



**COASTAL DEVELOPMENT PERMIT NO.:** 19CDP-00000-00017

**Project Name:** 4701 FOOTHILL ROAD MIXED-LIGHT CANNABIS CULTIVATION  
**Project Address:** 4701 FOOTHILL RD, CARPINTERIA, CA 93013  
**A.P.N.:** 004-003-008, 004-005-002  
**Zone:** AG-I-10

The Board of Supervisors 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:** 5/24/2022

**DATE OF PERMIT ISSUANCE:** 5/25/2022

**PROJECT DESCRIPTION SUMMARY:** The Proposed Project is a request for a Coastal Development Permit to allow propagation of immature plants (nursery) and mixed-light cultivation of cannabis in 10.74 acres (468,000 square feet) (sq. ft.) of space within a permitted 11.30-acre (492,251-sq.-ft.) greenhouse that has historically been used for growing cut flowers. Cultivation will utilize time drip irrigation and recycled water. No drying, trimming, curing, or processing will occur onsite. There will be up to 57 line or contract employees. Planting and harvests will take place continually year round. Hours of operation will be from 6:30 a.m. to 3:30 p.m. Monday through Saturday. There will be 51 parking spaces for the cannabis operation. To receive additional information regarding this project and/or to view the application and/or plans, please contact Gwen Beyeler at 624 West Foster Road, Suite C, Santa Maria, by email (gvonklan@countyofsb.org), or by phone ((805) 934-6269).

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

**ASSOCIATED CASE NUMBERS:** 19DVP-00000-00016

**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.

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| <b>Print name</b> | <b>Signature</b> | <b>Date</b> |
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**Coastal Development Permit Approval By:**

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| <b>Chair, Board of Supervisors</b> | <b>Date</b> |
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**PERMIT ISSUANCE:** The permit shall be issued and deemed effective on the date signed and indicated below.

**Planning and Development Department Issuance By:**

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| <b>Planner</b> | <b>Date</b> |
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**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, the hearing exhibits marked 1-14, dated May 24, 2022, 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 to allow propagation of immature plants (nursery) and mixed-light cultivation of cannabis in 468,000 sq. ft. (10.74 acres) of space within a permitted 492,251-sq.-ft. (11.30-acre) greenhouse that has historically been used for growing cut flowers. Cultivation will utilize timed-drip irrigation and recycled water in an elevated pot system. No drying, trimming, curing, or processing of harvested cannabis will occur onsite. Harvested cannabis will be transported offsite by a licensed third party distributor and will be processed at an offsite location.

The Proposed Project site (containing cannabis activities) is located on APN 004-003-008 (Parcel -008); however, the Proposed Project includes the voluntary merger of Parcel -008 with an adjacent parcel containing no existing or proposed cannabis activities, APN 004-005-002 (Parcel -002). Prior to issuance of the Coastal Development Permit, Parcel's -008 and -002 will be voluntarily merged in order for the Proposed Project to comply with the 65% lot coverage requirement of the AG-I Zone.

The cannabis premises will be enclosed by 8-ft.-tall chain link and barbed wire fencing with locked gates. Exterior lighting will be downward facing, fully shielded, and mounted a maximum height of 8 ft. There will be up to 57 full-time line or contract employees for the cannabis operation. Planting and harvests will take place continually year round. Hours of operation will be from 6:30 a.m. to 3:30 p.m. Monday through Saturday. On the parcel containing cannabis activities, there will be 51 parking spaces for the cannabis operation. On the neighboring parcel containing no cannabis activities, there will be 10 spaces available to serve non-cannabis agricultural operations including but not limited to avocados and lettuce.

The cannabis operation will be equipped with the leading active odor control technology(s) currently available to prevent cannabis nuisance odors from drifting offsite and impacting protected receptors (i.e. residential zoning). These odor control systems are described in detail within the Proposed Project's certified Odor Abatement Plan. Changes to the Odor Abatement Plan will be processed in coordination with the County and may require changes to this permit or a new permit. In addition to the Odor Abatement Plan, the Applicant has voluntarily agreed to observe a set of Community Odor Guidelines that were developed through collaboration between Cannabis Association for Responsible Producers (CARP Growers) and The Coalition for Responsible Cannabis (Coalition). These Guidelines are not part of the Project Description and not enforceable by the County, but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria's unique community, and are a foundation of the Coalition's decision to support this Project.

Existing permitted development includes one 492,251-sq.-ft. greenhouse on the parcel containing cannabis activities (Parcel -008) and a 74,052-sq.-ft. (1.7-acre) greenhouse on the parcel containing no existing or proposed cannabis activities (Parcel -002).

The following development will be demolished located on the parcel containing cannabis activities (Parcel -008):

- 4,115-sq.-ft. portion of the permitted greenhouse used for cannabis
- One 523-sq.-ft. two-car garage (cont'd next condition)

- 2. Proj Des-01 Project Description:**
- One 321-sq.-ft. reverse osmosis room
  - One 897-sq.-ft. storage room
  - One 13,208-gallon waste water tank
  - One 35,663-gallon water tank

The following as-built development associated with the cannabis operation on the parcel containing cannabis activities (Parcel -008) will be legalized:

- 4,299 sq. ft. of additions to the office
- 433 sq. ft. of additions to the boiler rooms
- One 335-sq.-ft. restroom facility
- One 821-sq.-ft. loading dock
- One 807-sq.-ft. utility/storage enclosure space
- Two 35,663-gallon water tanks
- Two 13,208-gallon water tanks
- One 145,295-gallon water tank
- 32,180 sq. ft. of greenhouse
- 1,412-sq.-ft. irrigation room
- 1,571 sq. ft. of covered storage racks

On the neighboring parcel containing no cannabis activities (Parcel -002), the following as-built development will be legalized as part of the Proposed Project:

- Two 16,134-gallon water tanks
- Two 1,165-gallon water tanks
- One 3,215-gallon water tank
- One 864-sq.-ft. accessory storage structure for fertigation and mechanical equipment
- One 1,020-sq.-ft. open lean-to storage shed used to store agricultural equipment and materials

The Proposed Project also includes a request for a setback modification to reduce the 20-ft. interior lot setback from the eastern property line to 18 ft. and the 100-ft. residential zone setback from the southern property line required by the Carpinteria Agricultural Overlay as outlined below in order to allow the following existing development located on the parcel containing cannabis activities (Parcel -008):

- One as-built 354-sq.-ft. utility shed located 18 ft. from the eastern property line
- One as-built 1,412-sq.-ft. irrigation room 68 ft. from the southern property line
- Three new 13,208-gallon water tanks located 19.5 ft., 19.5 ft., and 65 ft. from the southern property line
- Two new 35,663-gallon water tanks located 73 ft. and 85 ft. from the southern property line
- Two as-built 13,208-gallon water tanks located 20 ft. and 33 ft. from the southern property line
- Two as-built 35,663-gallon water tanks located 20 ft. and 36 ft. from the southern property line

The south and east sides of a permitted detention basin that is located on the parcel containing cannabis activities (Parcel -008) will be re-contoured requiring 1,300 cubic yards of cut and 300 cubic yards of fill. Additionally, the detention basin outlet and spillway will be replaced like-for-like consistent with current standards. No trees or vegetation will be removed. New landscaping will be planted on both parcels to further screen the Proposed Project and existing development from public viewing areas.

Access will be provided off Foothill Road via an existing 20-ft.-wide paved driveway across neighboring parcels to the north. Agricultural water will continue to be provided by an onsite agricultural well, and domestic water will continue to be provided by an existing Carpinteria Valley Water District connection. Wastewater treatment will be provided by the Carpinteria Sanitation District sewer service. Fire protection will be provided by the Carpinteria/Summerland Fire District, and law enforcement will be provided by the County Sheriff. Power will be provided by Southern California Edison and one back-up generator to be used only in emergencies. The two properties to be voluntarily merged are comprised of an 18.49-acre parcel zoned AG-I-10, containing cannabis activities, shown as APN 004-003-008 and addressed as 4701 Foothill Road and a 5.09-acre parcel zoned AG-I-10, containing non-cannabis agriculture such as lettuce and avocados, shown as APN 004-005-002 and addressed as 1495 Sterling Avenue in the Carpinteria area, First Supervisorial District.

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. **Aest-04 BAR Required:** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development and shall conform in all respects to previous BAR approval of 19BAR-00000-00125.

**TIMING:** The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of zoning clearance. Grading plans, if required, shall be submitted to P&D concurrent with or prior to BAR plan filing.

**MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.

5. **Air-01 Dust Control:** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
  - a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
  - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use

water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.

c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.

d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.

e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.

f. Order increased watering as necessary to prevent transport of dust off-site.

g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.

h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:

i. Seed and water to re-vegetate graded areas; and/or

ii. Spread soil binders; and/or

iii. Employ any other method(s) deemed appropriate by P&D or APCD.

**PLAN REQUIREMENTS:** These dust control requirements shall be noted on all grading and building plans.

**PRE-CONSTRUCTION REQUIREMENTS:** The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

a. Assure all dust control requirements are complied with including those covering weekends and holidays.

b. Order increased watering as necessary to prevent transport of dust offsite.

c. Attend the pre-construction meeting.

**TIMING:** The dust monitor shall be designated prior to 1ST GRADING permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued.

**MONITORING:** P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

- 6. 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 ZONING CLEARANCE and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

7. **Geo-02 Erosion and Sediment Control Plan:** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Chapter 14 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements.

**PLAN REQUIREMENTS:** The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to approval of land use clearances. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized.

**TIMING:** The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except pollution control measures shall be implemented year round.

**MONITORING:** P&D staff shall perform site inspections throughout the construction phase.

8. **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 8:00 a.m. and 5:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

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

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

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

- 9. SolidW-03 Solid Waste-Construction Site:** The Owner/Applicant shall provide an adequate number of covered receptacles for construction and employee trash to prevent trash & debris from blowing offsite, shall ensure waste is picked up weekly or more frequently as needed, and shall ensure site is free of trash and debris when construction is complete.

PLAN REQUIREMENTS: All plans shall contain notes that the site is to remain trash-free throughout construction.

TIMING: Prior to building permit issuance, the Owner/Applicant shall designate and provide P&D with the name and phone number of a contact person(s) responsible for trash prevention and site clean-up. Additional covered receptacles shall be provided as determined necessary by P&D.

MONITORING: Permit compliance monitoring staff shall inspect periodically throughout grading and construction activities and prior to Final Building Inspection Clearance to ensure the construction site is free of all trash and debris.

- 10. WatConv-04 Equipment Storage-Construction:** The Owner/Applicant shall designate a construction equipment filling and storage area(s) to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all GRADING and BUILDING plans.

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

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

- 11. WatConv-05 Equipment Washout-Construction:** The Owner/Applicant shall designate a washout area(s) for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in this area and removed from the site. The area shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all GRADING and BUILDING plans.

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

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

**Project Specific Conditions**



- 12. 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.
- 13. 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.

- 14. 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.

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

- 16. 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 final building inspection. 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.

- 17. 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 final building inspection. 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.

- 18. 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 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.

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

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

- 20. 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 issuance of the County Business License. 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.

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

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

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

- 22. 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 onsite) that all components of the approved Site Transportation Demand Management Plan are implemented.

- 23. 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 Land Use Permit.

- 24. 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: Timed drip irrigation, Soil moisture monitors, 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.

- 25. 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.

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.

- 26. EM-01 Emergency Generator:** In the event of a power failure, a generator may be used on the site to provide backup power. A generator is allowed for emergency backup electrical purposes only and shall only be continuously operated during an event of interruption of standard electrical service as provided by the local electrical utility company to the subject parcel. For diesel generators, engines shall be certified to meet EPA Tier 4 Final emissions standards. Pursuant to the manufacturer's routine maintenance recommendations, the generator may be exercised on a monthly basis for a period not to exceed 30 minutes. Timing: The exercise period shall be limited to the hours between 7:30 a.m. and 4:30 p.m., Monday–Friday only & shall not occur on State holidays (e.g., Thanksgiving, Labor Day, etc.). Non-emergency operation beyond 30 minutes per month shall be prohibited. Additionally, Air

Pollution Control District (APCD) permits are required for emergency standby generator engines rated at 50 BHP (brake-horsepower) or greater unless the equipment qualifies for an exemption based on low usage.

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

TIMING: If required, Permittee shall obtain an APCD Authority to Construct permit prior to engine installation, and an APCD Permit to Operate prior to engine operation. All necessary APCD permits, if required, shall be obtained prior to Final Building Inspection Clearance.

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

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

### **County Rules and Regulations**

- 28. DIMF-24d DIMF Fees-Fire:** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the Fire Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid.

The total Fire DIMF amount is estimated based on a project type of as-built commercial agricultural structures.

TIMING: Fire DIMFs shall be paid to the County Fire Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

- 29. DIMF-24g DIMF Fees-Transportation:** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for transportation. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid.

The total DIMF amount for Transportation is estimated based on a project type of as-built commercial agricultural structures.

TIMING: Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

- 30. 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].
- 31. 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.
- 32. 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.
- 33. 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.
- 34. Rules-09 Signs:** Signs. No signs of any type are approved with this action unless otherwise specified. All signs shall be permitted in compliance with Article II.
- 35. Rules-11 CDP Expiration-With CUP or DVP:** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. Prior to the expiration of a time extension approved in compliance with Subsection a. above, the review authority who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.
- A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. A Coastal Development Permit whose expiration date has been extended in compliance with the above will nevertheless expire at the earlier of: (1) the expiration of the most recent time extension or (2) the expiration of the associated Conditional Use Permit or Development Plan (as modified by any extension thereto).
- 36. Rules-16 Modification Expiration:** This Modification shall expire 12 months from the effective date if the Owner/Applicant fails to obtain a Zoning Clearance unless otherwise specified in these conditions of project approval or unless a time extension is approved in compliance with County rules and regulations. Once the Zoning Clearance for the structures has been issued, the Modification shall have the same expiration date as the issued Zoning Clearance. Any use authorized by this Modification shall immediately cease if this Modification expires.
- 37. Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changes to approved plans. Substantial conformity shall be determined by the Director of

P&D.

- 38. Rules-22 Leased Facilities:** The Operator and Owner are responsible for complying with all conditions of approval contained in this Conditional Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
- 39. Rules-23 Processing Fees Required:** Prior to issuance of Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 40. 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(s) for two years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed of all approved landscape & irrigation, plans per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape & irrigation have been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved landscape and irrigation, P&D may use the security to complete the work.
- 41. Rules-28 Greenhouse Removal:** The Owner shall sign a written agreement to comply with the County to remove greenhouse or greenhouse related development, or any portion thereof, if any component of the greenhouse development is abandoned (not in operation for 24 consecutive months). If, after 24 months of non-use for greenhouse purposes, greenhouse activities resume, such activities shall be continued without interruption for longer than 90 days within the subsequent one year period, or the facility shall be deemed abandoned and notice of such abandonment shall be served upon the landowner by the County. The Owner shall submit an application for demolition of the applicable development and restoration of agricultural lands suitable to ensure continued agricultural productivity. The removal shall occur within 180 days of issuance of a Coastal Development Permit for removal. Conversion of greenhouse development to non-agricultural uses shall not be considered in lieu of demolition or removal.

**TIMING:** The Owner shall sign the written agreement agreeing to this requirement of Article II (or any successor regulations, if the Carpinteria Agricultural Overlay is amended) prior to approval of the Coastal Development Permit.

- 42. Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:
1. Air Pollution Control District dated January 7, 2022;
  2. Environmental Health Services Division dated December 30, 2021;
  3. Carpinteria Summerland Fire District dated September 15, 2021;
  4. Flood Control Water Agency dated June 23, 2021.
- 43. 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.

- 44. 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.
- 45. 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.
- 46. Rules-35 Limits-Except DPs:** This approval does not confer legal status on any existing structures(s) or use(s) on the property unless specifically authorized by this approval.
- 47. 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**

- 48. Sensitive Receptor Setback:** The Owner/Applicant/Operator shall provide to P&D compliance staff the premise diagram of the cannabis operation submitted to the State cannabis licensing authority and the County CEO's office. The premise diagram shall demonstrate compliance with the 750-foot setback between indoor and mixed-light cannabis cultivation premises and the property line of schools, day care centers, or youth centers. The premise diagram shall also demonstrate compliance with the 600-foot setback between cannabis nursery premises and the property line of schools, day care centers, or youth centers.

**TIMING:** The Owner/Applicant/Operator shall provide the premise diagram to P&D compliance staff prior to issuance.

**MONITORING:** P&D compliance staff shall review the premise diagram and ensure that it complies with the County cannabis regulations, all approved plans, and project conditions.

- 49. Voluntary Merger:** The Owner/Applicant shall merge the two separate lots shown as Assessor's Parcel Number 004-005-002 and 004-003-008. The voluntary mergers are to be completed as directed by the County Surveyor.

**TIMING:** The Owner/Applicant shall submit to Planning and Development copies of these mergers prior to Coastal Development Permit issuance.