



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: December 13, 2022  
Placement: Departmental  
Estimated Time: 1 hr. on December 13, 2022  
Continued Item: No  
If Yes, date from: N/A  
Vote Required: Majority

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**TO:** Board of Supervisors

**FROM:** Department: Lisa Plowman, Director, Planning and Development  
(805) 568-2086   
Contact Info: Travis Seawards, Deputy Director, Planning and Development  
(805) 568-2518

**SUBJECT:** **Applicant Appeal of the Planning Commission Approval of the Ceres Farms Mixed-Light Cannabis Cultivation Project, Case Nos. 22APL-000000-00028 and 19CDP-000000-00015, 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:

In order to grant the appeal and approve the Project, take the following actions:

- a) Grant the appeal, Case No. 22APL-000000-00028;
- b) Make the required findings for approval of the Project, Case No. 19CDP-000000-00015 (Attachment 1), including CEQA findings;
- c) Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-000000-00003) is adequate and no subsequent Environmental Impact Report or Negative Declaration is required pursuant to CEQA Guidelines Sections §15162 and 15168(c)(2); and
- d) Grant *de novo* approval of the Project, Case No. 19CDP-000000-00015, subject to the conditions of approval (Attachment 2).

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

- a) Deny the appeal, Case No. 22APL-00000-00028;
- b) Make the required findings for approval of the Project, Case No. 19CDP-00000-00015 (Attachment 1), including CEQA findings;
- c) Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) is adequate and no subsequent Environmental Impact Report or Negative Declaration is required pursuant to CEQA Guidelines Sections §15162 and 15168(c)(2); and
- d) Grant *de novo* approval of the Project, Case No. 19CDP-00000-00015, subject to the conditions of approval, including Condition No. 37 (Odor Abatement Plan Revision), as conditioned by the Planning Commission (Attachment B of Attachment 10).

**Summary Text:**

On February 21, 2019, the Applicant submitted a Coastal Development Permit (CDP) application for the Ceres Farm Mixed-Light Cannabis Cultivation Project (herein after Proposed Project), Case No. 19CDP-00000-00015. The project site has been in agricultural production for over fifty years. Cannabis is currently being cultivated and processed on site based on an affidavit of legal nonconforming use. On October 8, 2021, the Planning & Development Department Director approved the Proposed Project, finding that it complied with the applicable policies of the County Comprehensive Plan and development standards set forth in Section 35-144U (Cannabis Regulations) of the Article II Coastal Zoning Ordinance (Article II). Four separate appeals of the Director’s approval were filed on October 18, 2021, and one of the four appeals was subsequently withdrawn. At the August 31, 2022, public hearing, the Planning Commission voted 3 to 2 to deny the appeals and approve the Proposed Project with an additional condition of approval that requires the Applicant to install carbon scrubbers within 12 months of project approval to ensure that odors from the Proposed Project are not experienced within residential zones. The Planning Commission has recently approved other projects in the Carpinteria Valley with a similar condition, and some of the operators have agreed to the condition. On September 12, 2022, the Applicant, Ceres Farm, LLC, filed a timely appeal (Case No. 22APL-00000-00028) of the Planning Commission’s approval, citing that the additional condition of approval placed on the Proposed Project by the Planning Commission is beyond the requirements of Article II. This Project is the second of two applicant appeals of this condition.

**A. Proposed Project**

The Proposed Project is a request for a Coastal Development Permit to allow for approximately 9.5 acres of cannabis cultivation consisting of 7.86 acres of mature plant cultivation and 1.43 acres of nursery cultivation within existing, permitted greenhouses and approximately 0.21 acres of cultivation (processing and storage) within an existing, permitted storage and processing structure. Up to 15% of cannabis processed will be grown offsite. There will be no more than one import and export per day associated with offsite cannabis. The processing structure will also include office space, non-cannabis storage, and restrooms for employees.

The project also consists of removing an unpermitted mobile home and demolishing the following structures:

- 822-square-foot addition to the pump house;
- 2,139-square-foot cooler structure;
- 260-square-foot accessory structure; and
- 50-square-foot accessory structure.

An existing single-family dwelling will remain on-site and will not be utilized as a part of the cannabis operations. No tree removal, vegetation removal, or grading is proposed. Odor abatement will consist of Benzaco Scientific vapor-phase systems surrounding all cultivation and processing areas, as well as carbon filters within processing areas. The operation will be fenced off by a six-foot high chain-link fence, part of which is existing. Additional avocado trees will be planted to provide screening. Lighting will consist of motion-sensing, fully shielded, and downward directed lights mounted on existing structures. Access will be provided by an existing 26-foot wide driveway, which will connect to a new all-weather fire road throughout the parcel. Water service will be provided by an existing private well on-site and potable water will be provided by the Carpinteria Valley Water District. There is an existing on-site water well that was approved under Case No. 90-CDP-162 with a condition restricting the well from serving any property other than the subject property, APN 001-030-023. With the approval of this permit, that condition will be removed and the existing, on-site well may serve other properties subject to approval by County Environmental Health Services. The cultivation will use a closed-loop irrigation system to conserve water.

The operation will utilize 66 employees, including managerial staff. Fifty-two parking spaces will be provided onsite. Carpool parking, bicycle parking, and a shuttle service will be provided to reduce traffic impacts. Employees will be incentivized with monthly monetary benefits to minimize vehicle trips. The Facilities Manager will monitor the trip generation and alternative transportation use, including carpooling and shuttles, and will store and make available alternative transportation records every year. The hours of operation will be 6:00 am – 5:30 pm every day of the week. Ceres Farm, LLC has agreed to observe a set of Community Odor Guidelines that were developed through collaboration between Cannabis Association for Responsible Producers (CARP Growers) and The Coalition for Responsible Cannabis (Coalition). These Guidelines are not part of the Project Description and not enforceable by the County, but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria’s unique community, and are a foundation of the Coalition’s decision to support this Project. The property is a 16.77-acre parcel zoned AG-I within the Carpinteria Agricultural Overlay, shown as APN 001-030-023 and addressed as 6030 Casitas Pass Road, Carpinteria, First Supervisorial District.

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

The appeal application (Attachment 5) contains a letter, dated September 12, 2022, that outlines the Applicant’s appeal issue. The appeal issue alleges that the Planning Commission imposed a condition beyond the requirements of Article II. The appeal issue and staff’s response are provided below.

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

The Applicant contends that Condition No. 37, which was added during the Planning Commission hearing of August 31, 2022, (Attachment B of Attachment 10) exceeds the requirements of Article II. As noted above and in the appeal application (Attachment 5), the Applicant is proposing to use two odor control technologies on the site. Carbon scrubbers would be used inside the processing facility and the vapor-phase system would be used on the exterior of the greenhouses and the processing facility. The condition added by the Planning Commission requires installation and implementation of carbon scrubbers/filters as the primary odor control technology no later than twelve months after project approval, and the reduction or elimination of the use of vapor-phase technology to the maximum extent feasible. The Applicant asserts that the Odor Abatement Plan (OAP) submitted as part of the Proposed Project (Attachment 7) meets the requirements of Article II as submitted.

### **Staff Response:**

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

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

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

**Fiscal and Facilities Impacts:**

Budgeted: Yes

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

**Special Instructions:**

The Clerk of the Board shall publish a legal notice in the *Coastal View* at least 10 days prior to the hearing on December 13, 2022. The Clerk of the Board shall forward the minute order of the hearing, proof of publication, and return one printed copy of the Cannabis Program PEIR to the attention of Planning and Development Department: Hearing Support.

**Attachments:**

1. Findings
2. Coastal Development Permit with Conditions
3. CEQA Checklist
4. Link to Program EIR

5. Appeal Application and Letter, dated September 12, 2022
6. Project Plans
7. Odor Abatement Plan, dated March 14, 2022
8. Planning Commission Staff Report, dated August 23, 2022, and Associated Attachments
9. Planning Commission Memorandum, dated August 25, 2022, and Associated Attachment
10. Planning Commission Action Letter, dated September 2, 2022, and Associated Attachments

**Authored by:**

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Development Review Division, Planning and Development Department