

**ATTACHMENT 2-A: CONDITIONS OF APPROVAL**

**Project Description**

- 1. Proj Des-01 Project Description:** This Development Plan 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 includes the following new development on the parcel containing cannabis activities (Parcel -008):

- Two 35,663-gallon water tanks
- Three 13,208-gallon water tanks

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
- 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

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 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.

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

### **Conditions By Issue Area**

- 3. 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.

- 4. 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.

5. **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.

6. **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.

- 7. 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.

- 8. 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.

9. **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.

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. 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.

- 13. 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 Regulation**

- 14. 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).

15. **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).

16. **Rules-01 Effective Date-Not Appealable to CCC:** This Coastal Development Permit and Development Plan 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.
17. **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.
18. **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.
19. **Rules-07 DP Conformance:** No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of structures, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan stamped zoning approved.
20. **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.
21. **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.

22. **Rules-14 Final DVP Expiration:** Final Development Plans shall expire five years after the effective date unless substantial physical construction has been completed on the development or unless a time extension is approved in compliance with County rules and regulations.
23. **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.
24. **Rules-18 CUP and DVP Revisions:** The approval by the Planning Commission of a revised DEVELOPMENT PLAN shall automatically supersede any previously approved FINAL DEVELOPMENT PLAN upon the effective date of the revised permit.
25. **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.
26. **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.
27. **Rules-23 Processing Fees Required:** Prior to issuance of ZONING CLEARANCE, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
28. **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

**29. 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.

- 30. 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.
- 31. Rules-30 Plans Requirements:** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
- 32. Rules-32 Contractor and Subcontractor Notification:** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
- 33. Rules-33 Indemnity and Separation:** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.
- 34. Rules-37 Time Extensions-All Projects:** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If

the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.



air pollution control district  
SANTA BARBARA COUNTY

August 30, 2021

Gwen Beyeler  
Santa Barbara County  
Planning and Development  
123 E. Anapamu Street  
Santa Barbara, CA 93101

**Re: Santa Barbara County Air Pollution Control District Suggested Conditions on Everbloom Cannabis, 19DVP-00000-00020**

Dear Gwen Beyeler:

The Air Pollution Control District (District) has reviewed the referenced project, which consists of cannabis cultivation in 172,660 square feet (SF) of existing greenhouses and support of cultivation activities in 18,045 SF of accessory structure space. The project will increase the height of the existing 15-foot-tall greenhouses to 22-feet. The project calls for the demolition of a 35,750 SF greenhouse in the northern portion of the parcel and a 3,240 SF greenhouse on the east side of the parcel. Accessory uses to the cannabis cultivation operation would include non-volatile manufacturing, packaging, and processing. The project includes transport-only distribution of cannabis that is cultivated onsite. An emergency generator is proposed for emergency use only to power the odor control system during power outages. The Odor Abatement Plan includes the use of a Byers vapor-phase odor mitigation system and a charcoal scrubber system. The site is served by existing water wells and municipal electricity. No grading information was provided. The subject property, an 8.87-acre parcel zoned AG-I-10 and identified in the Assessor Parcel Map Book as APN 005-280-025, is located at 3508 Via Real in the unincorporated area of Carpinteria.

District rules and regulations apply to various aspects of the cannabis industry. **Based on the project description and information that has been provided, the proposed project includes equipment and/or operations subject to District permit requirements and prohibitory rules.** County staff and the cannabis operator should carefully review the District's *Cannabis Permitting Requirements & Nuisance Enforcement Table* and *Advisory on Air Quality and Cannabis Operations* (available at [www.ourair.org/cannabis](http://www.ourair.org/cannabis)). These resources provide local agencies and cannabis operators guidance regarding the air quality aspects of this industry. The District permit process can take several months. To avoid delay, the applicant is encouraged to submit an Authority to Construct permit application to the District as soon as possible, see [www.ourair.org/cannabis](http://www.ourair.org/cannabis) to download the necessary permit application(s). Contact the District Engineering Division Supervisor, William Sarraf, to discuss applicable permitting requirements at (805) 961-8888 or [SarrafW@sbcapcd.org](mailto:SarrafW@sbcapcd.org).

The District will be a **responsible agency under the California Environmental Quality Act (CEQA)** and will rely on the County's CEQA determination when evaluating any District permits for proposed equipment. If an environmental document is prepared pursuant to CEQA, the air quality analysis should include the air pollutant emissions for all proposed equipment to avoid additional CEQA documentation requirements related to District permit issuance. In addition, if an evaluation of health risk is required

**Aeron Arlin Genet**, Air Pollution Control Officer

for District permitting, we recommend including the health risk assessment (HRA) results in the CEQA document to ensure that project-related equipment will not result in a significant impact.

The proposed project is subject to the following **regulatory requirements** that should be included as conditions of approval in the applicable land use permit:

1. Post-harvest cannabis operations are required to obtain District permits pursuant to Rule 201 (*Permits Required*) due to the issuance of air contaminants. The project as currently proposed will require District permits for proposed cannabis manufacturing (non-volatile manufacturing and post-extraction refinement operations). Proof of receipt of the required District permits shall be submitted by the applicant to planning staff prior to building permit issuance.
2. Stationary and portable diesel-fired emergency standby generator engines rated 50 brake horsepower or greater must be either registered or permitted by the District. Please refer to the District's website at [www.ourair.org/ag-diesel-registration](http://www.ourair.org/ag-diesel-registration) and [www.ourair.org/dice-atcm](http://www.ourair.org/dice-atcm) for additional information. These engines must also comply with the state Airborne Toxic Control Measures for Stationary Compression Ignition Engines. Please see [www.ourair.org/wp-content/uploads/finalreg2011.pdf](http://www.ourair.org/wp-content/uploads/finalreg2011.pdf) for more information.
3. Spark ignition piston-type internal combustion (IC) engines (e.g., gasoline-fired, natural gas-fired, propane-fired, etc.) with a rated brake horsepower of 50 or greater used to supply prime or emergency electrical power require a District permit. Spark ignition engines used exclusively for the growing of cannabis crops are classified as "agricultural" engines and may be exempt from District permit pursuant to Rule 202, Section D.3. Spark ignition engines used to support any operation/system other than growing operations (e.g. office buildings, security systems, etc.) may be eligible for an exemption from permit requirements pursuant to District Rule 202, Section F.1.d. provided the following criteria are met: (a) the engine is used exclusively for emergency electrical power generation, (b) the engine operates no more than 200 hours per calendar year, and (c) a record is maintained and is available to the District upon request. The record shall list the identification number of the equipment, the number of operating hours on each day the engine is operated, and the cumulative total hours. Failure to maintain records that meet the above requirements or violation of any District rule may result in the immediate loss of the permit exemption.

In addition, spark ignition engines with a rated brake horsepower of 50 or greater are subject to Rule 333, *Control of Emissions from Reciprocating Internal Combustion Engines*. Such engines may be exempt from the requirements of this rule if they are:

- a) classified as "agricultural" (i.e. used exclusively for the growing of cannabis crops), or
- b) operated less than 200 hours per calendar year and a record is maintained and is available to the District upon request.

If the proposed engine is required to obtain a District permit due to loss of the permit exemption provided by Rule 202.D.3. or Rule 202.F.1.d, the requirements of Rule 333 become applicable to the engine.

4. All portable diesel-fired construction engines rated at 50 brake horsepower or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or District permits prior to grading/building permit issuance. Construction engines with PERP certificates

are exempt from the requirement for a District permit, provided they will be on-site for less than 12 months.

5. District permits are required for any individual (or grouping) of boilers or large water heaters with a rated heat over 2.0 million BTUs per hour (MMBtu/hr). For more information, see [www.ourair.org/boiler-heater-generator](http://www.ourair.org/boiler-heater-generator).
6. The applicant is required to complete and submit an **Asbestos Demolition/Renovation Notification or an EXEMPTION** from Notification for Renovation and Demolition (District Form ENF-28 or APCD Form ENF-28e), which can be downloaded at [www.ourair.org/compliance-forms](http://www.ourair.org/compliance-forms) for each regulated structure to be demolished or renovated. Demolition notifications are required regardless of whether asbestos is present or not. The completed exemption or notification shall be presented, mailed, or emailed to the Santa Barbara County Air Pollution Control District with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. The applicant shall visit [www.ourair.org/asbestos](http://www.ourair.org/asbestos) to determine whether the project triggers asbestos notification requirements or whether the project qualifies for an exemption.
7. Post-harvest cannabis operations have the potential to generate strong odors that could negatively affect the surrounding community and cause a public nuisance. District Rule 303 (*Nuisance*), which generally prohibits the discharge of air contaminants (including odors) that cause a public nuisance, applies to all cannabis operations unrelated to the growing and harvesting of cannabis, including cannabis manufacturing (including but not limited to volatile extraction, non-volatile extraction, and post-extraction operations), retail storefronts, and smoking lounges. Manufacturing and retail operations should be managed to reduce odor impacts and avoid a violation of District Rule 303.
8. The application of architectural coatings, such as paints, primers, and sealers that are applied to buildings or stationary structures, shall comply with District Rule 323.1, *Architectural Coatings* that places limits on the VOC-content of coating products.
9. Asphalt paving activities shall comply with District Rule 329, *Cutback and Emulsified Asphalt Paving Materials*.
10. Construction/demolition activities are subject to District Rule 345, *Control of Fugitive Dust from Construction and Demolition Activities*. This rule establishes limits on the generation of visible fugitive dust emissions at demolition and construction sites, includes measures for minimizing fugitive dust from on-site activities, and from trucks moving on- and off-site. Please see [www.ourair.org/wp-content/uploads/rule345.pdf](http://www.ourair.org/wp-content/uploads/rule345.pdf). Activities subject to Rule 345 are also subject to Rule 302, *Visible Emissions* and Rule 303, *Nuisance*.
11. Natural gas-fired fan-type central furnaces with a rated heat input capacity of less than 175,000 British thermal units per hour (Btu/hr) and water heaters rated below 75,000 Btu/hr must comply with the emission limits and certification requirements of District Rule 352. Please see [www.ourair.org/wp-content/uploads/rule352.pdf](http://www.ourair.org/wp-content/uploads/rule352.pdf) for more information.
12. Boilers, water heaters, and process heaters rated between 75,000 and 2.0 million British thermal units per hour (Btu/hr) must comply with the emission limits and certification requirements of District Rule 360. Note: Units fired on fuel(s) other than natural gas still need to

be certified under Rule 360. Please see [www.ourair.org/wp-content/uploads/rule360.pdf](http://www.ourair.org/wp-content/uploads/rule360.pdf) for more information.

13. The District recommends that boilers, water heaters, and process heaters rated between 2 million to 5 million British thermal units per hour (Btu/hr) comply with the emission limits and certification requirements of District Rule 361. Please see [www.ourair.org/wp-content/uploads/Rule361.pdf](http://www.ourair.org/wp-content/uploads/Rule361.pdf) for more information. Units rated above 5 million Btu/hr are recommended to comply with the emission limits and certification requirements of District Rule 342. Please see [www.ourair.org/wp-content/uploads/rule342.pdf](http://www.ourair.org/wp-content/uploads/rule342.pdf) for more information.

In addition, the District recommends that the following **best practices** be considered for inclusion as conditions of approval, in the interest of reducing emissions of criteria air pollutants, toxic air contaminants, greenhouse gases, dust and odors:

1. To reduce the potential for violations of District Rule 345 (*Control of Fugitive Dust from Construction and Demolition Activities*), Rule 302 (*Visible Emissions*), and Rule 303 (*Nuisance*), standard dust mitigations (**Attachment A**) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the District prior to grading/building permit issuance.
2. The State of California considers particulate matter emitted by diesel engines carcinogenic. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in **Attachment B** to reduce emissions of particulate matter (as well as of ozone precursors) from diesel equipment. Recommended measures shall be implemented to the maximum extent feasible. Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout all grading and construction periods. The contractor shall retain the Certificate of Compliance for CARB's In-Use Regulation for Off-Road Diesel Vehicles onsite and have it available for inspection.
3. Any chemical used for deodorizing systems should not cause adverse impacts to the community. Low-VOC (volatile organic compound) or no-VOC compounds are recommended, as well as compounds that do not contain toxic air contaminants (TACs) as identified by the State of California. The comprehensive list of TACs can be found at [www.arb.ca.gov/toxics/healthval/contable.pdf](http://www.arb.ca.gov/toxics/healthval/contable.pdf). If odor control systems use chemicals that contain TACs, the County should assess the potential for health risk by performing a refined Health Risk Assessment.

Lastly, the applicant is advised of the following additional regulatory requirements or analysis that may be applicable to the project during the District permitting process:

1. During completeness review of the District permit application, the District will evaluate the emissions from the proposed project to determine which New Source Review requirements will apply. If the project ROC emissions exceed the Best Available Control Technology (BACT) threshold of 25 pounds per day, then the applicant shall propose emission controls that represent BACT for their processes. The applicant can refer to District Rule 802 at [www.ourair.org/wp-content/uploads/rule802.pdf](http://www.ourair.org/wp-content/uploads/rule802.pdf) for more information on New Source Review and BACT requirements.

2. As part of the District's permit issuance, if a project has the potential to emit toxic or hazardous air pollutants, or is located in close proximity to sensitive receptors, the project may be required to prepare a **Health Risk Assessment** to determine the potential level of risk associated with the project operations. In the case of a diesel-fired emergency generator, an equipment-specific Health Risk Assessment is required as part of District permit issuance. The applicant should refer to District's website at [www.ourair.org/dice-atcm](http://www.ourair.org/dice-atcm) for more information on diesel engine permitting. Whenever an HRA is required, we recommend including the results in the CEQA document to ensure that project-related equipment will not result in a significant impact.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8878 or via email at [WaddingtonE@sbcapcd.org](mailto:WaddingtonE@sbcapcd.org).

Sincerely,



Emily Waddington  
Air Quality Specialist  
Planning Division

Attachments: Fugitive Dust Control Measures  
Diesel Particulate and NO<sub>x</sub> Emission Measures

cc: David Harris, Manager, District Engineering Division  
Kaitlin McNally, Manager, District Compliance Division  
William Sarraf, Supervisor, District Engineering Division  
Planning Chron File





## **ATTACHMENT A FUGITIVE DUST CONTROL MEASURES**

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Projects are expected to manage fugitive dust emissions such that emissions do not exceed APCD's visible emissions limit (APCD Rule 302), create a public nuisance (APCD Rule 303), and are in compliance with the APCD's requirements and standards for visible dust (APCD Rule 345).

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required when sustained wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Onsite vehicle speeds shall be no greater than 15 miles per hour when traveling on unpaved surfaces.
- Install and operate a track-out prevention device where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can include any device or combination of devices that are effective at preventing track out of dirt such as gravel pads, pipe-grid track-out control devices, rumble strips, or wheel-washing systems.
- If importation, exportation, and stockpiling of fill material is involved, soil stockpiled for more than one day shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Minimize the amount of disturbed area. After clearing, grading, earthmoving, or excavation is completed, treat the disturbed area by watering, OR using roll-compaction, OR revegetating, OR by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur. All roadways, driveways, sidewalks etc. to be paved should be completed as soon as possible.
- Schedule clearing, grading, earthmoving, and excavation activities during periods of low wind speed to the extent feasible. During periods of high winds (>25 mph) clearing, grading, earthmoving, and excavation operations shall be minimized to prevent fugitive dust created by onsite operations from becoming a nuisance or hazard.
- The contractor or builder shall designate a person or persons to monitor and document the dust control program requirements to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to grading/building permit issuance and/or map clearance.

**PLAN REQUIREMENTS:** All requirements shall be shown on grading and building plans and/or as a separate information sheet listing the conditions of approval to be recorded with the map. **Timing:** Requirements shall be shown on plans prior to grading/building permit issuance and/or recorded with the map during map recordation. Conditions shall be adhered to throughout all grading and construction periods.

**MONITORING:** The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



## ATTACHMENT B DIESEL PARTICULATE AND NO<sub>x</sub> EMISSION REDUCTION MEASURES

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is a list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment greater than 50 brake horsepower (bhp) shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of diesel-powered mobile construction equipment greater than 25 hp are subject to the California Air Resource Board (CARB) In-Use Off-Road Diesel-Fueled Fleets Regulation (Title 13, California Code of Regulations (CCR), §2449), the purpose of which is to reduce oxides of nitrogen (NO<sub>x</sub>), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. Off-road heavy-duty trucks shall comply with the State Off-Road Regulation. For more information, see [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
- Fleet owners of diesel-fueled heavy-duty trucks and buses are subject to CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation (Title 13, CCR, §2025), the purpose of which is to reduce DPM, NO<sub>x</sub> and other criteria pollutants from in-use (on-road) diesel-fueled vehicles. For more information, see [www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm](http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm).
- All commercial off-road and on-road diesel vehicles are subject, respectively, to Title 13, CCR, §2449(d)(3) and §2485, limiting engine idling time. Off-road vehicles subject to the State Off-Road Regulation are limited to idling no more than five minutes. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes, unless the truck engine meets the optional low-NO<sub>x</sub> idling emission standard, the truck is labeled with a clean-idle sticker, and it is not operating within 100 feet of a restricted area.

The following measures are recommended:

- Diesel equipment meeting the CARB Tier 3 or higher emission standards for off-road heavy-duty diesel engines should be used to the maximum extent feasible.
- On-road heavy-duty equipment with model year 2010 engines or newer should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible. Electric auxiliary power units should be used to the maximum extent feasible.
- Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, should be used on-site where feasible.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
- Construction truck trips should be scheduled during non-peak hours to reduce peak hour emissions whenever feasible.
- Proposed truck routes should minimize to the extent feasible impacts to residential communities and sensitive receptors.
- Construction staging areas should be located away from sensitive receptors such that exhaust and other construction emissions do not enter the fresh air intakes to buildings, air conditioners, and windows.

**PLAN REQUIREMENTS AND TIMING:** Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout all grading and construction periods. The contractor shall retain the Certificate of Compliance for CARB's In-Use Regulation for Off-Road Diesel Vehicles onsite and have it available for inspection.

**MONITORING:** The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



TO: Gwen Beyeler, Planner  
Planning & Development Department

FROM: Jason Johnston  
Environmental Health Services

DATE: August 31, 2021

SUBJECT: Case No. 19DVP-00000-00020, 19CDH-00000-00015, 19CDP-00000-00027

Project: VWV, LLC / Creekside – Cannabis Cultivation

Assessor's Parcel No. 005-280-025

Located at: 3508 Via Real, Carpinteria zoned AG-I-10

The project is for a Development Plan and associated Coastal Development Permit for the propagation of immature plants (nursery) and cultivation of cannabis in 172,660 sq. ft. of existing greenhouses and 18,405 sq. ft. of agricultural accessory structure space that supports the cultivation activities. As-built work in between the greenhouses and connected to the pre-existing and permitted 4,500 square feet of permitted packing structures includes as-built improvements and interior alterations or occupancy conversions totaling approximately 13,905 square feet of gross floor area. These areas are noted as “central building/non-greenhouse,” and “irrigation room”, on the architectural plans, and consist of employee break areas, bathrooms, storage, processing, circulation and mechanical equipment. Approximately 3,538 square feet of the subject as-built accessory space is located within today’s 100-foot Environmentally Sensitive Habitat (ESH) buffer boundary. The project also includes a request to increase the height of the existing 15-foot tall greenhouses to 22-feet for improved airflow circulation and humidity controls. The demolition of an unpermitted 35,750 sq. ft. greenhouse in the northern portion of the parcel is being proposed, along with the demolition of 3,240 sq. ft. of previously permitted greenhouse space on the east side of the property.

In addition, the project proposes the following:

- 1) the validation of 5 water tanks of 36,984 gallons (3), 25,360 gallons (1), and one 105,669-gallon tank which is within the 100’ ESH buffer from Arroyo Paredon Creek

- 2) the validation of 2 waste water tanks (5,283 gallons each)
- 3) 1 new water tank of 25,360 gallons
- 4) the validation of a 160 sq. ft. temporary office trailer, proposed for removal within 1 year of the operation's approval and license

Accessory uses to the cannabis cultivation operation would include non-volatile manufacturing, packaging, and processing. The project includes transport only distribution of cannabis that is cultivated onsite. Cultivation will be the primary use of the property. Odor control consists of the Byers Scientific HPII Series waterless vapor system and extensive carbon filtration units inside the processing areas. One emergency generator is proposed for emergency use only to power the odor control system during power outages. 39 parking spaces would be provided. The cannabis operation would consist of up to 35 full time staff. The hours of operation are 6:00am to 3:30pm Monday through Friday, and 7:00am to 1:00pm on Saturdays.

An upgraded septic system that meets current commercial standards is proposed on the south side of the property and an existing and outdated septic system is proposed to be demolished. The project includes new storm water retention and treatment to offset 12,271 square feet of as-built impervious surface area and will be located in an 1,800 square foot area on the eastern property line, outside of today's ESH buffer. The project does not require any grading, other than for the new septic system and storm water improvements. No tree removal or vegetation removal is proposed as part of this project. No new construction (aside from the validation of as-built structures and improvements) is being proposed. The project includes a Native Habitat Enhancement Planting Plan of approximately 54,053 square feet along the northern portion of the parcel, adjacent to Arroyo Paredon Creek. Water for the cultivation and for domestic purposes is provided by the Carpinteria Valley Water District. Access to the site will continue to be provided off of Via Real via a private driveway which is partially located on the neighboring properties to the south of the parcel known as 3500 and 3504 Via Real. The property is an 8.96-acre parcel zoned AG-I-10, shown as Assessor's Parcel Number 005-280-025 and addressed as 3508 Via Real in Carpinteria, within the Carpinteria Agricultural Overlay District and the Toro Canyon Community Plan, First Supervisorial District.

Environmental Health Services has received and reviewed a feasible preliminary design for the septic systems by Coast Engineering and Survey, Inc., including percolation tests and soils report from Pacific Materials Laboratory, dated September 27, 2019. Formal review and approval of the Onsite Wastewater Treatment Systems will be required prior to the issuance of building permits.

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as **Conditions of Approval:**

1. **Prior to Issuance of Zoning Clearance**, an application for the new Onsite Wastewater Treatment System permit shall be submitted to Environmental Health Services. The plans shall include a layout for the installation of dual dispersal fields (two, 100% peak design flow capacity fields) and 100% expansion area. The onsite wastewater treatment systems shall be designed to handle peak daily flows according to the criteria of the State Onsite Wastewater Treatment System Policy and the Santa Barbara County Code, Chapter 18-C.

2. Prior to the Issuance of Zoning Clearance, the applicant shall submit a solid waste management plan to Environmental Health Services for review and approval. The plan shall include but not be limited to the following:
  - a. Planned on-site composting details,
  - b. means of waste transport,
  - c. description of short-term storage facilities, if any
  - d. method and area of waste disposal,
  - e. any equipment necessary to implement the plan.
3. Prior to Issuance of a Building Permit, the application for an onsite wastewater treatment system permit shall be approved by Environmental Health Services.
4. Prior to Occupancy, the approved onsite wastewater treatment systems shall be installed, constructed and fully operational, to be verified by Environmental Health Services. This shall include the abandonment of the existing onsite wastewater treatment system, upon completion of the proposed system.




Jason Johnston, REHS  
Supervising Environmental Health Specialist

# Memorandum

**DATE:** February 26, 2019

**TO:** Melanie Jackson  
Planning and Development  
County of Santa Barbara - Santa Maria

**FROM:** Glenn Fidler, Captain   
Fire Department

**SUBJECT:** APN: 131-100-005 and 131-100-017; Permit: 18DVP-00013  
Site: Autumn Road, Santa Maria  
Project: Development Plan – Cannabis Cultivation

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The above project is located within the jurisdiction of the Santa Barbara County Fire Department.

## **NO CONDITIONS FOR DEVELOPMENT PLAN**

The Fire Prevention Division must be notified of any changes to the project proposal. A change in the project description may cause conditions to be imposed.

## **ADVISORY**

1. All standard fire department conditions and current codes shall apply at time of development.

As always, if you have any questions or require further information, please call me at 805-681-5528 or 805-681-5523.

GF:mkb



**Santa Barbara County Public Works Department  
Water Resources Division**

**Flood Control • Water Agency • Project Clean Water**  
130 E. Victoria Street, Suite 200, Santa Barbara, CA 93101  
PH (805) 568-3440 FAX (805) 568-3434  
<http://cosb.countyofsb.org/pwd/pwwater.aspx?id=2956>

**SCOTT D. MCGOLPIN**  
Director Public Works

**THOMAS D. FAYRAM**  
Deputy Director Water Resources

January 6, 2022

Gwen Beyeler, Planner  
County of Santa Barbara  
Planning & Development Department  
624 W. Foster Road  
Santa Maria, CA 93455

**Re: 19DVP-00000-00020; VWV LLC Mixed-Light Cannabis Cultivation  
APN: 005-280-025; 3508 Via Real, Carpinteria**

**This condition letter supersedes that dated August 21, 2020 due to the revised project elements.**

Dear Ms. Beyeler:

The Public Works Department Water Resources Division has developed conditions for the proposed project which includes demolition of greenhouse structures (including as-built boiler room, mechanical/electrical room and water tank within 50-foot creek setback), landscaping, validation of water tanks, and validation of approximately 8,500 sf of unpermitted commercial processing, storage, employee, and utility buildings.

This project is not subject to the County's requirements for treating stormwater, since the project creates no new impervious surfaces as described in the document, "Post Construction Stormwater Management Requirement's for Development Projects in the Central Coast Region".

The parcel is located adjacent to the FEMA regulatory Arroyo Paredon Creek floodway, and partially within the FEMA Regulatory Special Flood Hazard Area (SFHA) Zone AE. This parcel is also located within the FEMA Recovery Map High Hazard Area (HHA). The HHA Advisory Flood Elevations (AFE) govern over the SFHA Base Flood Elevations at this location.

The Flood Control District recommends that this project be subject to the following conditions:

1. Design/ Prior to Permit Issuance
  - a. All unpermitted buildings, substantially improved buildings, and permitted buildings structurally connected to unpermitted buildings within the HHA are required to be floodproofed to a minimum of the AFE plus 2 FT per Santa Barbara County Floodplain Management Ordinance 15A.



- b. Projects near a watercourse shall be designed in compliance with the requirements described in Chapter 15B of the Santa Barbara County Code, and no structures are allowed to be located within 50 feet of the top-of-bank setback.
- c. The applicant shall submit all improvement plans, grading plans, landscape plans, data, forms and certifications (as described in the Standard Conditions of Project Plan Approval) to the District for review and approval, including a site plan with topographic mapping in NAVD '88 vertical datum, with the AFE for each stand-alone structure as determined by a licensed professional listed on the plans, and the 50-foot creek setback line illustrated on the plans.
- d. Greenhouses that remain structurally connected to the unpermitted as-built structures must comply with one of the following options:
  - i. Elevate finished floor of each structure to a minimum of AFE + 2 FT, and include flood opening vents for crawlspaces (a minimum of 2 located on separate walls at 1 square inch per 1 square foot of enclosure) with the base no higher than 1 FT above highest adjacent grade, or,
  - ii. Dry-floodproof each structure to a minimum of AFE+2 FT with impermeable materials, and submit Draft Floodproofing Certificate and Draft Flood Emergency Ops Plan and Inspection & Maintenance Plan.
- e. If the Greenhouses are structurally detached from the unpermitted as-built structures, and improvements are proposed therein, the applicant may submit Substantial Improvement (SI) determination worksheets, appraisals, and costs estimates (covering improvements as part of this permit in addition to the past 10 years) for each greenhouse in order to identify NFIP regulation applicability as follows:
  - i. If the easterly greenhouse SI is less than 50%, compliance is not required, since it pre-dates the 1979 effective FIRM map date.
  - ii. If the westerly greenhouse SI is less than 50%, then only the improvements are required to comply, since it post-dates the 1979 effective FIRM map date.
  - iii. If either greenhouse SI is equal to or greater than 50% it must comply with item "d" above.
- f. Unpermitted as-built commercial cannabis processing buildings, and those permitted non-greenhouse buildings structurally connected to the unpermitted buildings will need to comply with one of the following options:
  - i. Elevate finished floor of each structure to a minimum of AFE + 2 FT, use flood-resistant materials to AFE + 2 FT, and include flood opening vents for crawlspaces or,
  - ii. Dry-floodproof each structure to a minimum of AFE+2 FT with impermeable materials and submit Draft Floodproofing Certificate and Draft Flood Emergency Ops Plan and Inspection & Maintenance Plan.
- g. All utilities, electrical/mechanical equipment must be elevated to a minimum of AFE + 2 FT (e.g. water heaters, furnaces, A/C, HVAC, generators, electric panels, solar panels, etc.). All equipment will require anchoring or strapping to prevent floatation.
- h. Plumbing below AFE + 2 FT must be fitted with backflow devices.



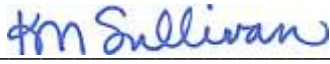
- i. The applicant shall sign the Agreement for Payment of Plan Check Fees (attached to the Standard Conditions of Approval) and pay the appropriate plan check fee deposit at the time of the initial submittal of maps, plans and studies. Please make the check payable to: *Santa Barbara County Flood Control & Water Conservation District*.
- j. The applicant shall submit to the District PDF drawings of the approved grading plans, improvement plans, drainage plans, drainage studies and landscape plans.
- k. The applicant shall comply with the Santa Barbara County Flood Control District Standard Conditions of Project Plan Approval dated January 2011:  
(<http://www.countyofsb.org/uploadedFiles/pwd/Content/Water/Documents/StdConditionsJan2011.pdf>).

2. Prior to Occupancy Clearance

- a. Elevation certificates prepared by a licensed professional are required substantially improved structures within the FEMA regulatory floodplain.
- b. Finished Floor Certification (in NAVD '88) by a licensed surveyor are required for as-built and substantially improved structures within the FEMA Recovery Map High Hazard Area,.
- c. Should the applicant choose to dry-floodproof the non-residential structures, the developer shall submit the following:
  - i. Final Flood Emergency Ops Plan and Final Inspection & Maintenance Plan for District approval. See FEMA P-936 and FEMA TB-3 for more detail.
  - ii. Final Floodproofing Certificate prepared by licensed engineer.
- d. The applicant shall submit record drawings to the District's Floodplain Manager in PDF format.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

By:   
Karen Sullivan, PE, CFM  
Development Review Engineer

Cc: Jay Higgins, H&H Environmental, 3217 Calle Noguera, Santa Barbara, CA 93105  
Ivan Van Wingerden, VWV LLC, 4701 Foothill Road, Carpinteria, CA 93013