and Condition No. 18 of Attachment B to the staff report, dated May 24, 2022, and incorporated herein by reference, and upon removal the subject parcel will conform to all requirements. Additionally, all processing fees are paid to date.



COUNTY OF SANTA BARBARA

Planning and Development

www.sbcountyplanning.org

COASTAL DEVELOPMENT PERMIT NO.: 19CDP-00000-00016

Project Name: 5980 CASITAS PASS MIXED-LIGHT CANNABIS CULTIVATION
Project Address: 5980 CASITAS PASS RD, CARPINTERIA, CA 93013
A.P.N.: 001-030-022
Zone: AG-I-10

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

APPROVAL DATE: 7/13/2022
LOCAL APPEAL PERIOD BEGINS: 7/14/2022
LOCAL APPEAL PERIOD ENDS: 7/25/2022
DATE OF PERMIT ISSUANCE (if no appeal is filed): 7/26/2022

APPEALS:

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

PROJECT DESCRIPTION SUMMARY: The Proposed Project is a request for a Coastal Development Permit to allow 8.98 acres of cannabis cultivation consisting of 7.72 acres of mature plant cultivation and 0.12 acres of nursery cultivation within an existing, permitted greenhouse and approximately 49,700 square feet of cultivation (processing and storage) within an existing, permitted two-story processing building. Processing activities on-site will include drying, trimming, packaging, and storage. Up to 15% of cannabis processed will be grown off-site. There will be no more than one import and export per day of cannabis grown off-site. The processing building includes office space and restrooms for employees. The Proposed Project also includes removal of a 200-square-foot shed, a 475-square-foot shade structure, a 375-square-foot pole barn, and a 980-square-foot pump house. A permitted single-family dwelling exists and will remain on-site and will not be utilized as part of the cannabis operations. The single-family dwelling is accessed via an easement over the neighboring property to the west. No tree removal, vegetation removal, or grading is proposed. Odor abatement will consist of Benzaco Scientific vapor-phase systems surrounding all cultivation areas (including processing areas). Additionally, carbon filters will be installed within processing areas. The operation will be fenced off by a six-foot high chain-link fence, part of which is existing. Additional avocado trees will be planted to provide screening of the greenhouse and processing building from public viewing areas. Lighting will consist of motion-sensing, fully shielded, and downward directed lights mounted at eight feet on existing structures and twelve-foot tall poles. Access to the cannabis operation will be provided by an existing 25-foot wide driveway off of Casitas Pass Road. Water will be provided by the Carpinteria Valley Water District. In the event that the well located on the adjacent property (APN 001-030-023) is authorized to provide water to the project site, additional water for irrigation will be provided by the well. Wastewater treatment will be provided by an existing private septic system. The cultivation will use a closed-loop irrigation system to conserve water. The operation will utilize a maximum of 70 employees. Hours of operation will be from 6:00 am – 7:00 pm daily. Forty-four parking spaces will be provided on-site. Bicycle parking and a shuttle service will be provided to reduce traffic impacts. The Facilities Manager will monitor the trip generation and alternative transportation use, including carpooling and shuttles, and will store and make available alternative transportation records every year. The Applicant agreed to observe a set of Community Odor Guidelines that were developed through collaboration between the Cannabis Association of Responsible Producers (CARP Growers) and the Coalition for Responsible

Cannabis (Coalition). These Guidelines are not part of the Project Description and are not enforceable by the County, but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria's unique community and are a foundation of the Coalition's decision to support this project. The property is a 15.32-acre parcel zoned AG-I within the Carpinteria Agricultural Overlay, shown as APN 001-030-022 and addressed as 5980 Casitas Pass Road, Carpinteria, First Supervisorial District. To receive additional information regarding this project and/or to view the application and/or plans, please contact Ben Singer at 624 West Foster Road, Suite C, Santa Maria, by email (bsinger@countyofsb.org), or by phone ((805) 934-6587).

PROJECT SPECIFIC CONDITIONS: See Attachment A.

ASSOCIATED CASE NUMBERS: 22APL-00000-00003

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

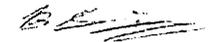
1. **Notice.** Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including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

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

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

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

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all conditions and terms thereof. Undersigned permittee also acknowledges that issuance of this permit for this project does not allow construction or use outside of the project description, nor shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

Print name	Signature	Date
Coastal Development Permit Approval By:		
	For Chair, County Planning Commission	/ 7/13/2022
Chair, County Planning Commission		Date
PERMIT ISSUANCE: The permit shall be issued and deemed effective on the date signed and indicated below.		
Planning and Development Department Issuance By:		
_____ Planner	/	_____ Date

ATTACHMENT A: CONDITIONS OF APPROVAL

Project Description

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

The Proposed Project is a request for a Coastal Development Permit to allow 8.98 acres of cannabis cultivation consisting of 7.72 acres of mature plant cultivation and 0.12 acres of nursery cultivation within an existing, permitted greenhouse and approximately 49,700 square feet of cultivation (processing and storage) within an existing, permitted two-story processing building. Processing activities on-site will include drying, trimming, packaging, and storage. Up to 15% of cannabis processed will be grown off-site. There will be no more than one import and export per day of cannabis grown off-site. The processing building includes office space and restrooms for employees. The Proposed Project also includes removal of a 200-square-foot shed, a 475-square-foot shade structure, a 375-square-foot pole barn, and a 980-square-foot pump house. A permitted single-family dwelling exists and will remain on-site and will not be utilized as part of the cannabis operations. The single-family dwelling is accessed via an easement over the neighboring property to the west. No tree removal, vegetation removal, or grading is proposed. Odor abatement will consist of Benzaco Scientific vapor-phase systems surrounding all cultivation areas (including processing areas). Additionally, carbon filters will be installed within processing areas. The operation will be fenced off by a six-foot high chain-link fence, part of which is existing. Additional avocado trees will be planted to provide screening of the greenhouse and processing building from public viewing areas. Lighting will consist of motion-sensing, fully shielded, and downward directed lights mounted at eight feet on existing structures and twelve-foot tall poles. Access to the cannabis operation will be provided by an existing 25-foot wide driveway off of Casitas Pass Road. Water will be provided by the Carpinteria Valley Water District. In the event that the well located on the adjacent property (APN 001-030-023) is authorized to provide water to the project site, additional water for irrigation will be provided by the well. Wastewater treatment will be provided by an existing private septic system. The cultivation will use a closed-loop irrigation system to conserve water. The operation will utilize a maximum of 70 employees. Hours of operation will be from 6:00 am – 7:00 pm daily. Forty-four parking spaces will be provided on-site. Bicycle parking and a shuttle service will be provided to reduce traffic impacts. The Facilities Manager will monitor the trip generation and alternative transportation use, including carpooling and shuttles, and will store and make available alternative transportation records every year. The Applicant agreed to observe a set of Community Odor Guidelines that were developed through collaboration between the Cannabis Association of Responsible Producers (CARP Growers) and the Coalition for Responsible Cannabis (Coalition). These Guidelines are not part of the Project Description and are not enforceable by the County, but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria's unique community and are a foundation of the Coalition's decision to support this project. The property is a 15.32-acre parcel zoned AG-I within the Carpinteria Agricultural Overlay, shown as APN 001-030-022 and addressed as 5980 Casitas Pass Road, Carpinteria, First Supervisorial District.

- 2. Proj Des-01 Project Description:** Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without

the above described approval will constitute a violation of permit approval.

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

Conditions By Issue Area

- 4. Noise-02 Construction Hours:** The Owner/Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m. Monday through Friday.
No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions.
Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

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

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

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

Project Specific Conditions

- 5. Cannabis-01 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.
- 6. Cannabis-02 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.

7. **Cannabis-03 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.

8. **Cannabis-04 Permit Compliance:** The Owner/Applicant/Operator shall ensure that the project complies with the County cannabis regulations, all approved plans and project conditions, including those which must be monitored after the project is built and/or operations commence. To accomplish this the Owner/Applicant/Operator shall:

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

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

3) Participate in Initial Compliance Inspections that may occur:

- i. Prior to commencement of use and/or issuance of Business License,
- ii. Within the first year (during the active growing season), and
- 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: P&D 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.

- 9. Cannabis-05 Fencing and Security Plan:** The applicant shall implement the Fencing and Security Plan stamped “Zoning Approved”.

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

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

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

- 10. Cannabis-06 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.

- 11. Cannabis-07 Lighting Plan:** The applicant shall implement the Lighting Plan stamped “Zoning Approved”.

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

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

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

- 12. Cannabis-08 Noise Plan:** The applicant shall implement the Noise Plan stamped “Zoning Approved,”.

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

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

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

- 13. Cannabis-10 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, §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.

- 14. Cannabis-11 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 and carbon filtration 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.

- 15. Cannabis-12 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.i) 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 on-site) that all components of the approved Site Transportation Demand Management Plan are implemented.

- 16. Cannabis-13 Compliance with State Water Board Requirements:** The applicant shall demonstrate, to the satisfaction of the State Water Resources Control Board, compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy. The Policy includes limitations on the diversion of surface water and certain groundwater diversions, and regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants and fertilizers.

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

- 17. Cannabis-14 Water Efficiency for Commercial Cannabis Activities:** Water conserving features shall be included in the design of the cannabis cultivation. Water-conserving features including the following: reticulated irrigation water (zero waste), timed drip irrigation, and use of recycle water.

PLAN REQUIREMENTS: Water conserving features must comply with the requirements of the Coastal Zoning Ordinance (§ 35.144U.C.k)

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

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

- 18. Cannabis-20 Greenhouse Blackout Curtains:** The owner/applicant/operator shall install, use 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.

- 19. Unpermitted Development Removal:** The Owner/Applicant shall demolish or remove the following existing unpermitted structures: a 200-square-foot shed, a 475-square-foot shade structure, a 375-square-foot pole barn, and a 980-square-foot pump house. Prior to the initiation of any demolition or construction activities, the Owner/Applicant shall obtain a Demolition Permit, Building Permit, and/or any other permit required pursuant to the Building Code.

TIMING: The Owner/Applicant shall remove or demolish the unpermitted shed, shade structure, pole barn, and pump house within 90 days of issuance of this Coastal Development Permit.

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

- 20. Development Plan Compliance:** The Applicant shall comply with all conditions of approval of Development Plan 95DP025, including, but not limited to, the reservation of an easement for landscaping over APN 001-030-023.

TIMING: The Applicant shall provide proof of compliance to P&D staff prior to issuance of Coastal Development Permit.

MONITORING: P&D staff shall verify compliance with Development Plan 95DP025 prior to issuance

of Coastal Development Permit.

County Rules and Regulations

- 21. Rules-01 Effective Date-Not Appealable to CCC:** This Coastal Development Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. ARTICLE II §35-169.4.
- 22. 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.
- 23. Rules-05 Acceptance of Conditions:** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
- 24. Rules-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.
- 25. 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, the Coastal Zoning Ordinance.
- 26. Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changes to the approved permit plans. Substantial conformity shall be determined by the Director of P&D.
- 27. Rules-22 Leased Facilities:** The Operator and Owner are responsible for complying with all conditions of approval contained in this Coastal Development Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
- 28. Rules-23 Processing Fees Required:** Prior to issuance of this Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 29. Rules-26 Performance Security Required:** The Owner/Applicant shall post separate performance securities, the amounts and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of landscape & irrigation. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan for two years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed of all approved landscape & irrigation, plans per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape and 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/Applicant fails to install or maintain the approved landscape and irrigation, P&D may use the security to complete the work.

30. **Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:
 1. Carpinteria-Summerland Fire Protection District dated December 23, 2019.
31. **Rules-30 Plans Requirements:** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
32. **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.
33. **Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project. In the event that the County fails promptly to notify the Owner/Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
34. **Rules-37 Time Extensions-All Projects:** The Owner/Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner/Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

Other

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

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

The deployment of the RCSS odor control technology, or equivalent internal scrubbing system, would require the grid-like distribution of the scrubbers throughout the interior of the cultivation greenhouse. The specific number of scrubbers will be determined by a Professional Engineer or

Certified Industrial Hygienist, consistent with Article II Section 35-144U. Additionally, the ratio of scrubbers per acre will be highly variable based on facility specific design parameters including greenhouse volume, CFM rating for the scrubbers, baseline odor concentration, etc. Therefore, the Project specific design details will be based on final site specific engineering.

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

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



CARPINTERIA~SUMMERLAND FIRE PROTECTION DISTRICT

5980, Casitas Pass Road, , Carpinteria, , CA, 93013, , Cannabis

Location	34.404957, -119.494508
Status	Planning Completed
Submittal Date:	2019-12-16
Address/Location:	5980 Casitas Pass Road Carpinteria, CA 93013
APN:	001-030-022
Comments:	Cannabis
Submittal Type:	Planning
Applicant:	Gelare Macon; Flower and Assoc.
Address	201 North Cesar Chavez Santa Barbara, CA 93103
Phone Number:	805-966-2224
Email:	gmacon@flowersassoc.com
Fire Protection Systems Existing or Required	Yes

Planning/Conceptual Design

Date Plan Review Completed:	2019-12-18
Permit Number:	19CDP-0-00016
Submittal Type:	CDP
Plans Checked By:	Todd Jenkins
Invoiced	No

Project Conditions

All work shall be done per current applicable CFC and CSFPD ordinance and standards.

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CARPINTERIA~SUMMERLAND FIRE PROTECTION DISTRICT

Access and Identification

All required access ways (public or private) shall be installed and made serviceable prior to the erection of combustible materials.

Access to this project shall conform to the requirements for the private roads and driveways set forth in the CSFPD California Fire Code Amendment Ordinance and the CSFPD Road and Driveway Standards and the Santa Barbara County Private Road and Driveway Design Standards (Section #8).

Access ways with sections in excess of 500 feet shall be provided with turnouts approximately every 500 feet. Driveway dimensions at the turnout location(s) shall provide 22 ft. of width by 50 ft. in length of driving surface not including approach and departure area.

Access ways shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building.

Dead end access roads or driveways shall terminate with a Fire District approved turnaround.

A minimum of 13 feet 6 inches of vertical clearance shall be provided and maintained for fire apparatus.

Gated access ways (if provided) shall open in the direction of ingress travel; gates shall be located thirty (30') feet from the edge of road driving surface. The location and type of gate shall be approved by the Fire District prior to installation.

A Fire District approved key entry system shall be installed in an accessible location.

Building address numbers shall be visible from the street. Numbers shall be a minimum 4" high 1" stroke on a contrasting background.

Water Requirements

Fire hydrants capable of supplying the required fire flow for fire protection shall be provided for all buildings or portions of buildings which have been or are hereafter constructed within this project.

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CARPINTERIA~SUMMERLAND FIRE PROTECTION DISTRICT

Fire Protection Systems

All new buildings and structures shall be protected by an approved automatic fire sprinkler system.

Prior to installation plans for the proposed fire sprinkler system shall be designed by a qualified person and submitted to this office for approval.

A fire alarm or sprinkler monitoring system shall be installed or modified. Prior to installation plans for the system shall be designed by a qualified person and submitted to this office for approval.

Smoke detectors and Carbon Monoxide Alarms must be installed in all residences in accordance with the current National Electric Code Per the provisions of the California Building and Fire Codes.

Prior to occupancy all alarm systems that are monitored shall be tested.

Prior to occupancy Portable Fire Extinguishers shall be mounted such that the maximum travel distance from any area will meet the standard or be less than 75 feet.

Additional Requirements

A business plan shall be submitted prior to occupancy.

Checks shall be made payable to: Carpinteria-Summerland Fire Protection District (CSFPD) and delivered to Fire District Headq

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COUNTY OF SANTA BARBARA

PLANNING COMMISSION UNAPPROVED MINUTES

Hearing of July 13, 2022
9:00 a.m.

The regular hearing of the Santa Barbara County Planning Commission was called to order by Chair Michael Cooney, at 9:06 a.m.

COMMISSIONERS PRESENT:

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

COMMISSIONERS ABSENT:

NONE.

STAFF MEMBERS PRESENT:

Lisa Plowman, Director
John Zorovich, Deputy Director
David Villalobos, Recording Secretary
Jenna Richardson, Division Chief, County Counsel
Callie Kim, Deputy County Counsel
Brian Pettit, Deputy County Counsel
Alex Tuttle, Supervising Planner, Development Review
Joe Dargel, Supervising Planner, Development Review
Kevin De Los Santos, Planner, Development Review
Ben Singer, Planner, Development Review

NUMBER OF INTERESTED PERSONS: 4

ADMINISTRATIVE AGENDA:

- I. **PLEDGE OF ALLEGIANCE**
- II. **TV COVERAGE ANNOUNCEMENT:** by David Villalobos.
- III. **ROLL CALL:** All Commissioners were present.
- IV. **RECONSIDER THE CIRCUMSTANCES OF THE COVID-19 STATE OF EMERGENCY:**
 1. Reconsider the circumstances of the COVID-19 state of emergency;
 2. Consider whether state or local officials continue to impose or recommend measures to promote social distancing;
 3. Find that the legislative body has reconsidered the circumstances of the state of emergency, and that State or local officials continue to impose or recommend measures to promote social distancing; and

4. Direct staff to continue to notice and hold hearings as remote hearings consistent with Government Code § 54953(e)(3).

ACTION: Commissioner Parke moved, seconded by Commissioner Ferini and carried by a vote of 5 to 0 to direct staff to continue to notice and hold hearings as remote hearings consistent with Government Code § 54953(e)(3).

V. **AGENDA STATUS REPORT:** by John Zorovich

VI. **PROJECTION REPORT:** by John Zorovich

VII. **PUBLIC COMMENT:** None

VIII. **PLANNING COMMISSIONER'S INFORMATIONAL REPORTS:** Commissioner Parke requests an informational report from staff regarding what is different about the Commission's work in the unincorporated communities such as Orcutt and New Cuyama, etc., and what is expected of the Planning Commission. He also reports on the good things he has heard about County staff from members of the community. Commissioner Bridley reports that she attended a housing conference on June 22, which was well-organized and attended, and that County staff shined at the event. Commissioner Cooney notes that a press release has been distributed regarding partial delay of the recently approved project at El Capitan state park.

IX. **MINUTES:** The Minutes of June 1, 2022 and June 8, 2022 were considered as follows:

ACTION: Commissioner Bridley moved, seconded by Commissioner Ferini and carried by a vote of 5 to 0 to approve the Minutes of June 1, 2022.

ACTION: Commissioner Bridley moved, seconded by Commissioner Ferini and carried by a vote of 5 to 0 to approve the Minutes of June 8, 2022, as revised.

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

XI. **STANDARD AGENDA:**

21RMM-00000-00002	Montecito Ranch Estates	
22CDP-00000-00049	Lot 7 Recorded Map Modification	Summerland
Addendum to 13NGD-00000-00020	Alex Tuttle, Supervising Planner (805) 884-8051	Kevin De Los Santos, Planner (805) 884-8051

Hearing on the request of the owner, Montecito Ranch Estates Inc., to consider Case Nos. 21RMM-00000-00002 and 22CDP-00000-00049 to allow a 1,549-square-foot expansion to the existing 15,024 square foot building envelope of Montecito Ranch Estates Lot 7, in compliance with County Code Chapter 21-15.9 and Section 35-169 of the Article II Coastal Zoning Ordinance; and to approve the Addendum to the Final Mitigated Negative Declaration (11NGD-00000-00020) for the Montecito Ranch Estates Recorded Map Modification and Lot Line Adjustment pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. There are no new significant environmental impacts as a result of the building envelope expansion request. The original MND identified significant but mitigable impacts in the following categories: Air Quality, Land Use, Recreation and Aesthetics/Visual Resources. The Addendum to the MND and all documents may be reviewed at the Planning and Development website: <https://www.countyofsb.org/160/Planning-Development>. The property was created by Vesting Tentative Tract Map (TM) 14,290 and is zoned Residential Ranchette (RR-5). The application involves Assessor Parcel No. 005-210-074, located at 2710

Montecito Ranch Place, in the Summerland Community Plan area, First Supervisorial District.
(Continued from 05/25/22)

ACTION: Commissioner Cooney moved, seconded by Commissioner Bridley and carried by a vote of 4 to 1 (Parke no) to:

1. Make the required findings, including CEQA findings, for denial of the project, Case Nos. 21RMM-00000-00002 and 22CDP-00000-00049, included as Attachment A to the memorandum dated July 5, 2022;
2. Determine that denial of this project is exempt from CEQA pursuant to State CEQA Guidelines Section 15270(a), included as Attachment B to the memorandum dated July 5, 2022; and
3. Deny the project, Case Nos. 21RMM-00000-00002 and 22CDP-00000-00049.

2. 22APL-00000-00003
19CDP-00000-00016 Appeal of 5980 Casitas Pass Cannabis Cultivation Carpinteria
17EIR-00000-00003 Joe Dargel, Supervising Planner (805) 568-3573
Ben Singer, Planner (805) 934-6587

Hearing on the request of Charlotte Brownlee, representative for the Cate School (Appellant) to consider Case No. 22APL-00000-00003, an appeal of the Director's approval of Case No. 19CDP-00000-00016 for 8.98 acres of cannabis cultivation within an existing greenhouse and processing building. The appeal was filed in compliance with Section 35-182 of the Article II Coastal Zoning Ordinance (Article II). The application involves property zoned Agricultural I (AG-I-10) on Assessor's Parcel Number 001-030-022, located at 5980 Casitas Pass Road in the Carpinteria Area, First Supervisorial District. (Continued from 06/01/22)

ACTION: Commissioner Parke moved, seconded by Commissioner Bridley and carried by a vote of 5 to 0 to accept late submittals from Danielle and William Hahn and Mimi Maraucher Brown into the record.

ACTION: Commissioner Cooney moved, seconded by Commissioner Martinez and carried by a vote of 3 to 1 (Ferini no; Bridley absent) to:

1. Deny the appeal, Case No. 22APL-00000-00003.
2. Make the required findings for approval of the Proposed Project specified in Attachment A of the staff report dated May 24, 2022, including California Environmental Quality Act (CEQA) findings;
3. Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) is adequate and no subsequent environmental review is required pursuant to CEQA Guidelines §15162 and §15168(c) (Attachment C of the memorandum dated May 31, 2022, and Attachment D of the staff report dated May 24, 2022); and
4. Grant *de novo* approval of the Project, Case No. 19CDP-00000-00016, subject to the conditions of approval specified in Attachment B of the memorandum dated May 31, 2022, and as amended at the hearing of July 13, 2022.

REVISIONS TO CONDITIONS OF APPROVAL

Condition 35 is added as follows:

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

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

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

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

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

There being no further business to come before the Commission, the hearing was adjourned until 9:00 a.m. on July 27, 2022.

Meeting adjourned at 3:09 p.m.

Jeff Wilson
Secretary to the Planning Commission