

# COUNTY OF SANTA BARBARA CALIFORNIA

## PLANNING COMMISSION

COUNTY ENGINEERING BUILDING  
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November 8, 2019

Blair Pence  
1909 W. Highway 246  
Buellton, CA 93427  
2019

PLANNING COMMISSION  
HEARING OF NOVEMBER 6,

***RE: Appeal of the Santa Rita Valley Ag. Inc. – Cannabis Cultivation; 19APL-00000-00008***

Hearing on the request of Blair Pence to consider Case No. 19APL-00000-00008, to appeal the Planning and Development Department (Director's) approval of Case No. 18LUP-00000-00351, in compliance with Section 35.102 of the Land Use and Development Code. The proposed project is an activity within the scope of the Board of Supervisors-approved Cannabis Land Use Ordinance and Licensing Program Environmental Impact Report (PEIR) (17EIR-00000-00003). The PEIR adequately describes the activity for the purposes of CEQA. The application involves property zoned AG-II-100 on Assessor Parcel Number 099-230-012, located at 7680 West Highway 246 in the Buellton Area, Third Supervisorial District. (Continued from 8/8/19)

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Dear Mr. Pence:

At the Planning Commission hearing of November 6, 2019, Commissioner Blough moved, seconded by Commissioner Ferini and carried by a vote of 3 to 2 (Bridley and Parke no) to:

1. Deny the appeal, Case No. 19APL-00000-00008;
2. Make the required findings for approval of the proposed project, including California Environmental Quality Act (CEQA) findings, specified in Attachment N to this letter;
3. Determine that the previously certified PEIR (17EIR-00000-00003) is adequate and no subsequent environmental review is required pursuant to CEQA Guidelines Sections 15162 and 15168(c)(2) (Attachment C to the staff report dated July 17, 2019, and Attachment A to the memorandum from staff to the Planning Commission, dated November 6, 2019); and
4. Grant *de novo* approval of the revised proposed project, Case No. 18LUP-00000-00351, subject to the conditions included as Attachment O to this letter.

Revised Condition No. 7:

Landscape Plan and Screening Plan: The applicant shall implement the Landscape Plan and Screening Plan stamped “Zoning Approved” and dated November 6, 2019, as revised pursuant to requirements of this condition of approval.

~~PLAN REQUIREMENTS: The Landscape and Screening Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.C.3). 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&I compliance staff.~~

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

- a. Landscaping installed with the purpose of screening commercial cannabis activities shall, within five years, reasonably screen the view of any new structure, including greenhouses and agricultural accessory structures, and onsite parking areas from the nearest public road(s). Prior to the issuance of this Land Use Permit, the applicant shall revise the landscaping plan to include additional plantings along the perimeter of the subject property, to buffer the subject property from surrounding agricultural properties. The plantings shall include a mix of native, drought-tolerant trees and shrubs trees [e.g., lemonade berry (*Rhus integrifolia*) or coast live oaks (*Quercus agrifolia*)]. Prior to issuance of this Land Use Permit, the applicant shall submit a revised landscape plan that includes the additional plantings.
- b. All landscaping shall be installed prior to initiating cultivation activities.
- c. A performance security, in an amount to be determined by a landscape architect and approved by the Department, prior to the issuance of any permits, shall be filed with the County to ensure installation and maintenance of the landscaping for two years. Said performance security shall be released upon a written statement from the Department that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed and maintained for two years.
- d. Landscaping shall be maintained for the life of the project.

~~MONITORING: P&I Permit Compliance staff inspects the project site to confirm that all components of the Landscape and Screening Plans are installed and maintained pursuant to the requirements of this condition, 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. shall monitor implementation prior to~~

final inspection and/or commencement of use, whichever occurs first, and throughout the life of the project.

New Condition No. 27:

The amount of outdoor cannabis cultivation set forth in Condition No. 1 of this Land Use Permit shall be reduced to 12.75 acres. The outdoor cannabis cultivation area shall be located within the central portion of the lot, in order to locate the outdoor cannabis cultivation area as far as possible from surrounding agricultural properties.

TIMING: Prior to issuance of this Land Use Permit, the applicant shall submit a revised site plan that identifies the location of the 11.1-acre outdoor cultivation area.

MONITORING: Permit Compliance staff shall monitor the project site to ensure that the outdoor cultivation area is located within the area identified on the revised site plan.

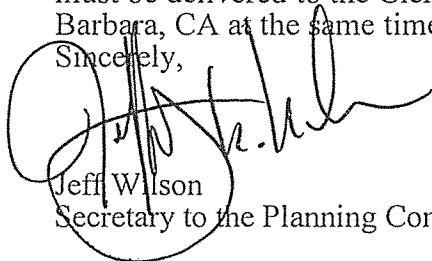
*The attached findings and conditions reflect the Planning Commission's actions of November 6, 2019.*

The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved person, the appellant, in person or through a representative, must inform the Planning Commission by appropriate means prior to the decision on this project, of the appellant's 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 50 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 the 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 does not fall on a business day 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 November 18, 2019, at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$659.92 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,



Jeff Wilson  
Secretary to the Planning Commission

cc: Case File: 19APL-00000-00008  
Planning Commission File  
County Chief Appraiser  
County Surveyor

Fire Department  
Flood Control  
Community Services Department  
Public Works  
Environmental Health Services  
APCD  
Owner: Sebastiano Sterpa, 200 West Glenoaks Blvd., Glendale, CA 92108  
Agent: John Howland Harris, 1536 Eastman Ave., Suite D, Ventura, CA 93003  
Joan Hartmann, Third District Supervisor  
John Parke, Third District Planning Commissioner  
Johannah Hartley, Deputy County Counsel  
Petra Leyva, Supervising Planner

**Attachments: Attachment N – Revised Findings**  
**Attachment O – Conditions of Approval, as revised at the November**  
**6, 2019, Planning Commission Hearing**

JW/dmv

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Attachment N Findings

REQUIREMENT	DISCUSSION
<i>Land Use Element – Land Use Development Policies</i>	
<p><i>Land Use Development Policy 4: Prior to issuance of a use permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e. water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.</i></p>	<p><b>Consistent:</b> Adequate public and private services are in place to serve the proposed project. Water will continue to be provided by two agricultural wells located on the subject site. The existing residence will continue to be served by an existing septic system. Sanitary facilities for the permanent employees will be provided by a bathroom in the existing dwelling and bringing in portable chemical toilets and hand-washing stations during harvest seasons. The Santa Barbara County Fire Department would continue to provide fire and other emergency response services to the subject parcel. The County Sheriff would continue to provide police services to the subject parcel, and the Sheriff would be involved with reviewing and approving the proposed Security Plan as part of the review of the Business License application that is required for the proposed project (Business Licensing Ordinance Section 50-11). Ingress and egress to the parcel would continue to be provided off of West Highway 246. Therefore, the proposed project is consistent with this policy.</p>
<i>Land Use Element – Hillside and Watershed Protection Policies</i>	
<p><i>Policy 1: Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain.</i></p> <p><i>Policy 2: All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to</i></p>	<p><b>Consistent:</b> The proposed project does not include any grading as the Applicant is bringing prefabricated seatrain containers onto the subject site for drying/trimming operations. The project site does not contain any known soil, geologic, flooding, erosion, or other hazards. No tree or vegetation removal is being proposed. As stated in this staff report above, the proposed project is located approximately 434 feet at the closest point to the Santa Ynez riparian corridor and is not located within the 100-year floodplain associated with the Santa Ynez river. Therefore, the proposed project is consistent with these policies.</p>

*the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.*

*Policy 5: Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized as rapidly as possible with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices.*

*Policy 6: Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained onsite whenever possible to facilitate groundwater recharge.*

*Policy 7: Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.*

**Consistent:** The subject site has no known soils that are subject to substantial or unusual erosion, and has a slope of less than 0.2%. Therefore, the proposed project is consistent with this policy.

**Consistent:** The proposed project does not include new development that would substantially alter the existing stormwater runoff drainage of the site. The existing topography of the site will not be altered and drainage will continue to flow towards Highway 246. In addition, the nearest river is located over 100 feet southeast of the subject property and is unlikely to be impacted by the proposed project's operations. Additionally, as stated in this staff report (above), the Applicant submitted a letter from the State Regional Water Quality Board, dated January 15, 2019, indicating compliance with the State Water Resources Control Board's Cannabis Cultivation Policy and the proposed project was assigned WDID number 3\_42CC403905. Therefore, the proposed project is consistent with these policies.

**Land Use Element – Historical and Archaeological Sites Policies**

*Policy 2: When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.*

**Consistent:** Leftwich Archaeology completed a Phase I Archaeological Assessment of the project site area, including both surface and subsurface survey tasks. The study included a records search at the Central Coast Information Center (CCIC), a review for known archaeological sites, previously undertaken cultural resource surveys, sites listed on the National

*Policy 5: Native Americans shall be consulted when development proposals are submitted which impact significant archaeological or cultural sites.*

Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), California Historical Monuments (CHL), or local monuments occurring within the project area, historic map and aerial photograph review, a sacred land search from the Native American Heritage Commission (NAHC), and coordination with local Native Americans. Background research did not identify any known prehistoric or historic resources within or adjacent to the project area. There was no evidence of historic structures or landform alteration within the project area, and no cultural resources are recorded within or near the project area. The proposed project will be subject to a condition of approval (Condition No.17) to require that any previously unidentified cultural resources discovered during site development are treated in accordance with the County's Cultural Resources Guidelines [Chapter 8 of the County's Environmental Thresholds and Guidelines Manual (rev.2/2018)].

On February 7, 2019, Dr. Leftwich met with Patrick Tumamait of the Barbareno/ Ventureneno Band of Chumash. It was determined that the proposed project area contained low potential for significant buried prehistoric deposits and expressed little concern with the project moving forward. Therefore, the proposed project is consistent with these policies.

***Land Use Element – Visual Resources Policies***

*Visual Resources Policy 2: In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural*

**Consistent:** The revised project description does not include the 25 searain containers that were included in the original project description and, consequently, no longer includes the construction or placement of new buildings on the proposed project site. As such, structural development associated with the proposed project will solely consist of: security fencing that will be screened by the proposed landscaping; a decorative split-



*landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.*

rail fence to be installed along the subject property's frontage along State Route 246; motion-sensor, security lighting that will be shielded, directed downward, and limited to the entrance gates to the project site; and, if required, structural alterations to an existing dwelling to allow for the use of a restroom for permanent employees for the proposed cannabis activities. Furthermore, at the hearing on November 6, 2019, the County Planning Commission revised recommended Condition No. 7 of the Land Use Permit for the proposed project, to require the applicant to enhance the proposed landscaping for the proposed project by including additional plantings within 30-feet of the subject property line. The additional landscaping will further screen the proposed project site from public viewing locations, beyond what would have been achieved with the applicant's proposed landscaping plan. Finally, the proposed project only includes grading for the planting/cultivation of cannabis, and will not substantially alter landforms. Therefore, the proposed project is consistent with this policy.

***Agricultural Element Goals & Policies***

***Agricultural Element, Goal I:*** Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.

***Agricultural Element, Policy II.D:*** Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands.

**Consistent:** The proposed project site historically has been used for grazing. The proposed project consists of the cultivation of cannabis. Therefore, although the type of agricultural activities will change on the proposed project site, the proposed project will result in the continued agricultural use of the subject property. Furthermore, the proposed project does not include the construction or placement of permanent buildings or structures on-site that would cover, and prevent agricultural use of, prime soils. Therefore, the project is consistent with this goal and policy.



## 1.1 Zoning: Land Use and Development Code

The proposed commercial cannabis activities are consistent with the Land Use and Development Code’s requirements for the AG-II-100 zone district, as they relate to permitted uses, building heights, setbacks, and parking, as discussed further below.

### 1.1.1 Intent of AG-II-100 Zoning

Pursuant to Section 35.21.020 of the Land Use and Development Code, the purpose and intent of the AG-II zone district is to preserve these lands for long-term agricultural use. As discussed in this staff report above, the proposed project will result in a change in the type of agricultural use of the property (i.e., from grazing to cannabis cultivation); however, the proposed project site will continue to be used for agriculture.

Therefore, the proposed cannabis operation meets the purpose and intent of the AG-II zone district.

### 6.4.2 Development Standards

The subject property is zoned AG-II-100. Setbacks and height limit requirements for the AG-II zone are as follows:

<b>Setbacks</b>	
<b>Front</b>	50 feet from road centerline and 20 feet from edge of right-of-way
<b>Side</b>	None
<b>Rear</b>	None
<b>Height</b>	35 feet for a residential structure, no limit otherwise

As shown in the proposed landscape and screening plan (Attachment I) and proposed plans for the searain containers (Attachment M), the proposed searain containers will comply with the front yard setback requirement and the maximum height requirement of the AG-II zone for non-residential structures. In addition, the existing structures on site that are not proposed to be a part of the cannabis operations are compliant with these setbacks and height limits.

### 6.4.3 Cannabis Regulations

Section 35.42.075 of the Land Use and Development Code establishes standards that are designed to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls, as a result of and in compliance with State law, protect neighborhood character, and minimizing potential for negative impacts on people, communities, and the environment, by establishing minimum land use requirements for medicinal and adult use cannabis activities including cultivation, processing, distribution, manufacturing, testing, and sales. As part of the LUP application, the Applicant submitted all of the required information to show that the proposed cannabis operation would be in compliance with all of the applicable standards in Section 35.42.075 of the Land Use and Development Code, as discussed below.

Development Standards from Section 35.42.075.C of the LUDC

1. *Archaeological and paleontological surveys. When commercial cannabis activities are proposed for lots that have not been subject to prior archaeological or paleontological surveys, the applicant shall provide a Phase I cultural resources study documenting the absence of presence of cultural resources in the project area. If current or previously conducted Phase I studies indicate that archaeological or other cultural sites are located in the project area, the applicant shall prepare and submit to the Department for review and approval documentation demonstrating that the resources shall be protected in accordance with applicable cultural resource protection policies. All required studies shall be prepared in accordance with applicable cultural resource protection policies. All required studies shall be prepared in accordance with the requirements of the most current County of Santa Barbara Cultural Resources Thresholds and Guidelines, and shall be submitted to the Department for review and approval. Impacts to significant cultural resources shall be mitigated to the maximum extent feasible, including the following measures:*
  - a. *In accordance with applicable cultural resource protection policies, cannabis development (e.g., buildings, grading, and trenching for utilities) shall be located in areas on a lot that would avoid impacts to significant archaeological and historic resources to the maximum extent feasible.*
  - b. *As necessary, additional studies (i.e. Phase I inventory, Phase 2 significance and impact assessment, and Phase 3 mitigation) shall be conducted at the expense of the applicant.*
  - c. *If significant cultural resources are located within 60 meters (200 feet) of ground disturbing activities, the resource shall be fenced and appropriately protected during grading and construction. For any work conducted within a prehistoric or ethnohistoric period archaeological site, the County shall require monitoring of the site during grading and construction (including abandonment) by an approved archaeologist and Native American observer, as applicable.*
  - d. *An Education workshop shall be conducted for construction workers prior to and during construction as the County deems necessary for specific projects.*

As discussed in this staff report dated August 8, 2019, the Applicant provided a Phase I Archaeological Assessment in accordance with the most current County of Santa Barbara Cultural Resources Threshold and Guidelines. The Phase I Study did not find cultural resources on the project site nor did it find a potential for impacting cultural resources. The study documented the absence of presence of cultural resources.

2. *Fencing and Security Plan.* The applicant for a permit to allow outdoor, mixed-light, or nursery cannabis cultivation development shall prepare and submit to the Department for review and approval a Fencing and Security Plan demonstrating ample security and screening of the commercial cannabis activity. The standards of this Section shall be in addition to Section 35.30.070 (Fences and Walls). Where there are conflicts between the standards in this Section and any other applicable standards of this Article, the standards in this Section shall control. The Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project, as applicable. The Fencing and Security Plan shall include the following:

a. *The Fencing Plan shall depict typical fencing details, including location, fence type, and height.*

b. *All fencing and/or walls shall be made out of material that blends into the surrounding terrain and shall minimize any visual impact.*

c. *Where fencing would separate an agricultural area from undeveloped areas with native vegetation and/or Habitat Management Plan easement area, said fencing shall use material or devices that are not injurious to wildlife and enable wildlife passage.*

d. *Prohibited security fencing materials include razor wire, tarps, dust guard fencing, privacy netting, or woven or non-woven polyethylene plastic.*

e. *The fence shall include lockable gate(s) that are locked at all times, except for during times of active ingress/egress.*

f. *No visual markers indicating that cannabis is cultivated on the site shall be visible from offsite.*

The proposed Fencing and Security Plan includes existing and proposed fencing locations, type, and height. In addition, the applicant's project is proposing to remove an existing barbwire fence that is located on the subject property, and proposing fencing of white split rail fencing along Highway 246 and the entrance to the proposed project site. The proposed Fencing Plan indicates installation of an eight-foot-tall, chain-link fence surrounding the entirety of the subject site, wherein the cannabis cultivation will occur. This fence includes a 20-foot-wide, lockable gate adjacent to the parking area, wherein



employees and emergency personnel may enter. There is no other point of access besides this gate. The fencing does not include prohibited materials and there will be no visual markers that cannabis is cultivated on the site. The proposed Fencing and Security Plan and a narrative regarding proposed fencing and security is included as part of Attachment F of the memorandum dated 11/6/19.

3. *. Landscape Plan and Screening Plan. The applicant for a permit to allow outdoor, indoor, mixed-light, or nursery cannabis cultivation development shall submit a Landscape Plan and Screening Plan to the Department for review and approval. The requirements in this Section shall also apply to the cannabis cultivation as part of a microbusiness. All cultivation shall be screened to the maximum extent feasible to avoid being seen from public places, including, but not limited to, public rights of way, shall comply with Section 35.34 (Landscaping Standards), and the standards listed below. The Landscape Plan and Screening Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable. The applicant shall demonstrate to the Department that all aspects of the Landscape Plan and Screening Plan comply with the following requirements:*
  - a. *Said Plan(s) shall include landscaping which, within five years, will reasonably screen the view of any new structure, including greenhouses and agricultural accessory structure, and on-site parking areas from the nearest public road(s).*
  - b. *All landscaping shall be installed prior to initiating the cultivation activities that are subject to the permit for the cultivation activities.*
  - c. *Prior to the issuance of any permits, a performance security, in an amount determined by a landscape architect and approved by the Department, to insure installation and maintenance for two years, shall be filed with the County. Said performance security shall be released upon a written statement from the Department that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed and maintained for two years.*
  - d. *If due to site specific conditions (e.g., slopes), and applicant believes that screening cannot be fully achieved, the applicant shall submit a Landscape Plan and Screening Plan showing what portion can be screened and written documentation, which sets forth the reasons other portions cannot be screened,*

The proposed landscape and screening plan complies with this requirement in that the plan illustrates proposing additional landscaping on the property adjacent to Highway 246. Landscaping will consist of the installation and maintenance of coastal live oaks (*Quercus agrifolia*), olive trees (*Olea europaea*), and grapevines (*Vitis*) along Highway 246, and olive trees and grapevines along the western property line. The plans demonstrate that, within five years, will reasonably screen the view of the cannabis activities from public views. The proposed Landscape Plan is included as part of Attachment F of the memorandum dated 11/6/19. In addition to planting along the perimeter of the subject property, to buffer the subject property from surrounding agricultural properties required as part of the Planning Commission's approval.



4. **Lighting Plan.** *The applicant for any commercial cannabis activity involving artificial lighting shall submit a Lighting Plan to the Department for review and approval. The standards of this Section shall be in addition to Section 35.30.120 (Outdoor Lighting), and all other applicable Sections. Where there are conflicts between the standards in this Section and any other applicable standards of this Article, the standards that are most restrictive shall control. The Lighting Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project, as applicable. The Lighting Plan shall include the following:*
- a. Plans that identify all lighting on the lot demonstrating that all lighting will comply with the standards set forth in this Section and all applicable Community and Area Plans.*
  - b. Lighting necessary for security shall consist solely of motion-sensor lights and avoid adverse impacts on properties surrounding the lot on which the cannabis activity is located.*
  - c. Any outdoor lighting used for the illumination of parking areas and/or loading areas, or for security, shall be fully shielded and directed downward.*
  - d. Lighting is prohibited in hoop structures.*
  - e. If, due to site-specific conditions, an applicant believes that a Lighting Plan is not necessary, the applicant shall submit written documentation with the application for the cannabis permit, which sets forth the reasons. The Department shall review the written documentation and determine whether a Lighting Plan must be submitted with the application for the cannabis activity.*

The proposed Lighting Plan complies with these requirements in that all lighting proposed on the property is solely for security purposes and is motion-sensored, hooded, and directed downward. The proposed lighting will be located in the parking area. The use of artificial lights will not be used for the cultivation operations; only natural lighting will be used for cultivation purposes. Additionally, the submitted Lighting Plan illustrates that illumination will not occur beyond 55 feet from the light fixture, when it is on. The structures will be located approximately 200 feet from West Highway 246; therefore, lighting will not interfere with vehicular traffic on any portion of the highway.

5. **Noise Plan.** *The applicant for indoor, mixed light, and nursery cultivation, and manufacturing (volatile and non-volatile) permits shall prepare and submit to the Department for review and approval a Noise Plan. The Noise Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project as applicable. The Noise Plan shall demonstrate compliance with the following standards:*
- a. Buildings shall be adequately soundproofed so that interior noise shall not exceed 65 decibels beyond the property. The Plan shall identify noise-generating equipment that will be used and the noise level associated with each.*

*b. Environmental control systems shall be located and/or shielded to avoid generating noise levels above 65 decibels heard by sensitive receptors, in compliance with the Santa Barbara County Noise Element.*

*c. The combined decibel level for all noise sources, as measured at the property line of the lot on which the cannabis activity is located, shall not exceed 65 decibels.*

*d. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or emergency. The noise produced by a generator shall not be audible by humans from neighboring residences.*

The proposed Noise Plan provided by the Applicant demonstrates compliance with these requirements in that the Applicant details the proposed sources of noise associated with the cannabis operations. The Applicant provided a detailed Noise Study that demonstrates the combined decibel level for all noise sources, as measured at the property line of the lot on which the cannabis activity is located, shall not exceed 65 decibels. The Applicant demonstrated that the maximum noise level will be 62.25 dB.

- 6. **Odor Abatement Plan.** The applicant for cultivation, nursery, manufacturing (volatile and non-volatile), microbusiness, and/or distribution permits, shall (1) prepare and submit to the Department for review and approval, and (2) implement, an Odor Abatement Plan. No odor abatement plan shall be required in AG-II zoning, unless a CUP is required.*

The proposed cannabis cultivation is located on property zoned AG-II and only requires a Land Use Permit, therefore, does not require an Odor Abatement Plan.

- 7. **Signage.** All signs shall comply with Chapter 35.38 (Sign Standards).*

No signs are proposed as part of this project.

- 8. **Tree Protection, Habitat Protection, and Wildlife Movement Plans.** The applicant for any cannabis permit for a site that would involve the removal of native vegetation or other vegetation in an area that has been identified as having a medium to high potential of being occupied by a special-status wildlife species, nesting bird, or a Federal or State-listed special-status plant species, shall prepare and submit to the Department for review and approval a Tree Protection, Habitat Protection, and/or Wildlife Movement Plan in accordance with Appendix J: Cannabis Activities Additional Standards. The Tree Protection, Habitat Protection, and Wildlife Movement Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the project as applicable.*

The proposed cannabis cultivation project is over 100 feet from the Santa Ynez River and is not located on a property that contains Environmentally Sensitive Habitats. Furthermore, the proposed project does not involve the removal of native vegetation or other vegetation in an area that has been identified as having a medium to high potential of being occupied by a special-status wildlife species. Therefore, the proposed project does not require a Tree Protection, Habitat Protection, or Wildlife Movement Plan.

Additional Applicable Development Standards from Section 35.42.075.D of the Land Use and Development Code

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

The revised project is removing the twenty-five sea train containers that were proposed to be located within prime soils area. Therefore avoiding prime soils.

*2. Cannabis Waste Discharge Requirements General Order. The applicant shall demonstrate compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy which includes principles and guidelines for cannabis cultivation, including regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers, within the State.*

The Applicant provided proof in the form of a letter (included as part of Attachment E) that the project complies with the State Water Resources Control Board with regard to appropriately discharging waste associated with cannabis cultivation related activities.

*3. STDMP. The applicant shall prepare and submit to the Department for review and approval a Site Transportation Demand Management Plan that includes the lot location, total number of employees, hours of operation, lot access and transportation routes, and trip origins and destinations. The Site Transportation Demand Management Plan shall include at least one of the following methods to reduce vehicle trips generated by the cultivation operation:*

- 1) Provide for carpool/shuttle/mini bus service for employees, especially during harvesting periods, on cultivation lots.*
- 2) Provide shared parking areas for ridesharing on large and/or rural lots.*
- 3) Provide bicycle storage/parking facilities.*
- 4) Provide incentives to employees to rideshare or take public transportation.*

*5) Implement compressed or flexible work schedules to reduce the number of days per week that employees are needed.*

The proposed STDMP complies with these requirements in that the Applicant has provided information regarding the proposed transportation routes, trip origins and destinations, the hours of operation, and lot access. The proposed cannabis operations will take place between 6:00 a.m. and 6:00 p.m. Harvest periods for the cannabis operation are expected to occur for one, three-week period out of the year. At harvest, the site will require 40-50 workers. During non-harvest times, the site will employ 4-5 workers. The proposed parking for the site includes approximately 44 spaces and 6 vanpool spaces, for a total proposed parking area of 50 parking spaces. The STDMP includes vanpools, bicycle storage, and monetary incentives for employees who choose to carpool in order to reduce the vehicle trips generated by the proposed cannabis activities.

*4. Water efficiency for commercial cannabis activities. To the maximum extent feasible, and to the Director's satisfaction, water-conserving features shall be included in the design of proposed cannabis cultivation. These features may include, but are not limited to:*

- 1) Evaporative barriers on exposed soils and pots.*
- 2) Rainwater capture and reuse.*
- 3) Recirculated irrigation water (zero waste).*
- 4) Timed drip irrigation.*
- 5) Soil moisture monitors.*
- 6) Use of recycled water.*

The proposed project will use raised beds with evaporative barriers and timed drip irrigation. Water will be sourced from the agricultural well on site. Rainwater will be directed into cultivated areas. Therefore, the proposed project complies with this standard.

*5. Cultivation on lots zoned AG-II located adjacent to an Existing Developed Rural Neighborhood (EDRN) and/or Urban Rural boundary, shall require approval of a Conditional Use Permit.*

The subject property is zoned AG-II, however the nearest EDRN to this property is 3,971 feet from the property line and is over 2 miles from the nearest Urban Rural boundary. Therefore, the subject site is not located adjacent to an EDRN or an Urban Rural boundary and, therefore, does not require the approval of a Conditional Use Permit.





COUNTY OF SANTA BARBARA

Planning and Development

www.sbcountyplanning.org

LAND USE PERMIT NO.: 18LUP-00000-00351

Project Name: SANTA RITA VALLEY AG., INC. - CANNABIS CULTIVATION (OUTDOOR)  
Project Address: 7680 W Highway 246, BUELLTON, CA  
A.P.N.: 099-230-012  
Zone: AG-II-100

The Planning and Development Department hereby approves this Land Use 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: 11/6/2019  
LOCAL APPEAL PERIOD BEGINS: 11/7/2019  
LOCAL APPEAL PERIOD ENDS: 11/18/2019  
DATE OF PERMIT ISSUANCE (if no appeal filed): 11/19/2019

APPEALS:

1. The approval of this Land Use 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 (CLUDC Chapter 35.102 Appeals).
2. Payment of a fee is required to file an appeal of the approval of this Land Use Permit.

**PROJECT DESCRIPTION SUMMARY:** The applicant, Santa Rita Valley Ag., Inc., requests a Land Use Permit (LUP) to allow approximately 37 acres of outdoor cannabis cultivation. Processing of cannabis will take place at another licensed facility. The application involves permitting a new fuel storage tank for a tractor and an 8 foot fence encompassing the cultivation area. A split rail fence is proposed to extend the length of the north side of the property along Highway 246 and on both sides of the driveway. Proposed landscaping will consist of adding six coastal live oaks (*Quercus agrifolia*), 19 olive trees (*Olea europaea*) along Highway 246, and eight olive trees (*Olea europaea*) along the western property line. In addition grapevines (*Vitis*) are proposed to be planted in front of the proposed security fence along Highway 246 and the property entrance to mask the security fence. There will be four motion-sensor, hooded light fixtures mounted 12 feet high, near the entry gate for security purposes. There is an existing 483 square-foot agricultural tool shed, a 1,180 square-foot residence, and a 2,200 square-foot barn onsite that are not affiliated with the cannabis operation. The residence and barn pre-date County permit requirements (constructed before 1958). The agricultural tool shed will be permitted through this LUP and will only be used by the existing residence. No grading or tree removal is proposed. There will be 4-5 regular employees and 40-50 employees during harvest periods (roughly three weeks out of the year). In addition to the agricultural workers, there will be 2-3 security personnel to monitor the property. The hours of operations will be from 6:00 a.m. to 6:00 p.m. for agricultural workers. The security personnel will work 24 hours a day for approximately two months prior to harvest and during harvest. The parcel is served by a private well, a private septic system, and the Santa Barbara County Fire Department. Access will continue to be provided off of Highway 246. The property is a 42.5-acre parcel zoned AG-II-40 and shown as Assessor's Parcel Number 099-230-012, located at 7680 West Highway 246, Buellton, Third Supervisorial District. To receive additional information regarding this project and/or to view the application and/or plans, please contact Petra Leyva at 123 East Anapamu Street, Santa Barbara, by email ([Petra@co.santa-barbara.ca.us](mailto:Petra@co.santa-barbara.ca.us)) or by phone ((805) 568-2071).

**PROJECT SPECIFIC CONDITIONS:** See Attachment "A"

**ASSOCIATED CASE NUMBERS:** 19APL-00000-00008



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. Project Description:** The applicant, Santa Rita Valley Ag., Inc., requests a Land Use Permit (LUP) to allow approximately 37 acres of outdoor cannabis cultivation. Processing of cannabis will take place at another licensed facility. The application involves permitting a new fuel storage tank for a tractor and an 8 foot fence encompassing the cultivation area. A split rail fence is proposed to extend the length of the north side of the property along Highway 246 and on both sides of the driveway. Proposed landscaping will consist of adding six coastal live oaks (*Quercus agrifolia*), 19 olive trees (*Olea europaea*) along Highway 246, and eight olive trees (*Olea europaea*) along the western property line. In addition grapevines (*Vitis*) are proposed to be planted in front of the proposed security fence along Highway 246 and the property entrance to mask the security fence. There will be four motion-sensor, hooded light fixtures mounted 12 feet high, near the entry gate for security purposes. There is an existing 483 square-foot agricultural tool shed, a 1,180 square-foot residence, and a 2,200 square-foot barn onsite that are not affiliated with the cannabis operation. The residence and barn pre-date County permit requirements (constructed before 1958). The agricultural tool shed will be permitted through this LUP and will only be used by the existing residence. No grading or tree removal is proposed. There will be 4-5 regular employees and 40-50 employees during harvest periods (roughly three weeks out of the year). In addition to the agricultural workers, there will be 2-3 security personnel to monitor the property. The hours of operations will be from 6:00 a.m. to 6:00 p.m. for agricultural workers. The security personnel will work 24 hours a day for approximately two months prior to harvest and during harvest. The parcel is served by a private well, a private septic system, and the Santa Barbara County Fire Department. Access will continue to be provided off of Highway 246. The property is a 42.5-acre parcel zoned AG-II-40 and shown as Assessor's Parcel Number 099-230-012, located at 7680 West Highway 246, Buellton, Third Supervisorial District.
- 2. Proj Des-02 Project Conformity:** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Conditions By Issue Area

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

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

MONITORING: P&D permit processing planner shall check plans prior to ISSUANCE of LAND

USE PERMIT and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

4. **CALTRANS ROAD ENCROACHMENT:** Applicant shall obtain Road Encroachment Permit from Caltrans

**TIMING:** Prior to installation of fencing, gate, gate post along Highway 246 applicant shall obtain road encroachment permit

**MONITORING:** Permit Compliance staff shall receive copy of road encroachment permit prior to applicant installing fencing, gate and gate post along Highway 246.

**Project Specific Conditions**

5. **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. **Fencing and Security Plan:** The applicant shall implement the Fencing and Security Plan stamped "Zoning Approved," dated November 6, 2019

**PLAN REQUIREMENTS:** The Fencing and Security Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.C.2).

**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.

7. **Landscape Plan and Screening Plan:** The applicant shall implement the Landscape and Screening Plan stamped "Zoning Approved," dated November 6, 2019.

**PLAN REQUIREMENTS:** The Landscape and Screening Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.C.3). 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.

8. **Lighting Plan:** The applicant shall implement the Lighting Plan stamped "Zoning Approved," dated November 6, 2019.

PLAN REQUIREMENTS: The Lighting Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.C.4).

TIMING: All components of the Lighting Plan shall be implemented prior to final building inspection. The applicant shall maintain the project site in compliance with the Lighting Plan throughout the life of the project.

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

9. **Site Transportation Demand Management (STDM) Plan:** The applicant shall implement the Site Transportation Demand Management Plan stamped "Zoning Approved," dated November 6, 2019.

PLAN REQUIREMENTS: The Site Transportation Demand Management Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.D.1.j).

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

MONITORING: The applicant shall demonstrate to P&D compliance staff (e.g., by providing a copy of an executed contract with a rideshare service or site inspections to verify that trip reduction features are installed onsite) that all components of the approved Site Transportation Demand Management Plan are implemented.

10. **Cannabis Waste Discharge Requirements:** The applicant shall demonstrate compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy which includes principles and guidelines for cannabis cultivation, including regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants and fertilizers.
11. **Water efficiency:** Water-conserving features shall be included in the design of cannabis cultivation. Water-conserving features include the following: Evaporative barriers on exposed soils and pots, Rainwater capture and reuse, and Timed drip irrigation.
12. **Underground Utilities:** Except as otherwise noted in the Project Description, all utilities shall be placed underground.

a. PLAN REQUIREMENTS: The Permittee shall restate the provisions for utility undergrounding on all building and grading plans.

b. TIMING: This condition shall be satisfied prior to issuance of building permit.

c. **MONITORING:** P&D staff shall check plans prior to issuance of building permit.

13. **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.

14. **Inspections:** All permitted commercial cannabis activities are subject to review and inspection from law enforcement or any agents of the State or County charged with enforcement of this Article and shall be at the cost of the Permittee.
15. **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.

16. **Land use entitlement compliance:** The cannabis activities authorized by this land use entitlement shall be subject to County inspection to determine compliance with the conditions of approval, Land Use Development Code Section 35.42.075, the County Code and State law.
17. **Agreement to Comply:** By signing this Land Use Permit, the Permittee hereby acknowledges and agrees to comply with all conditions of approval set forth within this approval.
18. **Mitigation Monitoring:** All permitted commercial cannabis activities are also subject to review and inspection from law enforcement or agents of the State of California.

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

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



issuance of Land Use Permit, an associated Permit Compliance case must be opened.

19. **Revocation:** This entitlement to allow commercial cannabis activities may be revoked in compliance with Chapter 35.56.140 (Revocation of Entitlement to Land Use).

#### County Rules and Regulations

20. **Rules-03 Additional Permits Required:** The use and/or construction of any structures or improvements authorized by this approval shall not commence until 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.
21. **Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changes to approved Land Use Permit and related plans. Substantial conformity shall be determined by the Director of P&D.
22. **Rules-23 Processing Fees Required:** Prior to issuance of Land Use Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
23. **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.
24. **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.
25. **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.

