



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

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

Department Name: Planning and Development  
Department No.: 053  
For Agenda Of: October 4, 2022  
Placement: Departmental  
Estimated Tme: 1.5 hrs. on October 4, 2022  
Continued Item: No  
If Yes, date from: N/A  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Department: Lisa Plowman, Director, Planning and Development  
(805) 568-2086  
Contact Info: Travis Seawards, Deputy Director, Planning and Development  
(805) 568-2518  
**SUBJECT:** **Valley Crest, LLC Appeal of the Planning Commission Approval of the 5980 Casitas Pass Mixed-Light Cannabis Cultivation Project, Case Nos. 22APL-000000-00018 and 19CDP-00000-00016, First Supervisorial District**

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County Counsel Concurrence

As to form: Yes

Other Concurrence:

N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On October 4, 2022, in order to grant the appeal and approve the Project, take the following actions:

- a) Grant the appeal, Case No. 22APL-00000-00018;
- b) Make the required findings for approval of the Project, Case No. 19CDP-00000-00016 (Attachment 1), including CEQA findings;
- c) Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) is adequate and no subsequent Environmental Impact Report or Negative Declaration is required pursuant to CEQA Guidelines Sections §15162 and 15168(c)(2), and
- d) Grant *de novo* approval of the Project, Case No. 19CDP-00000-00016, subject to the conditions of approval (Attachment 2).

Alternatively, in order to deny the appeal and approve the Project, take the following actions:

- a) Deny the appeal, Case No. 22APL-00000-00018;
- b) Make the required findings for approval of the Project, Case No. 19CDP-00000-00016 (Attachment 1), including CEQA findings;
- c) Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) is adequate and no subsequent Environmental Impact Report or Negative Declaration is required pursuant to CEQA Guidelines Sections §15162 and 15168(c)(2), and
- d) Grant *de novo* approval of the Project, Case No. 19CDP-00000-00016, subject to the conditions of approval, including Condition No. 35 (Odor Abatement Plan Revision), as conditioned by the Planning Commission (Attachment B of Attachment 12).

### **Summary Text:**

On February 21, 2019, the Applicant submitted a Coastal Development Permit (CDP) application for the 5980 Casitas Pass Mixed-Light Cannabis Cultivation Project (herein after Proposed Project), Case No. 19CDP-00000-00016. The project site has been in agricultural production for over fifty years. Cannabis is currently being cultivated and processed on site based on an affidavit of legal nonconforming use. On January 28, 2022, the Planning & Development Department Director approved the Proposed Project, finding that it complied with the applicable policies of the County Comprehensive Plan and development standards set forth in Section 35-144U (Cannabis Regulations) of the Article II Coastal Zoning Ordinance (Article II). The Cate School filed a timely appeal of the Director's approval on February 8, 2022. At the July 13, 2022 hearing, the Planning Commission denied the appeal and approved the Proposed Project with an additional condition of approval that requires the Applicant to revise their Odor Abatement Plan. Specifically, the condition requires the Applicant to install carbon scrubbers in their greenhouse within 12 months of project approval and reduce or eliminate the use of vapor-phase neutralizing systems to the maximum extent feasible. On July 21, 2022, the Applicant, Valley Crest, LLC, filed a timely appeal (Case No. 22APL-00000-00018) of the Planning Commission's imposition of the Odor Abatement Plan Revision condition of approval.

### **A. Proposed Project**

The Proposed Project is a request for a Coastal Development Permit to allow 8.98 acres of cannabis cultivation consisting of 7.72 acres of mature plant cultivation and 0.12 acres of nursery cultivation within an existing, permitted greenhouse and approximately 1.14 acres (49,700 square feet) of cultivation (processing and storage) within an existing, permitted two-story processing building. Processing activities on-site will include drying, trimming, packaging, and storage. Up to 15% of cannabis processed will be grown off-site. There will be no more than one import and export per day of cannabis grown off-site. The processing building includes office space and restrooms for employees.

The Proposed Project also includes removal of the following structures:

- 200-square-foot shed;
- 475-square-foot shade structure;
- 375-square-foot pole barn; and
- 980-square-foot pump house.

A permitted single-family dwelling exists and will remain on-site and will not be utilized as part of the cannabis operations. The single-family dwelling is accessed via an easement over the neighboring property to the west. No tree removal, vegetation removal, or grading is proposed. Odor abatement will consist of Benzaco Scientific vapor-phase systems surrounding all cultivation areas (including processing areas). Additionally, carbon filters will be installed within processing areas. The operation will be fenced off by a six-foot high chain-link fence, part of which is existing. Additional avocado trees will be planted to provide screening of the greenhouse and processing building from public viewing areas. Lighting will consist of motion-sensing, fully shielded, and downward directed lights mounted at eight feet on existing structures and twelve-foot tall poles. Access to the cannabis operation will be provided by an existing 25-foot wide driveway off of Casitas Pass Road. Water will be provided by the Carpinteria Valley Water District. In the event that the well located on the adjacent property (APN 001-030-023) is authorized to provide water to the project site, additional water for irrigation will be provided by the well. Wastewater treatment will be provided by an existing private septic system. The cultivation will use a closed-loop irrigation system to conserve water.

The operation will utilize a maximum of 70 employees. Hours of operation will be from 6:00 am – 7:00 pm daily. Forty-four parking spaces will be provided on-site. Bicycle parking and a shuttle service will be provided to reduce traffic impacts. The Facilities Manager will monitor the trip generation and alternative transportation use, including carpooling and shuttles, and will store and make available alternative transportation records every year. The Applicant agreed to observe a set of Community Odor Guidelines that were developed through collaboration between the Cannabis Association of Responsible Producers (CARP Growers) and the Coalition for Responsible Cannabis (Coalition). These Guidelines are not part of the Project Description and are not enforceable by the County, but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria’s unique community and are a foundation of the Coalition’s decision to support this project. The property is a 15.32-acre parcel zoned AG-I within the Carpinteria Agricultural Overlay, shown as APN 001-030-022 and addressed as 5980 Casitas Pass Road, Carpinteria, First Supervisorial District.

## **B. Appeal Issue and Staff Response**

The appeal application (Attachment 5) contains a letter, dated July 21, 2022, that outlines the Applicant’s appeal issue. The appeal issue alleges that the Planning Commission imposed a condition beyond the requirements of Article II. The appeal issue and staff’s response are provided below.

### **Appeal Issue No. 1: Condition Exceeds Requirements of Article II**

The Applicant contends that the condition added during the Planning Commission hearing of July 13, 2022, (Attachment B of Attachment 12) exceeds the requirements of Article II. As noted above and in the appeal application (Attachment 5), the Applicant is proposing to use two odor control technologies on the site. Carbon scrubbers would be used inside the processing facility and the vapor-phase system would be used on the exterior of the greenhouse and the processing facility. The condition added by the Planning Commission requires installation and implementation of carbon scrubbers/filters as the primary odor control technology for the greenhouse no later than twelve months after project approval, and the reduction or elimination of the use of vapor-phase technology to the maximum extent feasible. The Applicant asserts that the Odor Abatement Plan (OAP) submitted as part of the Proposed Project (Attachment 7) meets the requirements of Article II as submitted.

**Staff Response:**

The Applicant submitted an OAP that meets the criteria established in Section 35-144U.C.6 (Odor Abatement Plan) Article II. As described in Section 35-144.U.C.6, the purpose of the OAP is to prevent odors related to cannabis cultivation from being experienced in residential zones. To accomplish this purpose, Article II requires that every OAP include the following components:

- A floor plan, specifying locations of odor-emitting activities and emission.
- A description of the specific odor-emitting activities that will occur.
- A description of the phases of odor-emitting activities.
- A description of all equipment and methods to be used for reducing odors. A Professional Engineer or Certified Industrial Hygienist must review and certify that the equipment and methods are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.
- Approved odor control systems, which may include, but are not limited to: carbon filtration systems, vapor-phase systems, or other odor control systems that demonstrate effectiveness in controlling odors.
- Designation of an individual who is responsible for responding to odor complaints, and their contact information

The OAP submitted by the Applicant (Attachment 7) is consistent with the requirements of Section 35-144U.C.6 of Article II. It includes a floor plan showing the locations of all odor-emitting activities and descriptions of these activities. It also contains descriptions of the equipment that will be used, consisting of vapor-phase systems around the perimeter of the greenhouse and processing building and carbon filters within the processing building, and it is certified by a Professional Engineer and Certified Industrial Hygienist. Additionally, the OAP identifies the head of security and facilities as the odor contact, and provides their phone number and email address. The OAP also indicates that upon implementation of the Proposed Project, the Applicant will upgrade to carbon scrubbers throughout the greenhouses in the event that the County determines the vapor-phase system does not effectively mitigate odors.

At the July 13, 2022, public hearing, the Planning Commission voted 3 to 1 to approve the Proposed Project, but with an additional condition of approval that required the Applicant to implement carbon scrubbing technology within 12 months of project approval to ensure that the OAP prevents odors from being experienced within residential zones. The Planning Commission recently approved other projects in the Carpinteria Valley with a similar condition, and the operators of those projects agreed to implement carbon-scrubbing technology as part of their projects. The Applicant for the Proposed Project is opposed to the additional condition.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

Total costs for processing the appeal are approximately \$5,000 (20 hours of staff time). The costs for processing cannabis project appeals are partially offset by a fixed appeal fee and cannabis tax revenues. The fixed appeal fee was paid by the Applicant in the amount of \$709.06. Funding for this project is budgeted in the Planning and Development Department’s Permitting Budget Program as shown on page 387 of the County of Santa Barbara Fiscal Year (FY) 2022-23 adopted budget.

**Special Instructions:**

The Clerk of the Board shall publish a legal notice in the *Coastal View* at least 10 days prior to the hearing on October 4, 2022. The Clerk of the Board shall forward the minute order of the hearing, proof of publication, and return one printed copy of the Cannabis Program PEIR to the attention of Planning and Development Department: Hearing Support.

**Attachments:**

1. Findings
2. Coastal Development Permit with Conditions
3. CEQA Checklist
4. Link to Program EIR
5. Appeal Application and Letter, dated July 20, 2022
6. Project Plans, dated January 14, 2022
7. Odor Abatement Plan, dated December 23, 2021
8. Carpinteria Valley Water District Intent to Serve Letter, dated August 22, 2022
9. Planning Commission Staff Report, dated May 24, 2022, and Associated Attachments
10. Planning Commission Memorandum, dated May 31, 2022, and Associated Attachments
11. Planning Commission Action Letter, dated June 3, 2022
12. Planning Commission Action Letter, dated July 15, 2022

**Authored by:**

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Development Review Division, Planning and Development Department