



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: March 1, 2022  
Placement: Departmental  
Estimated Tme: 1 hr. 40 min. on March 1,  
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  
Director: (805) 568-2086   
Contact Info: Travis Seawards, Deputy Director, Planning and Development  
(805) 568-2518

SUBJECT: **Trigueiro Appeal of the Planning Commission Approval of the G&K Farms Cannabis Processing Building, Case Nos. 21APL-000000-00032, 19CUP-00000-00062, 20AMD-00000-00003, and 19CDP-00000-00157, 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:**

Staff recommends that your Board take the following actions to deny the appeal and approve the Project:

- a) Deny the appeal, Case No. 21APL-00000-00033;
- b) Make the required findings for approval of the modified Project, Case Nos. 19CUP-00000-00062, 20AMD-00000-00003, and 19CDP-00000-00157, as specified in Attachment 1, including CEQA findings;
- c) Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) constitutes adequate environmental review and no subsequent Environmental Impact Report or Negative Declaration is required pursuant to CEQA Guidelines Sections §15162 and 15168(c)(2) (Attachments 3 and 4); and
- d) Grant *de novo* approval of the modified Project, Case Nos. 19CUP-00000-00062, 20AMD-00000-00003, and 19CDP-00000-00157, subject to the conditions of approval (included as Attachment 2).

## **Summary Text:**

On December 23, 2019, the Applicant submitted a CDP and CUP application for the G&K Farms Cannabis Processing Building Project (herein after Proposed Project), Case Nos. 19CDP-00000-00157 and 19CUP-00000-00062. On April 21, 2020, the Applicant submitted an AMD application, Case No. 20AMD-00000-00003, to supplement the previous application, and to allow the construction of the processing building in place of a greenhouse approved by Development Plan 82-DP-30. The project site has been in agricultural production for over fifty years. Cannabis is currently being cultivated on-site under Permit No. 18CDP-00000-00077.

On November 16, 2020, the County Zoning Administrator reviewed and approved the Proposed Project, finding that it complied with the applicable policies of the County Comprehensive Plan and development standards set forth in Section 35-144U (Cannabis Regulations) of the Article II Coastal Zoning Ordinance (Article II). On November 30, 2020, the Appellant, Sarah Trigueiro, filed a timely appeal (Case No. 20APL-00000-00045) of the Zoning Administrator's approval. On June 9, 2021, the Planning Commission denied the appeal and granted *de novo* approval of the Proposed Project. On June 18, 2021, the Appellant filed a timely appeal (Case No. 21APL-00000-00033) of the Planning Commission's approval.

Staff reviewed the Proposed Project and the appeal issues and determined that the Proposed Project is consistent with the Santa Barbara County Comprehensive Plan, including the Coastal Land Use Plan and Toro Canyon Plan, and Article II, the Coastal Zoning Ordinance, including Section 35-144U (Cannabis Regulations) and Section 35-102F (Carpinteria Agricultural Overlay District). The information included in this Board Agenda Letter supports *de novo* approval of the G&K Farms Cannabis Processing Building Project.

## **A. Proposed Project**

The Applicant made minor adjustments to the project description and supporting documents since the Planning Commission hearing on June 9, 2021, as shown below in strikethrough and underline below.

The Proposed Project is a request for a Conditional Use Permit (Case No. 19CUP-00000-00062), a Development Plan Amendment to 82-DP-30 (Case No. 20AMD-00000-00003), and a Coastal Development Permit (Case No. 19CDP-00000-00157) to allow for the construction of a new 25,418-square-foot, 25-foot-tall cannabis processing building and a detention basin to capture run-off from the structure.

The site is currently developed with five existing greenhouses permitted under the original Development Plan, Case No. 82-DP-30, and one existing warehouse, which was permitted under a Modification to the Development Plan, Case No. 86-M-4. Of the existing 379,757 square feet of development, 356,070 square feet is currently used for cannabis cultivation as approved by Coastal Development Permit, Case No. 18CDP-00000-00077. The proposed processing building will be used for the storage, drying, trimming, and packaging of cannabis grown both on-site and off-site. Up to 50% of the product processed in the proposed processing building will be grown off-site. Proposed grading for the Project includes 1,400 cu. yd. of cut and 1,000 cu. yd. of fill. Other required site improvements include the construction of a new storm water detention basin and septic system. No vegetation or trees are proposed for removal.

External lighting will be provided by sixteen wall-mounted full cut-off LED motion detector lights on the east, north, and west sides of the proposed building near doorways. ~~In addition to the existing vapor phase~~

~~system, the odor control system will include a new vapor phase unit, carbon filters, air curtains at main doors, spray insulation, and HVAC and negative pressure within rooms most likely to create odors. The proposed building includes carbon filters in all processing areas, HVAC, air curtains on exterior doors, spray insulation within the building, and negative pressure throughout the building to reduce fugitive odors.~~ Existing landscaping along Foothill Road screens the Proposed Project from public views. Two chillers associated with the HVAC system will be installed adjacent to the proposed building. ~~Eight boilers will be installed throughout the property as well as five 3,000-gallon water tanks. Ten new 3,450-gallon water tanks will also be installed.~~

The proposed cannabis processing building will add up to 50 new full-time year-round employees in addition to the 30 full-time year-round employees for the existing cannabis cultivation operation, for a maximum of 80 full-time year round employees for the entire cannabis operation on the property. The Proposed Project will add 18 parking spaces, including two ADA spaces, to the existing 36 parking spaces, for a total of 54 parking spaces. The operator will lease at least one 15-passenger van through CalVans (or a similar third party company) to provide daily roundtrip weekday vanpool transportation for employees commuting from Ventura County to the Project site for the life of the Project. All employee parking will be on-site and no employee parking on public roads is allowed.

The hours of operation for the processing building will be 6:00 am to 3:30 pm, seven days a week. Two emergency generators will be installed for backup power in case of an outage. Water for the processing building and all domestic uses on-site will be provided by the Carpinteria Valley Water District. The proposed processing building will contain two restroom areas for the use of employees. Wastewater treatment will be handled by a new septic system. Primary access to the site will continue to be provided through an existing easement on the neighboring parcel to the west (APN 005-280-015), which connects to Via Real. The property is a 14.66-acre parcel zoned Agricultural I (AG-I-10), shown as Assessor's Parcel Number 005-280-040, addressed as 3561 Foothill Road in the Toro Canyon Community Plan area, First Supervisorial District.

## **B. Appeal Issues and Staff Responses**

The appeal application (Attachment 5) contains a letter outlining the issues on appeal. In summary, the issues raised in the Appellant's letter assert that review of the Proposed Project by the Planning Commission was incorrectly narrow, the Proposed Project is inconsistent with the County Comprehensive Plan and Article II, Project odors pose impacts to air quality and health, cannabis is incorrectly listed as a principally permitted use in Article II, and the Proposed Project will pose impacts on food agriculture. Staff reviewed the appeal issues and found they are without merit. The appeal issues and staff's responses are discussed below.

### **Appeal Issue No. 1: Narrow Review by the Planning Commission**

The Appellant contends that the scope of the Planning Commission's discretion was incorrectly limited to only reviewing the proposed cannabis processing warehouse. Specifically, the Appellant claims that the Planning Commission failed to consider the existing Project site density and cumulative surrounding density of cannabis cultivation and processing that render the Proposed Project incompatible with the rural residential character of the Carpinteria Valley and the required elements within the Comprehensive Plan.

### **Staff Response:**

The scope of the Planning Commission's review of the Proposed Project was appropriate. The Coastal Development Permit that approved cannabis cultivation on the project site (Case No. 18CDP-00000-00077)

was granted *de novo* approval by the Board of Supervisors on August 20, 2019. The Proposed Project does not include changes to the approved CDP. The action before the Planning Commission was the Proposed Project, and the previously approved CDP was not under the Planning Commission’s purview for action, nor under the Board of Supervisors’ purview on appeal.

The Planning Commission was limited in their review to the Proposed Project and the impacts it may have on the surrounding area. The Proposed Project includes an Amendment (Case No. 20AMD-00000-00003) to the existing Development Plan (Case No. 82-DP-30) as well as a Minor Conditional Use Permit and associated Coastal Development Permit for the construction of a processing building in place of a previously permitted greenhouse. Because the Proposed Project includes an Amendment to Development Plan 82-DP-30, the Planning Commission reviewed the existing conditions of the project site, including the overall density as approved under the existing Development Plan. As specified in the Planning Commission staff report and findings of approval, dated April 27, 2021 (Attachment 11), the Planning Commission found that the Proposed Project was consistent with the County’s Comprehensive Plan, including the Coastal Land Use Plan and the Article II Coastal Zoning Ordinance.

**Appeal Issue No. 2: Inconsistency with the County Comprehensive Plan**

The Appellant contends that the Proposed Project is inconsistent with the requirements of the County Comprehensive Plan and that the Planning Commission erred in making the finding that the Proposed Project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area. The Appellant specifically calls out inconsistencies in the following areas:

- Visual Resources Goals and Policies
- Services Goals and Policies
- Agricultural Resources Goals and Policies
- Biological Resources Goals and Policies
- Coastal Land Use Plan Goals and Policies
- Toro Canyon Plan Goals and Policies

**Staff Response:**

As discussed in Section 6.3 of the Planning Commission staff report and the associated findings for approval, dated April 27, 2021 (Attachment 11), the Proposed Project is consistent with the County Comprehensive Plan, including the Coastal Land Use Plan (CLUP) and Toro Canyon Plan (TCP) and all of the required findings for approval for the Proposed Project can be made. Further discussion of the specific goals and policies identified by the Appellant is provided below.

***Visual Resources***

The Appellant states that the Proposed Project does not meet the findings regarding CLUP Policy 4-2 and Coastal Act Policy 30251, which are focused on preservation of visual resources. The Appellant asserts that the Proposed Project is not compatible with and subordinate to the scenic rural residential character of the surrounding area. The Appellant further states that the project site is fully viewable from the Toro Canyon Ridge Trail (part of Toro Canyon Park) and will impact public views of hikers.

**Staff Response:**

The Proposed Project is consistent with visual goals and policies of the Comprehensive Plan, including the Local Coastal Plan. The project site is surrounded on three sides by existing large-scale greenhouses similar

to the greenhouses onsite. The proposed building will be located between an existing greenhouse and existing warehouse and will be visually consistent with those structures. The proposed building will not be visible from any adjacent road or public viewing area. The project site is visible from portions of the Toro Canyon Ridge Trail and Toro Canyon Park, which is approximately 1,000 feet higher in elevation than the project site. From those viewing areas, the proposed building will be visually indistinguishable from the existing greenhouse development on the subject property and surrounding properties. Additionally, the Proposed Project was conceptually reviewed by the South Board of Architectural Review (SBAR) on January 24, 2020 and was directed to return for preliminary and final approval by SBAR following approval of the Proposed Project by the decision maker. Pursuant to Condition No. 9 of Attachments 2-1 and 2-2 and Condition No. 17 of Attachment 2-3, the Applicant must receive preliminary and final SBAR approval prior to the issuance of a Zoning Clearance.

### ***Services***

The Appellant asserts that the Proposed Project is inconsistent with CLUP Policy 2-6, which states that the lack of available public or private services or resources shall be grounds for denial of a project or reduction in the proposed density. The Appellant goes on to claim that the proposed Project, cumulatively with other cannabis operations in the Carpinteria Valley, will have an impact on service providers' ability to provide electricity and other utilities to the community. The Appellant claims that the Project does not conform to Toro Canyon Plan (TCP) Policy CIRC-TC-2 and TCP Policy CIRC-TC-3, which relate to roadway standards and capacity, and that the addition of up to 50 more employees to serve the processing warehouse will result in traffic impacts and is not adequately mitigated by the Site Transportation Demand Management Plan (STDMP). The Appellant asserts that there has not been adequate consideration, either in the PEIR or the permitting process, of both cumulative and project specific impacts on groundwater. In addition, the Appellant states that the Proposed Project does not meet the standard of CLUP Policy 2-6 for adequate fire protection and sheriff protection and asserts that illegal extraction activities could occur. Finally, the Appellant asserts the Proposed Project will impact the safety of the neighborhood due to increased crime.

### **Staff Response**

The Proposed Project is consistent with service-based goals and policies of the Comprehensive Plan, including the Local Coastal Plan, and the Proposed Project will be served by adequate utilities and resources.

Electrical service will be provided by Southern California Edison, and is provided upon demand from consumers and expanded as needed to meet demand. The cannabis Programmatic Environmental Impact Report (EIR) (17EIR-00000-00003) identified four impacts related to utilities and energy including cumulative impacts and specifically considered the electricity usage in the Carpinteria Valley area. It anticipated that there may be significant increases of electricity demand in the County due to cannabis operations, but also noted that the potential increased demand on service providers would be negligible with implementation of the required mitigation measures. These mitigation measures consist of energy conservation best management practices, participation in a renewable energy choice program, and licensing by the County Green Building Committee. Additionally, the projected demand would be factored into the providers' load forecasts and associated supply planning. The California Independent System Operator (CAISO), in coordination with Southern California Edison, is responsible for maintaining the electric grid. Electricity services are expanded by service providers to meet demand, consistent with applicable local, state, and federal regulations. Finally, the *Coastal View* article the Appellant cites discusses the risk of power outages associated with fires and mudslides, and there are no features of the Proposed Project that increase the risk of outages caused by natural disasters so this issue is not applicable to the Proposed Project.

The Proposed Project is adequately served by existing roads. The proposed Site Transportation Demand Management Plan (STDMP) analyzes the additional 50 employees and includes traffic reduction measures consistent with the requirements of Article II. The Proposed Project was reviewed by the Public Works – Transportation Division, Caltrans, and the Fire Department, who confirmed it meets their requirements.

The Proposed Project has adequate water. Domestic water will be provided by the Carpinteria Valley Water District, which provided a Can & Will Serve Letter for the Proposed Project (Attachment J to the Planning Commission staff report dated April 27, 2021, included as Attachment 11). Cannabis processing activities authorized by this permit, including drying, trimming, storing, and packaging, do not require the use of water. Domestic water used by staff will be minimal, and the Proposed Project will include water efficient hygiene systems as required by the Building Code. The Appellant cites the water use of a Byers Scientific vapor phase system. As demonstrated in the revised Odor Abatement Plan (OAP) (Attachment 7), the Proposed Project has been revised to remove the approved Byers system. Odors from the Proposed Project will be controlled by carbon filters, HVAC, negative pressure, and other design features that do not increase water usage, as described in the OAP (Attachment 7). Wastewater treatment will be provided by a proposed onsite wastewater treatment system. County Environmental Health Services reviewed the proposed wastewater treatment system and confirmed it can serve the Proposed Project.

The Proposed Project was adequately reviewed against all safety and fire requirements, and there is no evidence that the Proposed Project will increase crime in the area. The Proposed Project includes a Fencing and Security Plan consistent with Section 35-144U of Article II. The County Sheriff reviewed the Proposed Project, including the Fencing and Security Plan and Lighting Plan. The Sheriff provided comments on these plans and confirmed they meet their requirements. Additionally, the Sheriff must approve the Security Plan prior to issuance of a business license, and the Proposed Project is required to maintain compliance with the Sheriff's requirements for the life of the project.

### ***Agricultural Resources***

The Appellant claims that the Proposed Project does not comply with CLUP Policies 3-13 and 3-14, which relate to hillside and watershed protection through minimizing cut and fill operations, and Agricultural Element Goal 1 and CLUP Policy 8-11, which are focused on enhancing the continuation of agriculture as a major viable production industry in Santa Barbara County and the preservation of prime agricultural soils. The Appellant states that the Proposed Project does not meet the CLUP Policy 8-11 requirement of encouraging the use of in-soil cultivation methods, which clearly will not be utilized in the processing facility.

### **Staff Response:**

The Proposed Project is consistent with hillside and watershed management policies that require the minimization of cut and fill operations. Grading for the Proposed Project will include 1,400 cubic yards of cut and 1,000 cubic yards of fill, totaling a net 400 cubic yards of cut that will be exported from the site. The majority of the proposed grading is to construct a retention basin required by County Flood Control. The retention basin will capture the runoff from the proposed processing building as well as the existing buildings on-site and protect groundwater and coastal stream quality.

The Proposed Project is also consistent with the applicable agricultural goals and policies of the Comprehensive Plan, including the Local Coastal Plan. The Proposed Project consists of a request to permit a new 25,418-square-foot cannabis processing building. The only area on-site that is not designated prime soils is directly adjacent to the Arroyo Paredon Creek and contains riparian environmentally sensitive habitat (ESH). The processing building will be located on prime soils because there is not adequate space on the

subject property that is not designated prime soils. Additionally, the proposed processing building will be located on the footprint of an approved, but never constructed, greenhouse and will support the agricultural use of the property by processing cannabis product grown on the property.

Furthermore, the cultivation and processing of cannabis is an agricultural activity and, as such, the Proposed Project meets the intent of Agricultural Element Goal 1 and CLUP Policy 8-11, which are focused on enhancing the continuation of agriculture as a major viable production industry in Santa Barbara County. Section 6.3 of the Planning Commission staff report, dated April 27, 2021 (Attachment 11), includes a full analysis of the Proposed Project's consistency with the Agricultural Element and CLUP.

Finally, the requirement to encourage use of in-soil cultivation methods is not applicable to the Proposed Project, as it does not include growing cannabis, only processing cannabis.

### ***Biological Resources***

The Appellant states that the Proposed Project is inconsistent with CLUP Policy 2-11, CLUP Policy 9-1, CLUP Policy 9-37, TCP Policy BIO-TC-4, TCP DevStd BIO-TC-4.1, and TCP DevStd BIO-TC-1.7, all of which focus on protecting biological resources for environmentally sensitive habitats (ESH) and environmentally important resources, such as streams. Specifically, the Appellant asserts that the Proposed Project is not in compliance with the applicable habitat protection policies of the Land Use Plan, as required by CLUP Policy 9-1. The Appellant further argues that, given the density of the structures, parking, and hardscaping already at this project site, the Proposed Project does not meet TCP DevStd BIO-TC-4.1, which requires minimization of structures, hardscaping, and landscaping to avoid disruption and fragmentation of biological resources in ESH areas. The Appellant additionally alleges that the Proposed Project's usage of a Byers odor control system poses significant risks to water, soil, plant life, and animal life in the ESH, as well as resident and coastal visitor health, and does not meet the standards of TCP DevStd BIO-TC-1.7, which prohibits insecticides, herbicides or any toxic chemical substance within and adjacent to ESH.

### **Staff Response:**

The Proposed Project is consistent with biological goals and policies of the Comprehensive Plan, including the Local Coastal Plan.

The Proposed Project will not impact biological resources from ESH or environmentally important resources, such as streams. The Proposed Project is located on a heavily disturbed area on the subject parcel that has historically been used for hoop structures, shade structures, and equipment storage. The project site meets the 100-foot buffer from ESH required by CLUP Policy 9-37. The Proposed Project will also not result in disruption or fragmentation of ESH. The proposed processing building is not sited between two ESH areas or within a wildlife movement corridor, and the Proposed Project does not include the removal of native vegetation or trees. Lighting associated with the Proposed Project will be fully hooded, downward facing, and motion sensing with a timer and will therefore not disrupt any biological resources. An existing 16,660-square-foot warehouse is between the new processing building location and the ESH, further buffering the ESH from any light and noise generated by the Proposed Project. The Proposed Project has been revised and no longer includes the use of a Byers Vapor Phase System and will instead rely on carbon filters, HVAC, and negative pressure to control odors and will not utilize and odor neutralizing chemicals, insecticides, herbicides, or any toxic chemical substance which has the potential to significantly degrade ESH.

### ***Coastal Land Use Plan and Toro Canyon Plan***

The Appellant contends that the Proposed Project is inconsistent with CLUP Policy 3-19, TCP Policy WW-TC-2, and TCP DevStd WW-TC-2.9, which relate to safeguarding water quality. These policies and standards require that new development does not degrade the water quality of groundwater basins, nearby streams, or wetlands and that pollutants are not discharged into or alongside coastal streams or wetlands during or after construction. The Appellant also asserts that the Proposed Project is inconsistent with TCP Policy WW-TC-1, which requires adequate wastewater treatment for new development and infrastructure.

**Staff Response:**

The Proposed Project is consistent with the Coastal Land Use Plan and Toro Canyon Plan. The Proposed Project will also not degrade water quality of groundwater basins, nearby streams or wetlands, and does not include the use of pollutants such as chemicals, fuels, lubricants, or other harmful waste. As discussed above, the Proposed Project no longer includes the use of a Byers vapor phase system for odor abatement, and instead, the Proposed Project will utilize carbon filters, HVAC, negative pressure, and other design features as described in Attachment 7. As such, the Proposed Project does not include the use of any chemical odor abatement systems. Additionally, the Proposed Project includes the implementation of a new detention basin to capture stormwater runoff and a new septic system for wastewater treatment. County Flood Control and Environmental Health Services reviewed the Proposed Project and confirmed that the new stormwater retention and septic systems meet all standards and requirements. Section 6.3 of the Planning Commission staff report, dated April 27, 2021 (Attachment 11), further details the Proposed Project's consistency with the goals, policies, and development standards for the Coastal Land Use Plan and Toro Canyon Plan.

**Appeal Issue No. 3: Impacts to Air Quality and Health**

The Appellant contends that the Proposed Project will impact air quality and health and safety due to emissions and odor. Specifically, the Appellant states that the Proposed Project will diminish the ability for local residents and visitors to enjoy outdoor and indoor spaces and that a processing facility generates much more concentrated air quality and odor emission concerns than a greenhouse grow. The Appellant references a letter from Dr. Patricia A. Holden from UCSB's Bren School of Environmental Science and Management, and states that cannabis plants create BVOC emissions, including terpenes, that can contribute to air pollution, may cause other health impacts, and have the potential to be precursors of ground level ozone. The Appellant references research completed by Dr. Vizuete, a UNC Associate Professor of Environmental Sciences and Engineering at the UNC Gillings Schools of Global Public Health, and asserts that the studies found evidence that the concentrated presence of cannabis grows in the Denver area produces sufficient levels of BVOCs to affect local atmospheric chemistry and air quality.

Finally, the Appellant asserts that the proposed emergency back-up generators will create additional air quality and noise concerns given the frequency and duration of electrical outages and fire-prevention-related shut-offs in the Carpinteria Valley.

**Staff Response:**

The Proposed Project has been revised to no longer include the use of a Byers Vapor Phase System, and will instead rely on carbon filters, HVAC, negative pressure, and other design features for odor abatement. The Proposed Project will not result in significant air quality and health and safety impacts. The Proposed Project will instead rely on carbon filters within processing areas and HVAC and negative pressure to limit odor and emissions escaping from the building. The Odor Abatement Plan (OAP) (Attachment 7) discusses the effectiveness of these odor control methods and is certified by a certified industrial hygienist. The proposed generators will be used for emergencies and routine testing only, and they will be permitted and used in compliance with Santa Barbara County Air Pollution Control District requirements.



There is no substantial evidence identifying any potential chronic health risks associated with inhalation of cannabis biogenic VOCs. All living things emit biogenic VOCs, and therefore, biogenic VOCs are ubiquitous. Biogenic VOCs produced by plants are involved in plant growth development, reproduction, and defense. Cannabis plants primarily produce a kind of biogenic VOC called monoterpenes, which are aromatic oils that provide cannabis varieties with distinctive flavors like citrus, berry, mint, and pine. These are the same kind of terpenes that are found in other plants such as roses, orange trees, rosemary, and pine trees. Biogenic VOCs react in the atmosphere creating ozone, which can have associated health risks at significant concentrations. Significant concentrations of ground level ozone can damage plants and affect human health, however, as described in the paragraph below, cannabis does not produce extreme levels of biogenic VOCs and is not expected to contribute to the substantial formation of ozone in this County.

The emission rate of biogenic VOCs varies between types and species of plants and, in the case of cannabis, between different strains. Biogenic VOC production is also proportional to the leaf mass of a plant and is measured in micrograms of VOC produced per gram of leaf mass over one hour ( $\mu\text{g}\cdot\text{g}^{-1}\cdot\text{hr}^{-1}$ ). Research by Wang et al. (Wang, Attachment 18) estimated an average plant mass of 3.77 kilograms per cannabis plant, with a maximum recorded of 13.405 kilograms. Research by the same group measured the ozone formation potential (OFP) of three strains of cannabis VOC emission rate, ranging from  $22 \mu\text{g}\cdot\text{g}^{-1}\cdot\text{hr}^{-1}$  to  $41 \mu\text{g}\cdot\text{g}^{-1}\cdot\text{hr}^{-1}$  (Wang, Attachment 18). Coast live oak trees (*Quercus Agrifolia*), a native tree in Santa Barbara County, have an estimated OFP of greater than  $200 \mu\text{g}\cdot\text{g}^{-1}\cdot\text{hr}^{-1}$  (EPA, Karlik, Wang, Attachment 18). Additionally, an individual coast live oak tree will have significantly more leaf mass than an individual cannabis plant, therefore producing substantially greater quantities of biogenic VOCs and ozone. Therefore, evidence shows that cannabis plants produce lower levels of biogenic VOCs than common native and ornamental plants.

Additionally, the Appellant cites research by Dr. Vizuete on commercial cannabis operations in Colorado and the impact of BVOCs on the local atmospheric chemistry and air quality. However, as explained by Dr. Vizuete during the August 20, 2019 Board of Supervisors Hearing<sup>1</sup> (Attachment 19), the same model that demonstrated cannabis BVOCs can contribute to the substantial formation of ozone in the City of Denver also demonstrated that, by incorporating meteorological variable and atmospheric conditions specific to Santa Barbara County, cannabis BVOCs are not expected to contribute to the substantial formation of ozone in this County.

VOCs and terpenes are discussed in the PEIR and were considered as part of the analysis of air quality impacts. Emissions from operations of cannabis activities was determined to be a significant and unavoidable (Class I) impact. The Board of Supervisors adopted a Statement of Overriding Considerations for the Class I impacts, and the 30-day statute of limitations to challenge the adequacy of the PEIR expired without legal challenge.

#### **Appeal Issue No. 4: Odor Issues**

The Appellant identifies three odor issues related to the Proposed Project: 4.A) odor issues with the existing, permitted cannabis operation on-site; 4.B) inadequacies of the proposed Odor Abatement Plan (OAP); and 4.C) inadequate enforcement by the County.

#### **4.A – Existing Cannabis Operation Odor**

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<sup>1</sup> Dr. William Vizuete Presentation at the Board of Supervisors Hearing of August 20, 2019 at 6:43:13  
[http://sbcounty.granicus.com/player/clip/3591?view\\_id=3&redirect=true](http://sbcounty.granicus.com/player/clip/3591?view_id=3&redirect=true)

The Appellant contends that the Applicant's permitted cannabis cultivation operation is not compliant with their OAP and the requirement of Article II because noxious cannabis odors are present most days when driving past the property on Foothill Road and that no new permits should be granted until it is in full compliance. The Appellant further claims that the odors are often perceptible on the Via Real side of the property as well as on Padaro and Santa Clause Lane and the associated beaches, and are causing significant nuisance and poor air quality in residential zones. The Appellant states that the proposed OAP will not be able to fully contain the emissions associated with cannabis processing.

**Staff Response:**

The subject parcel is in compliance with all laws, rules, and regulations for odor abatement, and the Proposed Project, as described in Appeal Issue 4.B below, includes an OAP that will adequately mitigate odors from the proposed building pursuant to the requirements for odor abatement in Section 35-144U.C.6 of Article II. The Coastal Zoning Ordinance requires cannabis projects to prevent odors from being experienced within residential zones, but does not include requirements for agricultural zones, and the subject property and all adjacent properties are agriculturally zoned.

There are no existing violations on the property. A Zoning Violation case is open to log and track odor complaints and each complaint is investigated by P&D zoning enforcement and compliance staff. There is an active Permit Compliance case monitoring the existing, permitted cultivation on-site, which ensures continued compliance with Article II and the conditions of approval for the cultivation permit (18CDP-00000-00077). Similarly, the Proposed Project is required to comply with all Conditions of Approval (Attachment 2), further discussed in detail in Appeal Issue 4.C below.

**4.B – Inadequate OAP**

The Appellant contends that the proposed OAP is inadequate because it allows the grower to make the determination and judgement as to whether an odor complaint has merit and will thus not effectively control odors from the Proposed Project. The Appellant further asserts that the OAP should be modified to require numerous changes, including but not limited to: greater distance for community outreach on notifications, additional weather monitoring for the life of the project, and additional investigation for intermittent odor issues.

**Staff Response:**

The proposed OAP (Attachment 7), which is certified by a Certified Industrial Hygienist, will adequately mitigate odors from the Proposed Project. The OAP explains that the primary odor generating activities within the proposed building will include drying, bucking, curing, trimming, storage, and packaging. The proposed building will utilize a combination of carbon filters in all processing areas, air curtains on exterior doors, spray insulation within the building, and negative pressure throughout the building to reduce fugitive odors. Additionally, the OAP includes best available control technologies (BACT) analysis, weather monitoring, odor complaint tracking and response, and community participation and outreach. The OAP does not include the use of any vapor phase systems or other odor neutralizing agent to reduce odors from the Proposed Project. The permitted cultivation operation within the greenhouses on-site does utilize a vapor phase system to reduce odors from growing and harvesting cannabis, and will continue to do so, however, the proposed building will rely solely on carbon filters, HVAC, negative pressure, and other design features for odor abatement.

The OAP must prevent odors from being experienced within residential zones. The La Mirada Existing Developed Rural Neighborhood (EDRN) and the Padaro Lane EDRN are comprised of residentially zoned

parcels (E-1 and R-1 Zone Districts, respectively) and are located across from the subject property, separated by Foothill Road (State Route 192) and Highway 101. The EDRN property lines are approximately 350 feet and 675 feet, respectively, from the subject parcel and are both approximately 1,000 feet from the project location. Regardless of the distance, if odor is identified on residentially zoned parcels, the OAP (Attachment 7) requires that the Operator take corrective actions. The OAP includes protocols to monitor, receive, and respond to odor complaints. Upon receipt of an odor complaint, the Operator must notify P&D, investigate the complaint and cause, and take corrective actions. Specific requirements and actions are detailed, and the Operator does not have discretion over whether the complaint is legitimate. Additionally, action taken, or not taken, by the Operator does not preclude P&D from pursuing enforcement actions.

#### **4.C – Inadequate Enforcement Capability**

The Appellant contends that the County has been unable to adequately enforce the conditions and requirements on permitted cannabis operations and that no new permits should be granted until there is increased enforcement capacity.

#### **Staff Response:**

The Proposed Project was appropriately reviewed and meets all of the regulations for cannabis projects pursuant to Section 35-144U of Article II, and there is adequate enforcement in place to ensure the Proposed Project complies with all permit requirements. The Proposed Project is subject to the Conditions of Approval (Attachment 2), which include a requirement for Permit Compliance with the County. Permit Compliance requires inspections and monitoring by County staff. Additionally, Permit Compliance costs and fees will be paid by the Operator, and may include costs for Business License review and for P&D to hire and manage outside consultants when deemed necessary by P&D staff. Any violations submitted on the subject property will be subject to enforcement actions by the County as required. P&D staff will investigate and determine the validity of any complaint received, and pursue enforcement actions as necessary.

#### **Appeal Issue No. 5: Cannabis as a Principally Permitted Use**

The Appellant contends that Article II erroneously allows cannabis cultivation activities in the AG-I Zone District and erroneously designates cannabis cultivation a principally permitted use.

#### **Staff Response:**

Section 35-144U of Article II allows cannabis cultivation, including drying, curing, and trimming, in the AG-I Zone District as a principally permitted use. Section 35-144U was added to Article II by Ordinance 5028 (Case No. 17ORD-00000-00010). The Board of Supervisors reviewed and approved the Ordinance at the February 6, 2018 hearing. The Board of Supervisors subsequently reviewed and approved changes to the Ordinance at the February 27, 2018 hearing. The California Coastal Commission reviewed the Ordinance and certified it on November 7, 2018. Each decision-making body fully reviewed and approved the Ordinance as consistent with the Coastal Act. Additionally, cannabis cultivation was made a principally permitted use by the suggested modifications provided by the California Coastal Commission during their review. The changes made to Article II by the Ordinance are not subject to this appeal, and the statute of limitations to submit a legal challenge of the Ordinance has concluded without challenge.

#### **Appeal Issue No. 6: Impacts on Food Agriculture**

The Appellant contends that the Proposed Project conflicts with and negatively impacts the established agriculture in the area. Specifically, the Appellant asserts that the Proposed Project threatens the viability of legacy food crops due to concerns about pesticide drift and results in a loss of prime agricultural soils.

**Staff Response:**

The Proposed Project is compatible with existing agriculture in the area. As discussed in detail in Section 6.3 of the Planning Commission staff report dated April 27, 2021 (Attachment 11), the cultivation of cannabis, including storing, drying, trimming, and packaging, is an agricultural use allowed within agricultural zones, and the Proposed Project will support and expand the existing agricultural uses on the property through the construction of a processing building. The processing building supports agriculture by processing cannabis, an agricultural product, and preparing cannabis for retail sales. The processing building will not preclude any other agricultural activity in the area from occurring. Additionally, as discussed in Appeal Issue No. 2, above, the Proposed Project avoids prime soils to the degree feasible.

The Appellant also cites concerns about pesticide drift as a way the Proposed Project will infringe on legacy food agriculture. However, the California Department of Pesticide Regulation (DPR) does not allow substantial pesticide drift onto non-target crops or non-target private property (California Code of Regulations, Title 3 – Food and Agriculture, Section 12972 and 12973). The regulatory framework governing pesticide drift and the requirement for all agricultural operators to comply with those regulations is not limited to areas adjacent to cannabis cultivation. Additionally, the Proposed Project consists of an enclosed processing building. Therefore, the Proposed Project will not affect pesticide applications on surrounding properties provided that the pesticides are being applied in compliance with State regulations.

**Appeal Issue No. 7: Inconsistency with Article II**

The Appellant contends that the Proposed Project is inconsistent with the standards and requirements of Article II, including the intent of the AG-I Zone District, Carpinteria Agricultural Overlay, Greenhouses and Related Development Standards, and the Cannabis Ordinance.

**Staff Response:**

The Proposed Project is consistent with the requirements of Article II, as discussed in Section 6.4 of the Planning Commission staff report dated April 27, 2021 (Attachment 11). The Proposed Project is consistent with the intent of the AG-I Zone District to designate and protect land appropriate for long-term agricultural use within or adjacent to urbanized areas, and to preserve prime agricultural soils. The Proposed Project will benefit the existing agriculture operations on the project site. As discussed in Appeal Issue No. 2 above, the Proposed Project protects prime soils to the extent feasible. The Proposed Project also meets the required setbacks, height limits, and parking requirements of the AG-I Zone District.

The Proposed Project is also consistent with the intent of the Carpinteria Agricultural Overlay to designate geographic areas of AG-I-zoned lands in the Carpinteria Valley appropriate for the preservation of open field agricultural uses. The project site is located within Area A of the Carpinteria Agricultural Overlay, which allows future expansion of greenhouse, greenhouse related development, packing and shipping facilities, shade structures, and hoop structures on AG-I-zoned lands. The Proposed Project consists of a new building to process, pack, and ship cannabis in support of the existing greenhouses on-site. As discussed in Section 6.4.6 of the Planning Commission staff report dated April 27, 2021 (Attachment 11), the Proposed Project is consistent with all development standards of the Carpinteria Agricultural Overlay for greenhouses and related development pursuant to Section 35-102F of Article II.

Additionally, the Proposed Project is consistent with Section 35-144U (Cannabis Regulations) of Article II. As discussed in Section 6.4.7 of the Planning Commission staff report dated April 27, 2021 (Attachment 11), the Proposed Project is consistent with all development standards for commercial cannabis activities, including but not limited to standards for security fencing, landscaping, lighting, noise, and odor abatement.

### ***Greenhouse and Related Development Standards***

The Appellant asserts that the Proposed Project does not conform with the following Greenhouse and Related Development Standards of Section 35-102F.9 of Article II:

- Standard 1: Required landscape screening plan
- Standards 4 and 5: Required minimization of polluted runoff
- Standard 8: Required orientation to reduce glare
- Standard 9: Required minimization of hardscaped areas
- Standards 11 and 12: Required noise reduction
- Standard 17: Required utilization of low-NOx burners in boilers, steam generators, and process heaters
- Standards 18 and 19: Required minimization of visual impacts from public views
- Standard 24: Required removal of abandoned greenhouses
- Standard 25: Required Traffic Management Plan, and
- Standard 26: Required Pro-rate contribution for peak hour trip traffic increases

### **Staff Response:**

The Proposed Project is consistent with all development standards listed in Section 35-102F.9 of Article II, as described in Section 6.4.6 of the Planning Commission staff report dated April 27, 2021 (Attachment 11). The Proposed Project is adequately screened by the existing landscaping that was approved by the Landscaping Plan under Case No. 18CDP-00000-00077. As discussed under Appeal Issue No. 2 above, the project site cannot feasibly be screened from the Toro Canyon Ridge Trail or Toro Canyon Park, which is approximately 1,000 feet higher in elevation than the project site. The Proposed Project does not include the use of a Byers vapor phase system, and will not produce any polluted runoff. The proposed processing building is aligned north to south, as required by Standard 8. Additional glare reduction is not required by Standard 8. Hardscaping associated with the Proposed Project consists solely of the structure and required parking, and as discussed under Appeal Issue No. 2 above, the Proposed Project minimizes impacts to prime soils to the extent feasible. As described on Sheet SP-101 of Attachment 6, no noise associated with the Proposed Project will exceed the allowable limit of 65 decibels at a property boundary. Emergency generators do not have requirements under Standard 17, which requires the use of low-NOx burners in boilers, steam generators, and process heaters, but not in emergency generators. The Proposed Project includes an Amendment to Development Plan 82-DP-30, which is vested by the construction of the five existing greenhouses. Though the sixth greenhouse was never constructed, it could be constructed consistent with 82-DP-30. The Proposed Project includes a STDMP, which meets all requirements of a Traffic Management Plan required by Standard 25, and will pay peak hour trip fees as applicable.

### ***Cannabis Ordinance***

The Appellant also states that the Proposed Project does not comply with the Article II Cannabis activities development standards in the following areas:

- Water quality protection
- Landscaping and screening
- Lighting

- Noise
- Odor
- Tree protection, habitat protection, and wildlife movement
- Indoor/outdoor cultivation definition
- Site Transportation Demand Management

**Staff Response:**

The Proposed Project is consistent with all Cannabis regulations and development standards as described in Section 6.4.7 of the Planning Commission staff report dated April 27, 2021 (Attachment 11). The Proposed Project is consistent with water quality requirements and is required to comply with the State Water Resource Control Board’s Cannabis Cultivation Policy pursuant to Condition No. 11 of Attachment 2-3. As discussed above, the Proposed Project is adequately screened by existing landscaping and cannot be feasibly screened from the Toro Canyon Ridge Trail or Toro Canyon Park. All lighting associated with the Proposed Project is downward facing, fully hooded, and on a motion-sensing timer with automatic shut-off. Odor will be adequately abated, as discussed under Appeal Issue No. 4 above. The Proposed Project does not include tree removal and is not proximate to any existing trees. Additionally, it will not impact ESH or biological resources, as discussed above, and does not require habitat protection or a Wildlife Movement Plan. The Appellant claims that the existing greenhouse cultivation should be reclassified as outdoor cultivation. The Proposed Project does not involve the existing greenhouse cultivation, and all cannabis activities included in the Proposed Project will be performed indoors. The proposed STDMP adequately addresses the increase in employees and contains measures to reduce traffic consistent with the requirements of Section 35-144U.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

Total costs for processing the appeal are approximately \$16,000 (65 hours of staff time). The costs for processing this cannabis project appeal are offset by cannabis tax revenues. No appeal fee was collected for this project as this project’s location is within the California Coastal Commission Appeal Jurisdiction and not subject to collection of an appeal fee. Funding for this project is budgeted in the Planning and Development Department’s Permitting Budget Program as shown on page D-301 of the County of Santa Barbara Fiscal Year (FY) 2021-22 adopted budget.

**Special Instructions:**

The Clerk of the Board shall publish a legal notice in the *Coastal View* at least 10 days prior to the hearing on March 1, 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. Conditions of Approval with Departmental Condition Letters
  - 2-1 Minor Conditional Use Permit
  - 2-2 Amendment
  - 2-3 Coastal Development Permit
3. CEQA Checklist, dated February 17, 2022
4. Link to Program EIR
5. Appeal Application and Letter, dated June 20, 2021

6. Updated Project Plans, dated October 14, 2021
7. Updated Odor Abatement Plan, dated January 17, 2022
8. Zoning Administrator Staff Report, dated October 30, 2020 and Associated Attachments ([link](#))
9. Zoning Administrator Memorandum, dated November 13, 2020 and Associated Attachments ([link](#))
10. Zoning Administrator Action Letter, dated November 24, 2020
11. Planning Commission Staff Report, dated April 27, 2021 and Associated Attachments ([link](#))
12. Planning Commission Memorandum, for May 5, 2021 and Associated Attachments ([link](#))
13. Planning Commission Memorandum, for June 2, 2021 and Associated Attachments ([link](#))
14. Planning Commission Memorandum, for June 9, 2021 and Associated Attachments ([link](#))
15. Planning Commission Action Letter, dated May 7, 2021
16. Planning Commission Action Letter, dated June 4, 2021
17. Planning Commission Action Letter, dated June 15, 2021
18. Cannabis BVOC Citations
19. Vizquete Presentation, dated August 20, 2019

**Authored by:**

Ben Singer, Planner, (805) 934-6587

Development Review Division, Planning and Development Department