

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

**Project Description**

- 1. Proj Des-01 Project Description:** This Revised Development Plan is based upon and limited to compliance with the project description, the Board of Supervisors Board Agenda Letter hearing exhibits marked 1-24, dated December 7, 2021, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The Proposed Project is a request for a Coastal Development Permit, Minor Conditional Use Permit, and Revised Development Plan to a Development Plan (Case No. 10DVP-00000-00010) approved on March 10, 2014 to allow for 7.98 acres of mixed-light cannabis cultivation, nursery, and processing. Mature mixed-light cultivation will take place in the existing 264,500-sq.-ft. greenhouse, and nursery mixed-light cultivation will take place in a new 17-ft.-tall, 61,840 sq. ft. addition to Greenhouse 1. The addition will include locker rooms, administrative offices, a walk-in cooler, and restrooms. Cultivation will utilize water conservation methods including timed drip, evaporative barriers, soil moisture monitors, recycled water, and rain capture. Harvests will take place continuously year round. Compost will be transported offsite by a licensed operator.

Greenhouses 2, 3 and 4 will be demolished. A new 26-ft.-tall, 24,751-sq.-ft. processing building will be constructed and used for freezing, curing, drying, bucking, trimming, grading, packaging, storage, testing sampling, and offsite transport. The processing building will also include an employee break area, locker rooms, administrative offices, and restrooms. An approximately 420-ft.-long, 5-ft.-tall retaining wall will be constructed between the processing building and existing greenhouse.

The Proposed Project will be equipped with the leading active odor neutralizing technology(s) currently available to prevent cannabis nuisance odors from drifting offsite and impacting protected receptors (i.e. residential zoning). These odor control systems are described in detail within the Proposed Project's certified Odor Abatement Plan. Changes to the Odor Abatement Plan will be processed in coordination with the County and may require changes to this permit or a new permit.

The northern portion of the parcel is within the 100-ft. buffer of Arroyo Paredon Creek, which contains Environmentally Sensitive Habitat (ESH). There is no ESH in this buffer area. In the northern portion of the parcel, an existing unpaved parking area will be abandoned, and the northernmost portion of the 100-ft. buffer area along an existing 7-ft.-tall fence will be restored with native vegetation to enhance the ESH buffer area. All restoration in the ESH buffer will take place outside of the

nesting season. No native vegetation exists in the 100-ft. buffer area, and no native vegetation or habitat will be removed as part of the Proposed Project.

Grading for the Proposed Project will consist of expansion of the existing stormwater detention basins as well as site leveling in the parking and structural development areas. Total grading for the Proposed Project will require 6,030 cubic yards (CY) of cut, 3,950 CY of fill, and 2,080 CY of export. There will be 700 linear ft. of retaining walls ranging from 1-ft.-tall to 13-ft.-tall associated with the stormwater detention basins. As part of the Proposed Project, 12 existing, as-built pre-fabricated storage containers will be removed from the subject parcel. The Proposed Project includes new landscaping planted around the processing building and parking area. As part of the Proposed Project, the landscaping plan includes maintenance of recently planted landscaping located offsite on the adjacent parcel to the east (APN 005-310-021) to provide additional screening from Foothill Road

- 2. Proj Des-01 Project Description:** The perimeter of the Project site will be enclosed by an existing 7-ft.-tall chain-link fence with wood slats with a 1.5-ft.-tall mesh on the bottom to prevent wildlife entry into the cannabis operation. Wall and pole-mounted light fixtures will be mounted at a maximum height of 10 feet throughout the Project site. All exterior lighting will be fully shielded, downward directed, and on motion sensors with illumination lasting for up to five minutes after movement. A blackout shade system will be utilized within the greenhouse structures to ensure that there is no visible light emanating from the greenhouses from dusk to dawn.

The hours of operation will be from 6:30 a.m. to 7:30 p.m. daily. The cannabis operation will require a maximum of 75 employees year round. Employees will work staggered schedules and will be provided with carpool incentives in order to reduce peak hour trips. Employees will be required to utilize the Via Real access road to enter and exit the site. There will be 65 parking spaces onsite and a loading area located near the processing building.

Domestic and irrigation water will be provided by the Carpinteria Water District through an existing water meter. The Proposed Project includes a new onsite septic system. Power will be provided by Southern California Edison. One back-up emergency generator will be used in power outage situations only. Access to the site will be provided off Via Real via paved driveway with a shared access easement ranging from 16-ft.-wide to 20-ft.-wide as well as Foothill Road via a 20-ft.-wide paved driveway and shared access easement. Fire protection will be provided by the Carpinteria-Summerland Fire District. The property is a 13.66-acre parcel zoned AG-I-10 and shown as Assessor's Parcel Number 005-310-024, located at 3861 Foothill Road in the Toro Canyon Community Plan in the Carpinteria area, First Supervisorial District.

Any deviations from the project description, exhibits or conditions must be

reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

### **Conditions By Issue Area**

- 3. Aest-04 BAR Required:** The Owner/Applicant shall obtain Southern Board of Architectural Review (SBAR) 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 approval of 20BAR-00000-00021.

**TIMING:** The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of Coastal Development Permit. Grading plans 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 first 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 inspectors 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 site plans.

**MONITORING:** P&D permit processing planner shall check plans prior to issuance of the Coastal Development Permit, 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. **WatConv-03 Erosion and Sediment Control Revegetation:** The Owner/Applicant shall revegetate graded areas upon completion of grading activities with deep rooted, native, drought tolerant species to minimize slope failure and erosion potential. Use of hydro-seed, straw blankets, other geo-textile binding fabrics or other P&D-approved methods as necessary to hold slope soils until vegetation is established. P&D may require the reseeded of surfaces graded for the

placement of structures if construction does not commence within 30 days of grading.

PLAN REQUIREMENTS: The Owner/Applicant shall include this measure as a note on all grading and building plans.

TIMING: P&D staff verify that erosion and sediment control revegetation plans are included in plan sheets prior to approval of grading permits.

MONITORING: Grading inspection staff and P&D permit compliance staff perform site inspections throughout the construction phase.

9. **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, water body or sensitive biological resources

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all plans for Coastal Development, Grading and Building permits.

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.

10. **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 Land Use and Building permits prior to Zoning Clearance issuance.

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**

- 11. Access Easements.:** The Owner/Applicant shall enter into and record agreements in a form acceptable to and approved by the County Counsel and the Planning and Development to reserve the following access easements:
- a. An access easement over the neighboring property (Assessor Parcel Number 005-310-021) in favor of the subject property (Assessor Parcel Number 005-310-024) at the time of conveyance of either parcel.
  - b. An access easement over the neighboring properties (Assessor Parcel Number 005-310-042 and 005-310-043) in favor in favor of the subject property (Assessor Parcel Number 005-310-024) at the time of conveyance of either parcel.
  - c. An access easement over the neighboring property (Assessor Parcel Number 005-310-026) in favor in favor of the subject property (Assessor Parcel Number 005-310-024) at the time of conveyance of either parcel.
- These agreements are to be recorded with the appropriate instruments as determined by the County Surveyor.

**TIMING:** The Owner/Applicant shall submit to Planning and Development recorded copies of these easement reservations prior to issuance of Zoning Clearance.

- 12. Cannabis-01 Licenses Required:** The applicant shall obtain and maintain in good status: (1) a valid County business license as required by the County Code Chapter 50, and (2) a valid State cannabis license as required by the California Business and Professions Code for the cannabis activities that are the subject of this permit.
- 13. Cannabis-02 Transfer of Ownership:** In the event that the applicant transfers interest in the commercial cannabis operation, the successor(s) in interest shall assume all responsibilities concerning the project including, but not limited to, maintaining compliance with the conditions of this permit and paying for P&D condition compliance activities throughout the life of the project.

**DOCUMENTATION:** The successor(s) in interest shall notify P&D compliance staff, in writing, of the transfer in interest, and provide the contact and billing information of the successor(s) in interest.

**TIMING:** The successor(s) in interest shall provide the written notification within 30 days following the transfer in interest.

**MONITORING:** P&D compliance staff reviews the written notification to confirm that all requisite information has been included pursuant to the requirements of this condition.

- 14. Cannabis-03 Records:** The applicant shall maintain clear and adequate records and documentation, in accordance with State law, the California Cannabis Track-and-Trace System, and as required by County Code Chapter 35, demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations.

**TIMING:** The applicant shall maintain the documentation for a minimum of five years following the preparation and/or approval of the documentation.

**MONITORING:** The applicant shall provide the documentation for review, inspection, examination and audit by the Department.

**15. Cannabis-04 Permit Compliance:** The Owner/Applicant/Operator shall ensure that the project complies with the County cannabis regulations, all approved plans and project conditions, including those which must be monitored after the project is built and/or operations commence. To accomplish this the Owner/Applicant/Operator shall:

1) Complete and submit a Permit Compliance Application to Planning and Development and identify a name and number of the contact person for the project compliance activities.

2) Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to issuance of Zoning Clearance as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for Business License annual review and for P&D to hire and manage outside consultants when deemed necessary by P&D staff to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

3) Participate in Initial Compliance Inspections that may occur:  
i. Prior to commencement of use and/or issuance of Business License,  
ii. Within the first year (during the active growing season), and  
iii. Other instances as deemed necessary by Planning & Development

4) Participate in Regular Compliance Inspections that may occur:  
i. Upon renewal of the County Business License,  
ii. For the life of the project, or as specific in permit conditions, and  
iii. Other instances as deemed necessary by Planning & Development

**PLAN REQUIREMENTS:** The Owner/Applicant/Operator shall include a note and a copy of this condition on all project plans including Building and Grading Plans.

**TIMING:** Prior to issuance of Zoning Clearance an associated Permit Compliance Application and deposit shall be submitted to Planning & Development.

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

**16. Cannabis-05 Fencing and Security Plan:** The Owner/Applicant shall implement



the Fencing and Security Plan stamped “Zoning Approved”.

**PLAN REQUIREMENTS:** The Fencing and Security Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.2) as they existed at the time of approval.

**TIMING:** The Owner/Applicant shall implement the Fencing and Security Plan prior to commencement of the cannabis activities that are the subject of this permit. The Applicant shall maintain the project site in compliance with the Fencing and Security Plan throughout the life of the project.

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

- 17. Cannabis-06 Landscape and Screening Plan:** The applicant shall implement the Landscape and Screening Plan stamped “Zoning Approved”.

**PLAN REQUIREMENTS:** The Landscape and Screening Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.3) as they existed at the time of approval.

**TIMING:** The Owner/Applicant shall maintain the landscaping and screening in compliance with the Landscape and Screening Plan throughout the life of the project.

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

- 18. Cannabis-07 Lighting Plan:** The Owner/Applicant shall implement the Lighting Plan stamped “Zoning Approved”.

**PLAN REQUIREMENTS:** The Lighting Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.4 and –C.1.g) as they existed at the time of approval.

**TIMING:** All components of the Lighting Plan shall be implemented prior to final building inspection. The Owner/Applicant shall maintain the project site in compliance with the Lighting Plan throughout the life of the project.

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

- 19. Cannabis-08 Noise Plan:** The Noise Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.5) as they existed at the time

of approval.

**TIMING:** The Owner/Applicant shall implement the Noise Plan prior to issuance of final building inspection. The Owner/Applicant shall maintain the project site in compliance with the Noise Plan throughout the life of the project.

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

- 20. Cannabis-10 Odor Abatement Implementation and Monitoring:** The applicant shall implement the Odor Abatement Plan stamped “Zoning Approved”. The Odor Abatement Plan must prevent odors from being experienced within residential zones as determined by the Director. The applicant shall follow all methods for reducing odor as outlined in the Odor Abatement Plan and shall deploy, or re-deploy the best available control technologies or methods as necessary, or as determined by the County.

**PLAN REQUIREMENTS:** The Odor Abatement system shall be graphically depicted on project plans and comply with Article II, Section 35-144U.C.6 as that section reads as of the date of project approval. The depicted Odor Abatement system shall conform to the Odor Abatement Plan as reviewed and certified by a Professional Engineer or a Certified Industrial Hygienist.

**TIMING:** The Odor Abatement system shall be installed prior to the commencement of cultivation activities. The Applicant shall maintain the system in good operating condition throughout duration of cannabis cultivation activities.

**MONITORING:** P&D compliance staff shall monitor implementation prior to Final Building Clearance and/or commencement of use, whichever occurs first. Permit Compliance staff has the authority to request additional measures necessary for corrective actions, provided at the cost of the Applicant, to verify compliance with the Odor Abatement Plan. Upon installation of the odor control system and quarterly thereafter for one year, Permit Compliance staff shall conduct an inspection of the odor control system to assess its compliance with the requirements of this condition and the approved Odor Abatement Plan. As part of each inspection, the County shall retain a professional engineer or certified industrial hygienist, at the applicant’s expense, to certify that the Odor Abatement system, specification, operation and procedures has been installed, operating, and maintained as specified in the approved Odor Abatement Plan.

- 21. Cannabis-11 Odor Control Notification:** The Owner/Applicant shall inform P&D compliance monitoring staff prior to making any changes to the product/substance used within the approved [INSERT SYSTEM TYPE: vapor phase, carbon filter, etc.] odor control system. The Owner/Applicant shall submit detailed product information, including but not limited to materials safety data sheets, to

P&D compliance staff for review and approval. P&D staff shall coordinate their review of the proposed product/substance with the Santa Barbara Air Pollution Control District (SBCAPCD). The SBCAPCD shall assess whether this product, or its contents, are listed on the State's Toxic Air Contaminant List or other similar hazardous air contaminants list.

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

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

- 22. Cannabis-12 Site Transportation Demand Management Plan:** The Owner/Applicant shall implement the Site Transportation Demand Management Plan stamped "Zoning Approved".

**PLAN REQUIREMENTS:** The Site Transportation Demand Management Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.1.j) as they existed at the time of approval.

**TIMING:** The Applicant shall implement the Site Transportation Demand Management Plan prior to the commencement of cannabis activities. The Applicant shall maintain the project site in compliance with the Site Transportation Demand Management Plan throughout the life of the project.

**MONITORING:** The applicant shall demonstrate to P&D compliance staff (e.g., by providing a copy of an executed contract with a rideshare service or site inspections to verify that trip reduction features are installed onsite) that all components of the approved Site Transportation Demand Management Plan are implemented

- 23. Cannabis-13 Compliance with State Water Board Requirements:** The applicant shall demonstrate, to the satisfaction of the State Water Resources Control Board, compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy. The Policy includes limitations on the diversion of surface water and certain groundwater diversions, and regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants and fertilizers.

**TIMING:** The applicant shall satisfy this condition prior to issuance of Land Use Permit.

- 24. Cannabis-14 Water Efficiency for Commercial Cannabis Activities:** Water conserving features shall be included in the design of the cannabis cultivation. Water-conserving features including the following: evaporative barriers, time drip irrigation, recycled water, rain capture, and soil moisture monitoring.

PLAN REQUIREMENTS: Water conserving features must comply with the requirements of the Coastal Zoning Ordinance (§ 35.144U.C.k)

TIMING: The applicant shall implement the Water efficiency measures prior to commence of use. The applicant shall maintain the project site in compliance with the water efficiency measures throughout the life of the project.

MONITORING: P&D compliance staff shall inspect the project site to confirm that all water efficiency measures are installed, operated and maintained pursuant to the requirements of this condition.

- 25. Cannabis-17 Wildlife Movement Plan:** The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Wildlife Movement Plan (WPP) included in the Biological Resources Assessment Addendum prepared by the Sage Institute on February 19, 2021 and stamped "Zoning Approved". The WPP measures are summarized below:

- a. Landscape Restoration,
- b. Fencing Modifications,
- c. Tailgate Education Training,
- d. Construction Monitoring,
- e. Pre-construction Monitoring Report,
- f. Special-status Wildlife Pre-construction Surveys, and
- g. Detention Basin Maintenance

PLAN REQUIREMENTS: This condition shall be printed on building and grading plans.

TIMING: The requirements of this condition shall be implemented prior to the commencement of cultivation activities or construction of new buildings, whichever occurs first. The requirements of this condition shall also be implemented throughout the life of the Proposed Project, as applicable. Permit compliance staff shall conduct site inspections as needed to confirm compliance.

MONITORING: P&D permit processing planner shall check plans prior to issuance. P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the planset and as detailed in

the WPP included in the Biological Resources Assessment prepared by Sage Institute on February 19, 2021 throughout the life of the project to permit compliance staff.

- 26. Cannabis-18 Habitat Protection Plan:** The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Habitat Protection Plan (HPP) included in the Biological Resources Assessment prepared by the Sage Institute on October 15, 2021 and stamped “Zoning Approved”. The HPP measures are summarized below:
- a. Landscape restoration,
  - b. Tailgate education training,
  - c. Construction protection,
  - d. Special-status wildlife pre-construction surveys,
  - e. Post-construction monitoring report, and
  - f. Detention basin maintenance.

**PLAN REQUIREMENTS:** This condition shall be printed on building and grading plans.

**TIMING:** The requirements of this condition shall be implemented prior to the commencement of cultivation activities or construction of new buildings, whichever occurs first. The requirements of this condition shall also be implemented throughout the life of the Proposed Project, as applicable. Permit compliance staff shall conduct site inspections as needed to confirm compliance.

**MONITORING:** P&D permit processing planner shall check plans prior to issuance. P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the planset and as detailed in the HPP included in the Biological Resources Assessment prepared by Sage Institute on October 15, 2021 throughout the life of the project to permit compliance staff.

- 27. Cannabis-19 Tree Protection Plan:** The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Tree Protection Plan (TPP) included in the Biological Resources Assessment prepared by the Sage Institute on October 8, 2021 and stamped “Zoning Approved”. The TPP measures are summarized below:
- a. Tree protection fencing,
  - b. No irrigation shall be located within 6 feet of the dripline,
  - c. A Department-approved arborist shall oversee any development within the dripline,
  - d. If hand tools are deemed infeasible by the Director, work with rubber-tired

construction equipment weighing 5 tons or less may be authorized by the Director, and

e. Grading shall be designed to avoid ponding and ensure proper drainage within the dripline.

PLAN REQUIREMENTS: This condition shall be printed on building and grading plans.

TIMING: The requirements of this condition shall be implemented prior to the commencement of cultivation activities or construction of new buildings, whichever occurs first. The requirements of this condition shall also be implemented throughout the life of the Proposed Project, as applicable. Permit compliance staff shall conduct site inspections as needed to confirm compliance.

MONITORING: P&D permit processing planner shall check plans prior to issuance. P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the planset and as detailed in the TPP included in the Biological Resources Assessment prepared by Sage Institute on October 8, 2021 throughout the life of the project to permit compliance staff.

- 28. Cannabis-20 Greenhouse Blackout Curtains:** The owner/applicant/operator shall install, use and maintain a mechanized blackout screening system within growing areas to prevent interior night lighting (grow lights) from being visible outside the green houses structures between sunset and sunrise.

PLAN REQUIREMENTS: The mechanized blackout screen system shall be noted on plans submitted for Permit approval

TIMING: The system shall be installed prior to Final Building Inspection Clearance or Commence of Use.

MONITORING: The Owner/Applicant/Operator shall demonstrate proper installation and functioning prior to Final Building Inspection Clearance or Commence of Use. P&D Compliance staff may conduct site inspections as necessary to respond to complaints and ensure blackout screen system is maintained for the life of the project.

- 29. 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.

- 30. 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.

- 31. Landscape Easement:** The Owner/Applicant shall enter into and record an agreement in a form acceptable to and approved by the County Counsel and the Planning and Development to reserve an easement over the neighboring property (Assessor Parcel Number 005-310-021) in favor of the subject property (Assessor Parcel Number 005-310-024) for the maintenance of off-site landscaping at the time of conveyance of either parcel. This agreement is to be recorded with the appropriate instruments as determined by the County Surveyor.

**TIMING:** The Owner/Applicant shall submit to Planning and Development a recorded copy of this reservation of easement prior to issuance of Zoning Clearance.

### **County Rules and Regulation**

- 32. 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.

This is based on a project type of cannabis cultivation.

**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).

- 33. 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 the County Public Works Department Roads Division. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. This is based on a project type of cannabis cultivation.

**TIMING:** Roads DIMFs shall be paid to the County Public Works Department Roads 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).

- 34. Rules-02 Effective Date-Appealable to CCC:** This Coastal Development Permit shall become effective upon 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 review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
- 35. 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.
- 36. 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.
- 37. 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.
- 38. Rules-11 CDP Expiration-With CUP or DVP:** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval for one year if good cause is shown and the applicable findings for the approval



required in compliance with Section 35-169.5 can still be made. Prior to the expiration of a time extension approved in compliance with Subsection a. above, the review authority who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.

A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. A Coastal Development Permit whose expiration date has been extended in compliance with the above will nevertheless expire at the earlier of: (1) the expiration of the most recent time extension or (2) the expiration of the associated Conditional Use Permit or Development Plan (as modified by any extension thereto).

39. **Rules-18 CUP and DVP Revisions:** The approval by the decision maker of a revised Final Development Plan shall automatically supersede any previously approved Final Development Plan upon the effective date of the revised permit.
40. **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.
41. **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.
42. **Rules-25 Signed Agreement to Comply:** Prior to approval of Coastal Development Permit, the Owner/Applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the Owner of the property agrees to comply with the project description, approved exhibits and all conditions of approval. Form may be obtained from the P&D office.
43. **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 and irrigation. The landscape installation security shall be waived if installation is completed in conformance with applicable requirements prior to Building Final/Occupancy Approval. 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.

- 44. Rules-28 NTPO Condition:** Removal of Greenhouses. 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.

- 45. Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:
- a. Air Pollution Control District dated March 15, 2021;
  - b. Environmental Health Services Division dated March 29, 2021;
  - c. Fire Department dated April 21, 2021;
  - d. Flood Control Water Agency dated May 7, 2021.
- 46. 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.
- 47. 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.
- 48. 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.
- 49. 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.

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

**Project Description**

- 1. Proj Des-01 Project Description:** This Minor Conditional Use Permit is based upon and limited to compliance with the project description, the Board Agenda Letter hearing exhibits marked 1-24, dated December 7, 2021, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The Proposed Project is a request for a Coastal Development Permit, Minor Conditional Use Permit, and Revised Development Plan to a Development Plan (Case No. 10DVP-00000-00010) approved on March 10, 2014 to allow for 7.98 acres of mixed-light cannabis cultivation, nursery, and processing. Mature mixed-light cultivation will take place in the existing 264,500 sq. ft. greenhouse, and nursery mixed-light cultivation will take place in a new 17-ft.-tall, 58,396 sq. ft. addition to Greenhouse 1. The addition will include locker rooms, administrative offices, a walk-in cooler, and restrooms. Cultivation will utilize water conservation methods including timed drip, evaporative barriers, soil moisture monitors, recycled water, and rain capture. Harvests will take place continuously year round. Compost will be transported off-site by a licensed operator.

Greenhouses 2, 3 and 4 will be demolished. A new 26-ft.-tall, 24,751 sq. ft. processing building will be constructed and used for freezing, curing, drying, bucking, trimming, grading, packaging, storage, testing sampling, and offsite transport. The processing building will also include an employee break area, locker rooms, administrative offices, and restrooms. A 5-ft.-tall retaining wall will be constructed between the processing building and existing greenhouse.

The Proposed Project will be equipped with the leading active odor neutralizing technology(s) currently available to prevent cannabis nuisance odors from drifting off-site and impacting protected receptors (i.e. residential zoning). These odor control systems are described in detail within the Proposed Project's certified Odor Abatement Plan. Changes to the Odor Abatement Plan will be processed in coordination with the County and may require changes to this permit or a new permit.

The northern portion of the parcel is within the 100 ft. buffer of Arroyo Paredon Creek, which contains Environmentally Sensitive Habitat (ESH). There is no ESH in this buffer area. In the northern portion of the parcel, an existing unpaved parking area will be abandoned and avocado trees (*Persea americana*) will be removed, and the northernmost portion of the 100-ft. buffer area along an existing 7-ft.-tall fence will be restored with native vegetation to enhance the ESH buffer area. All restoration in the ESH buffer will take place outside of the nesting season. No

native vegetation exists in the 100-ft. buffer area, and no native vegetation or habitat will be removed as part of the Proposed Project.

Grading for the Proposed Project will consist of expansion of the existing storm water detention basins as well as site leveling in the parking and structural development areas. Total grading for the Proposed Project will require 9,220 CY of cut, 4,430 CY of fill, and 5,490 CY of export. As part of the Proposed Project, 12 existing, as-built pre-fabricated storage containers will be removed from the subject parcel. The Proposed Project includes new landscaping planted around the processing building and parking area. As part of the Proposed Project, the landscaping plan includes maintenance of recently planted landscaping located offsite on the adjacent parcel to the east (APN 005-310-021) to provide additional screening from Foothill Road.

2. **Proj Des-01 Project Description:** The perimeter of the Project site will be enclosed by an existing 7-ft.-tall chain-link fence with wood slats with a 1.5-ft.-tall mesh on the bottom to prevent wildlife entry into the cannabis operation. Wall and pole-mounted light fixtures will be mounted at a maximum height of 10 feet throughout the Project site. All exterior lighting will be fully shielded, downward directed, and on motion sensors with illumination lasting for up to five minutes after movement. A blackout shade system will be utilized within the greenhouse structures to ensure that there is no visible light emanating from the greenhouses from dusk to dawn.

The hours of operation will be from 6:30 a.m. to 7:30 p.m. daily. The cannabis operation will require a maximum of 75 employees year round. Employees will work staggered schedules and will be provided with carpool incentives in order to reduce peak hour trips. Employees will be required to utilize the Via Real access road to enter and exit the site. There will be 65 parking spaces onsite and a loading area located near the processing building.

Domestic and irrigation water will be provided by the Carpinteria Water District through an existing water meter. The Proposed Project includes a new onsite septic system. Power will be provided by Southern California Edison. One back-up emergency generator will be used in power outage situations only. Access to the site will be provided off Via Real via paved driveway with a shared access easement ranging from 16-ft.-wide to 20-ft.-wide as well as Foothill Road via a 20-ft.-wide paved driveway and shared access easement. Fire protection will be provided by the Carpinteria-Summerland Fire District. The property is a 13.66-acre parcel zoned AG-I-10 and shown as Assessor's Parcel Number 005-310-024, located at 3861 Foothill Road in the Toro Canyon Community Plan in the Carpinteria area, First Supervisorial District.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations

may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

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

### **Conditions By Issue Area**

4. **Aest-04 BAR Required:** The Owner/Applicant shall obtain Southern Board of Architectural Review (SBAR) 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 approval of 20BAR-00000-00021.

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

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

5. **Air-01 Dust Control:** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
  - a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
  - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
  - d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
  - e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
  - f. Order increased watering as necessary to prevent transport of dust off-site.
  - g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.

h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately: (i) Seed and water to re-vegetate graded areas; and/or (ii) Spread soil binders; and/or; (iii) Employ any other method(s) deemed appropriate by P&D or APCD.

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

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

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

TIMING: The dust monitor shall be designated prior to first 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 inspectors shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

6. **CulRes-09 Stop Work at Encounter:** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant.

PLAN REQUIREMENTS: This condition shall be printed on all site plans.

MONITORING: P&D permit processing planner shall check plans prior to issuance of the Coastal Development Permit, and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

7. **Geo-02 Erosion and Sediment Control Plan:** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have

been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County web site re: Grading Ordinance Chapter 14 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements.

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

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

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

- 8. Noise-02 Construction Hours:** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 8:00 a.m. and 5:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

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

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

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

- 9. WatConv-03 Erosion and Sediment Control Revegetation:** T h e



Owner/Applicant shall revegetate graded areas upon completion of grading activities with deep rooted, native, drought tolerant species to minimize slope failure and erosion potential. Use of hydro-seed, straw blankets, other geo-textile binding fabrics or other P&D-approved methods as necessary to hold slope soils until vegetation is established. P&D may require the reseeded of surfaces graded for the placement of structures if construction does not commence within 30 days of grading.

**PLAN REQUIREMENTS:** The Owner/Applicant shall include this measure as a note on all grading and building plans.

**TIMING:** P&D staff verify that erosion and sediment control revegetation plans are included in plan sheets prior to approval of grading permits.

**MONITORING:** Grading inspection staff and P&D permit compliance staff perform site inspections throughout the construction phase.

- 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, water body or sensitive biological resources

**PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all plans for Coastal Development, Grading and Building permits.

**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 Land Use and Building permits prior to Zoning Clearance issuance.

**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. Access Easements.:** The Owner/Applicant shall enter into and record agreements in a form acceptable to and approved by the County Counsel and the Planning and Development to reserve the following access easements:
- a. An access easement over the neighboring property (Assessor Parcel Number 005-310-021) in favor of the subject property (Assessor Parcel Number 005-310-024) at the time of conveyance of either parcel.
  - b. An access easement over the neighboring properties (Assessor Parcel Number 005-310-042 and 005-310-043) in favor in favor of the subject property (Assessor Parcel Number 005-310-024) at the time of conveyance of either parcel.
  - c. An access easement over the neighboring property (Assessor Parcel Number 005-310-026) in favor in favor of the subject property (Assessor Parcel Number 005-310-024) at the time of conveyance of either parcel.
- These agreements are to be recorded with the appropriate instruments as determined by the County Surveyor.

TIMING: The Owner/Applicant shall submit to Planning and Development recorded copies of these easement reservations prior to issuance of Zoning Clearance.

- 13. Cannabis-01 Licenses Required:** The applicant shall obtain and maintain in good status: (1) a valid County business license as required by the County Code Chapter 50, and (2) a valid State cannabis license as required by the California Business and Professions Code for the cannabis activities that are the subject of this permit.
- 14. Cannabis-02 Transfer of Ownership:** In the event that the applicant transfers interest in the commercial cannabis operation, the successor(s) in interest shall assume all responsibilities concerning the project including, but not limited to, maintaining compliance with the conditions of this permit and paying for P&D condition compliance activities throughout the life of the project.

DOCUMENTATION: The successor(s) in interest shall notify P&D compliance staff, in writing, of the transfer in interest, and provide the contact and billing information of the successor(s) in interest.

TIMING: The successor(s) in interest shall provide the written notification within 30 days following the transfer in interest.

MONITORING: P&D compliance staff reviews the written notification to confirm that all requisite information has been included pursuant to the requirements of this condition.

- 15. Cannabis-03 Records:** The applicant shall maintain clear and adequate records and

documentation, in accordance with State law, the California Cannabis Track-and-Trace System, and as required by County Code Chapter 35, demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations.

**TIMING:** The applicant shall maintain the documentation for a minimum of five years following the preparation and/or approval of the documentation.

**MONITORING:** The applicant shall provide the documentation for review, inspection, examination and audit by the Department.

**16. Cannabis-04 Permit Compliance:** The Owner/Applicant/Operator shall ensure that the project complies with the County cannabis regulations, all approved plans and project conditions, including those which must be monitored after the project is built and/or operations commence. To accomplish this the Owner/Applicant/Operator shall:

1) Complete and submit a Permit Compliance Application to Planning and Development and identify a name and number of the contact person for the project compliance activities.

2) Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to issuance of Zoning Clearance as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for Business License annual review and for P&D to hire and manage outside consultants when deemed necessary by P&D staff to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

3) Participate in Initial Compliance Inspections that may occur:  
i. Prior to commencement of use and/or issuance of Business License,  
ii. Within the first year (during the active growing season), and  
iii. Other instances as deemed necessary by Planning & Development

4) Participate in Regular Compliance Inspections that may occur:  
i. Upon renewal of the County Business License,  
ii. For the life of the project, or as specific in permit conditions, and  
iii. Other instances as deemed necessary by Planning & Development

**PLAN REQUIREMENTS:** The Owner/Applicant/Operator shall include a note and a copy of this condition on all project plans including Building and Grading Plans.

**TIMING:** Prior to issuance of Zoning Clearance an associated Permit Compliance Application and deposit shall be submitted to Planning & Development.

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

- 17. Cannabis-05 Fencing and Security Plan:** The Owner/Applicant shall implement the Fencing and Security Plan stamped “Zoning Approved”.

PLAN REQUIREMENTS: The Fencing and Security Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.2) as they existed at the time of approval.

TIMING: The Owner/Applicant shall implement the Fencing and Security Plan prior to commencement of the cannabis activities that are the subject of this permit. The Applicant shall maintain the project site in compliance with the Fencing and Security Plan throughout the life of the project.

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

- 18. Cannabis-06 Landscape and Screening Plan:** The applicant shall implement the Landscape and Screening Plan stamped “Zoning Approved”.

PLAN REQUIREMENTS: The Landscape and Screening Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.3) as they existed at the time of approval.

TIMING: The Owner/Applicant shall maintain the landscaping and screening in compliance with the Landscape and Screening Plan throughout the life of the project.

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

- 19. Cannabis-07 Lighting Plan:** The Owner/Applicant shall implement the Lighting Plan stamped “Zoning Approved”.

PLAN REQUIREMENTS: The Lighting Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.4 and –C.1.g) as they existed at the time of approval.

TIMING: All components of the Lighting Plan shall be implemented prior to final building inspection. The Owner/Applicant shall maintain the project site in compliance with the Lighting Plan throughout the life of the project.

MONITORING: P&D compliance staff inspects the project site to confirm that all

components of the Lighting Plan are installed, maintained and operated pursuant to the requirements of this condition.

- 20. Cannabis-08 Noise Plan:** The Noise Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.5) as they existed at the time of approval.

**TIMING:** The Owner/Applicant shall implement the Noise Plan prior to issuance of final building inspection. The Owner/Applicant shall maintain the project site in compliance with the Noise Plan throughout the life of the project.

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

- 21. Cannabis-09 Minimization of Cannabis Odors:** In compliance with the requirements of the Land Use and Development Code (§35.42.075.D.1.o), as that section reads as of the date of project approval, in order to minimize cannabis odors, the drying, curing, and/or trimming of harvested cannabis shall either (1) be located within an enclosed structure which utilizes best available control technology, or (2) include techniques/or equipment (e.g., the use of freeze drying techniques/equipment and immediate packaging of harvested cannabis in the field) that shall achieve an equivalent or greater level of odor control as could be achieved using an enclosed structure which utilizes best available control technology. The Owner/Applicant shall comply with the proposed method to minimize cannabis odors as depicted on the plans stamped 'Zoning Approved.' The Owner/Applicant shall inform P&D compliance monitoring staff prior to making any changes to the odor control technology/technique.

**PLAN REQUIREMENTS:** The odor control technology/technique or system shall be graphically depicted on project plans and must comply with the requirements of Section 35.42.075.D.1o, as that section reads as of the date of project approval.

**TIMING:** The odor control technology/technique or system shall be implemented prior to the Final Building Clearance and/or commencement of cultivation activities, whichever occurs first. The Owner/Applicant shall maintain the technology/technique or system in good, working condition throughout duration of cannabis processing activities. The Owner/Applicant shall inform P&D compliance monitoring staff of their intent to change the odor control technology/technique or system prior to its use. The Owner/Applicant shall submitted updated materials for P&D review and approval prior to installation or use of new odor control technology/technique or system. If required, the Owner/Applicant shall obtain additional permits for the use of the new odor control technology/technique or system. Compliance with the requirements of this condition is necessary for the life of the project.

MONITORING: P&D compliance staff shall monitor implementation of odor control technology/technique or system prior to Final Building Clearance and/or commencement of use, whichever occurs first. Permit Compliance staff has the authority to request additional measures necessary for corrective actions, provided at the cost of the Owner/Applicant, to verify compliance with this condition. Upon implementation/installation of the odor control technology/technique or system and quarterly thereafter for one year, Permit Compliance staff shall conduct an inspection of the odor control technology/technique to assess its compliance with the requirements of this condition. Permit Compliance staff may conduct additional inspections, as needed, throughout the life of the project.

- 22. Cannabis-10 Odor Abatement Implementation and Monitoring:** The applicant shall implement the Odor Abatement Plan stamped “Zoning Approved”. The Odor Abatement Plan must prevent odors from being experienced within residential zones as determined by the Director. The applicant shall follow all methods for reducing odor as outlined in the Odor Abatement Plan and shall deploy, or re-deploy the best available control technologies or methods as necessary, or as determined by the County.

PLAN REQUIREMENTS: The Odor Abatement system shall be graphically depicted on project plans and comply with Article II, Section 35-144U.C.6 as that section reads as of the date of project approval. The depicted Odor Abatement system shall conform to the Odor Abatement Plan as reviewed and certified by a Professional Engineer or a Certified Industrial Hygienist.

TIMING: The Odor Abatement system shall be installed prior to the commencement of cultivation activities. The Applicant shall maintain the system in good operating condition throughout duration of cannabis cultivation activities.

MONITORING: P&D compliance staff shall monitor implementation prior to Final Building Clearance and/or commencement of use, whichever occurs first. Permit Compliance staff has the authority to request additional measures necessary for corrective actions, provided at the cost of the Applicant, to verify compliance with the Odor Abatement Plan. Upon installation of the odor control system and quarterly thereafter for one year, Permit Compliance staff shall conduct an inspection of the odor control system to assess its compliance with the requirements of this condition and the approved Odor Abatement Plan. As part of each inspection, the County shall retain a professional engineer or certified industrial hygienist, at the applicant’s expense, to certify that the Odor Abatement system, specification, operation and procedures has been installed, operating, and maintained as specified in the approved Odor Abatement Plan.

- 23. Cannabis-11 Odor Control Notification:** The Owner/Applicant shall inform P&D compliance monitoring staff prior to making any changes to the product/substance used within the approved [INSERT SYSTEM TYPE: vapor phase, carbon filter, etc.] odor control system. The Owner/Applicant shall submit detailed

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

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

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

- 24. Cannabis-12 Site Transportation Demand Management Plan:** The Owner/Applicant shall implement the Site Transportation Demand Management Plan stamped "Zoning Approved".

**PLAN REQUIREMENTS:** The Site Transportation Demand Management Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.1.j) as they existed at the time of approval.

**TIMING:** The Applicant shall implement the Site Transportation Demand Management Plan prior to the commencement of cannabis activities. The Applicant shall maintain the project site in compliance with the Site Transportation Demand Management Plan throughout the life of the project.

**MONITORING:** The applicant shall demonstrate to P&D compliance staff (e.g., by providing a copy of an executed contract with a rideshare service or site inspections to verify that trip reduction features are installed onsite) that all components of the approved Site Transportation Demand Management Plan are implemented

- 25. Cannabis-13 Compliance with State Water Board Requirements:** The applicant shall demonstrate, to the satisfaction of the State Water Resources Control Board, compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy. The Policy includes limitations on the diversion of surface water and certain groundwater diversions, and regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants and fertilizers.

**TIMING:** The applicant shall satisfy this condition prior to issuance of Land Use Permit.

- 26. Cannabis-14 Water Efficiency for Commercial Cannabis Activities:** Water conserving features shall be included in the design of the cannabis cultivation. Water-conserving features including the following: evaporative barriers, time drip irrigation, recycled water, rain capture, and soil moisture monitoring.

PLAN REQUIREMENTS: Water conserving features must comply with the requirements of the Coastal Zoning Ordinance (§ 35.144U.C.k)

TIMING: The applicant shall implement the Water efficiency measures prior to commence of use. The applicant shall maintain the project site in compliance with the water efficiency measures throughout the life of the project.

MONITORING: P&D compliance staff shall inspect the project site to confirm that all water efficiency measures are installed, operated and maintained pursuant to the requirements of this condition.

- 27. Cannabis-17 Wildlife Movement Plan:** The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Wildlife Movement Plan (WPP) included in the Biological Resources Assessment Addendum prepared by the Sage Institute on February 19, 2021 and stamped "Zoning Approved". The WPP measures are summarized below:

- a. Landscape Restoration,
- b. Fencing Modifications,
- c. Tailgate Education Training,
- d. Construction Monitoring,
- e. Pre-construction Monitoring Report,
- f. Special-status Wildlife Pre-construction Surveys, and
- g. Detention Basin Maintenance

PLAN REQUIREMENTS: This condition shall be printed on building and grading plans.

TIMING: The requirements of this condition shall be implemented prior to the commencement of cultivation activities or construction of new buildings, whichever occurs first. The requirements of this condition shall also be implemented throughout the life of the Proposed Project, as applicable. Permit compliance staff shall conduct site inspections as needed to confirm compliance.

MONITORING: P&D permit processing planner shall check plans prior to issuance. P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the planset and as detailed in



the WPP included in the Biological Resources Assessment prepared by Sage Institute on February 19, 2021 throughout the life of the project to permit compliance staff.

**28. Cannabis-18 Habitat Protection Plan:** The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Habitat Protection Plan (HPP) included in the Biological Resources Assessment prepared by the Sage Institute on October 15, 2021 and stamped “Zoning Approved”. The HPP measures are summarized below:

- a. Landscape restoration,
- b. Tailgate education training,
- c. Construction protection,
- d. Special-status wildlife pre-construction surveys,
- e. Post-construction monitoring report, and
- f. Detention basin maintenance.

**PLAN REQUIREMENTS:** This condition shall be printed on building and grading plans.

**TIMING:** The requirements of this condition shall be implemented prior to the commencement of cultivation activities or construction of new buildings, whichever occurs first. The requirements of this condition shall also be implemented throughout the life of the Proposed Project, as applicable. Permit compliance staff shall conduct site inspections as needed to confirm compliance.

**MONITORING:** P&D permit processing planner shall check plans prior to issuance. P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the planset and as detailed in the HPP included in the Biological Resources Assessment prepared by Sage Institute on October 15, 2021 throughout the life of the project to permit compliance staff.

**29. Cannabis-19 Tree Protection Plan:** The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Tree Protection Plan (TPP) included in the Biological Resources Assessment prepared by the Sage Institute on February 19, 2021 and stamped “Zoning Approved”. The TPP measures are summarized below:

- a. Tree protection fencing,
- b. No irrigation shall be located within 6 feet of the dripline,
- c. A Department-approved arborist shall oversee any development within the dripline,
- d. If hand tools are deemed infeasible by the Director, work with rubber-tired

construction equipment weighing 5 tons or less may be authorized by the Director, and

e. Grading shall be designed to avoid ponding and ensure proper drainage within the dripline.

PLAN REQUIREMENTS: This condition shall be printed on building and grading plans.

TIMING: The requirements of this condition shall be implemented prior to the commencement of cultivation activities or construction of new buildings, whichever occurs first. The requirements of this condition shall also be implemented throughout the life of the Proposed Project, as applicable. Permit compliance staff shall conduct site inspections as needed to confirm compliance.

MONITORING: P&D permit processing planner shall check plans prior to issuance. P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the planset and as detailed in the TPP included in the Biological Resources Assessment prepared by Sage Institute on February 19, 2021 throughout the life of the project to permit compliance staff.

- 30. Cannabis-20 Greenhouse Blackout Curtains:** The owner/applicant/operator shall install, use and maintain a mechanized blackout screening system within growing areas to prevent interior night lighting (grow lights) from being visible outside the green houses structures between sunset and sunrise.

PLAN REQUIREMENTS: The mechanized blackout screen system shall be noted on plans submitted for Permit approval

TIMING: The system shall be installed prior to Final Building Inspection Clearance or Commence of Use.

MONITORING: The Owner/Applicant/Operator shall demonstrate proper installation and functioning prior to Final Building Inspection Clearance or Commence of Use. P&D Compliance staff may conduct site inspections as necessary to respond to complaints and ensure blackout screen system is maintained for the life of the project.

- 31. 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.

- 32. 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.

- 33. Landscape Easement:** The Owner/Applicant shall enter into and record an agreement in a form acceptable to and approved by the County Counsel and the Planning and Development to reserve an easement over the neighboring property (Assessor Parcel Number 005-310-021) in favor of the subject property (Assessor Parcel Number 005-310-024) for the maintenance of off-site landscaping at the time of conveyance of either parcel. This agreement is to be recorded with the appropriate instruments as determined by the County Surveyor.

**TIMING:** The Owner/Applicant shall submit to Planning and Development a recorded copy of this reservation of easement prior to issuance of Zoning Clearance.

### **County Rules and Regulation**

- 34. 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.

This is based on a project type of cannabis cultivation.

**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).

- 35. 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 the County Public Works Department Roads Division. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. This is based on a project type of cannabis cultivation.

**TIMING:** Roads DIMFs shall be paid to the County Public Works Department Roads 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).

- 36. Rules-02 Effective Date-Appealable to CCC:** This Coastal Development Permit shall become effective upon 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 review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
- 37. 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.
- 38. 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.
- 39. 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.
- 40. Rules-11 CDP Expiration-With CUP or DVP:** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval for one year if good cause is shown and the applicable findings for the approval

required in compliance with Section 35-169.5 can still be made. Prior to the expiration of a time extension approved in compliance with Subsection a. above, the review authority who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.

A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. A Coastal Development Permit whose expiration date has been extended in compliance with the above will nevertheless expire at the earlier of: (1) the expiration of the most recent time extension or (2) the expiration of the associated Conditional Use Permit or Development Plan (as modified by any extension thereto).

- 41. Rules-18 CUP and DVP Revisions:** The approval by the decision maker of a revised Final Development Plan shall automatically supersede any previously approved Final Development Plan upon the effective date of the revised permit.
- 42. 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.
- 43. 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.
- 44. Rules-25 Signed Agreement to Comply:** Prior to approval of Coastal Development Permit, the Owner/Applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the Owner of the property agrees to comply with the project description, approved exhibits and all conditions of approval. Form may be obtained from the P&D office.
- 45. 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 and irrigation. The landscape installation security shall be waived if installation is completed in conformance with applicable requirements prior to Building Final/Occupancy Approval. 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.

- 46. Rules-28 NTPO Condition:** Removal of Greenhouses. 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.

- 47. Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:
- a. Air Pollution Control District dated March 15, 2021;
  - b. Environmental Health Services Division dated March 29, 2021;
  - c. Fire Department dated April 21, 2021;
  - d. Flood Control Water Agency dated May 7, 2021.
- 48. 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.
- 49. 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.
- 50. 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.
- 51. 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.

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

**Project Description**

- 1. Proj Des-01 Project Description:** This Coastal Development Permit is based upon and limited to compliance with the project description, the Board of Supervisors Board Agenda Letter hearing exhibits marked 1-24, dated December 7, 2021, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The Proposed Project is a request for a Coastal Development Permit, Minor Conditional Use Permit, and Revised Development Plan to a Development Plan (Case No. 10DVP-00000-00010) approved on March 10, 2014 to allow for 7.98 acres of mixed-light cannabis cultivation, nursery, and processing. Mature mixed-light cultivation will take place in the existing 264,500-sq.-ft. greenhouse, and nursery mixed-light cultivation will take place in a new 17-ft.-tall, 61,840 sq. ft. addition to Greenhouse 1. The addition will include locker rooms, administrative offices, a walk-in cooler, and restrooms. Cultivation will utilize water conservation methods including timed drip, evaporative barriers, soil moisture monitors, recycled water, and rain capture. Harvests will take place continuously year round. Compost will be transported offsite by a licensed operator.

Greenhouses 2, 3 and 4 will be demolished. A new 26-ft.-tall, 24,751-sq.-ft. processing building will be constructed and used for freezing, curing, drying, bucking, trimming, grading, packaging, storage, testing sampling, and offsite transport. The processing building will also include an employee break area, locker rooms, administrative offices, and restrooms. An approximately 420-ft.-long, 5-ft.-tall retaining wall will be constructed between the processing building and existing greenhouse.

The Proposed Project will be equipped with the leading active odor neutralizing technology(s) currently available to prevent cannabis nuisance odors from drifting offsite and impacting protected receptors (i.e. residential zoning). These odor control systems are described in detail within the Proposed Project's certified Odor Abatement Plan. Changes to the Odor Abatement Plan will be processed in coordination with the County and may require changes to this permit or a new permit.

The northern portion of the parcel is within the 100-ft. buffer of Arroyo Paredon Creek, which contains Environmentally Sensitive Habitat (ESH). There is no ESH in this buffer area. In the northern portion of the parcel, an existing unpaved parking area will be abandoned, and the northernmost portion of the 100-ft. buffer area along an existing 7-ft.-tall fence will be restored with native vegetation to enhance the ESH buffer area. All restoration in the ESH buffer will take place outside of the



nesting season. No native vegetation exists in the 100-ft. buffer area, and no native vegetation or habitat will be removed as part of the Proposed Project.

Grading for the Proposed Project will consist of expansion of the existing stormwater detention basins as well as site leveling in the parking and structural development areas. Total grading for the Proposed Project will require 6,030 cubic yards (CY) of cut, 3,950 CY of fill, and 2,080 CY of export. There will be 700 linear ft. of retaining walls ranging from 1-ft.-tall to 13-ft.-tall associated with the stormwater detention basins. As part of the Proposed Project, 12 existing, as-built pre-fabricated storage containers will be removed from the subject parcel. The Proposed Project includes new landscaping planted around the processing building and parking area. As part of the Proposed Project, the landscaping plan includes maintenance of recently planted landscaping located offsite on the adjacent parcel to the east (APN 005-310-021) to provide additional screening from Foothill Road

2. **Proj Des-01 Project Description:** The perimeter of the Project site will be enclosed by an existing 7-ft.-tall chain-link fence with wood slats with a 1.5-ft.-tall mesh on the bottom to prevent wildlife entry into the cannabis operation. Wall and pole-mounted light fixtures will be mounted at a maximum height of 10 feet throughout the Project site. All exterior lighting will be fully shielded, downward directed, and on motion sensors with illumination lasting for up to five minutes after movement. A blackout shade system will be utilized within the greenhouse structures to ensure that there is no visible light emanating from the greenhouses from dusk to dawn.

The hours of operation will be from 6:30 a.m. to 7:30 p.m. daily. The cannabis operation will require a maximum of 75 employees year round. Employees will work staggered schedules and will be provided with carpool incentives in order to reduce peak hour trips. Employees will be required to utilize the Via Real access road to enter and exit the site. There will be 65 parking spaces onsite and a loading area located near the processing building.

Domestic and irrigation water will be provided by the Carpinteria Water District through an existing water meter. The Proposed Project includes a new onsite septic system. Power will be provided by Southern California Edison. One back-up emergency generator will be used in power outage situations only. Access to the site will be provided off Via Real via paved driveway with a shared access easement ranging from 16-ft.-wide to 20-ft.-wide as well as Foothill Road via a 20-ft.-wide paved driveway and shared access easement. Fire protection will be provided by the Carpinteria-Summerland Fire District. The property is a 13.66-acre parcel zoned AG-I-10 and shown as Assessor's Parcel Number 005-310-024, located at 3861 Foothill Road in the Toro Canyon Community Plan in the Carpinteria area, First Supervisorial District.

Any deviations from the project description, exhibits or conditions must be

reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

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

#### **Conditions By Issue Area**

4. **Aest-04 BAR Required:** The Owner/Applicant shall obtain Southern Board of Architectural Review (SBAR) 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 approval of 20BAR-00000-00021.

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

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

5. **Air-01 Dust Control:** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:
  - a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
  - b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
  - d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
  - e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
  - f. Order increased watering as necessary to prevent transport of dust off-site.
  - g. Cover soil stockpiled for more than two days or treat with soil binders to prevent

dust generation. Reapply as needed.

h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately: (i) Seed and water to re-vegetate graded areas; and/or (ii) Spread soil binders; and/or; (iii) Employ any other method(s) deemed appropriate by P&D or APCD.

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

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

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

TIMING: The dust monitor shall be designated prior to first 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 inspectors shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

6. **CulRes-09 Stop Work at Encounter:** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant.

PLAN REQUIREMENTS: This condition shall be printed on all site plans.

MONITORING: P&D permit processing planner shall check plans prior to issuance of the Coastal Development Permit, and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

7. **Geo-02 Erosion and Sediment Control Plan:** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be

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

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

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

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

- 8. Noise-02 Construction Hours:** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 8:00 a.m. and 5:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

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

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

**MONITORING:** The Owner/Applicant shall demonstrate that required signs are

posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.

- 9. WatConv-03 Erosion and Sediment Control Revegetation:** The Owner/Applicant shall revegetate graded areas upon completion of grading activities with deep rooted, native, drought tolerant species to minimize slope failure and erosion potential. Use of hydro-seed, straw blankets, other geo-textile binding fabrics or other P&D-approved methods as necessary to hold slope soils until vegetation is established. P&D may require the reseeded of surfaces graded for the placement of structures if construction does not commence within 30 days of grading.

**PLAN REQUIREMENTS:** The Owner/Applicant shall include this measure as a note on all grading and building plans.

**TIMING:** P&D staff verify that erosion and sediment control revegetation plans are included in plan sheets prior to approval of grading permits.

**MONITORING:** Grading inspection staff and P&D permit compliance staff perform site inspections throughout the construction phase.

- 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, water body or sensitive biological resources

**PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all plans for Coastal Development, Grading and Building permits.

**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 Land Use and Building permits prior to Zoning Clearance issuance.

**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. Access Easements.:** The Owner/Applicant shall enter into and record agreements in a form acceptable to and approved by the County Counsel and the Planning and Development to reserve the following access easements:

a. An access easement over the neighboring property (Assessor Parcel Number 005-310-021) in favor of the subject property (Assessor Parcel Number 005-310-024) at the time of conveyance of either parcel.

b. An access easement over the neighboring properties (Assessor Parcel Number 005-310-042 and 005-310-043) in favor in favor of the subject property (Assessor Parcel Number 005-310-024) at the time of conveyance of either parcel.

c. An access easement over the neighboring property (Assessor Parcel Number 005-310-026) in favor in favor of the subject property (Assessor Parcel Number 005-310-024) at the time of conveyance of either parcel.

These agreements are to be recorded with the appropriate instruments as determined by the County Surveyor.

**TIMING:** The Owner/Applicant shall submit to Planning and Development recorded copies of these easement reservations prior to issuance of Zoning Clearance.

**13. Cannabis-01 Licenses Required:** The applicant shall obtain and maintain in good status: (1) a valid County business license as required by the County Code Chapter 50, and (2) a valid State cannabis license as required by the California Business and Professions Code for the cannabis activities that are the subject of this permit.

**14. Cannabis-02 Transfer of Ownership:** In the event that the applicant transfers interest in the commercial cannabis operation, the successor(s) in interest shall assume all responsibilities concerning the project including, but not limited to, maintaining compliance with the conditions of this permit and paying for P&D condition compliance activities throughout the life of the project.

**DOCUMENTATION:** The successor(s) in interest shall notify P&D compliance staff, in writing, of the transfer in interest, and provide the contact and billing information of the successor(s) in interest.

**TIMING:** The successor(s) in interest shall provide the written notification within 30 days following the transfer in interest.

**MONITORING:** P&D compliance staff reviews the written notification to confirm

that all requisite information has been included pursuant to the requirements of this condition.

- 15. Cannabis-03 Records:** The applicant shall maintain clear and adequate records and documentation, in accordance with State law, the California Cannabis Track-and-Trace System, and as required by County Code Chapter 35, demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations.

**TIMING:** The applicant shall maintain the documentation for a minimum of five years following the preparation and/or approval of the documentation.

**MONITORING:** The applicant shall provide the documentation for review, inspection, examination and audit by the Department.

- 16. Cannabis-04 Permit Compliance:** The Owner/Applicant/Operator shall ensure that the project complies with the County cannabis regulations, all approved plans and project conditions, including those which must be monitored after the project is built and/or operations commence. To accomplish this the Owner/Applicant/Operator shall:

1) Complete and submit a Permit Compliance Application to Planning and Development and identify a name and number of the contact person for the project compliance activities.

2) Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to issuance of Zoning Clearance as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for Business License annual review and for P&D to hire and manage outside consultants when deemed necessary by P&D staff to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

3) Participate in Initial Compliance Inspections that may occur:

- i. Prior to commencement of use and/or issuance of Business License,
- ii. Within the first year (during the active growing season), and
- iii. Other instances as deemed necessary by Planning & Development

4) Participate in Regular Compliance Inspections that may occur:

- i. Upon renewal of the County Business License,
- ii. For the life of the project, or as specific in permit conditions, and
- iii. Other instances as deemed necessary by Planning & Development

**PLAN REQUIREMENTS:** The Owner/Applicant/Operator shall include a note and a copy of this condition on all project plans including Building and Grading Plans.

**TIMING:** Prior to issuance of Zoning Clearance an associated Permit Compliance Application and deposit shall be submitted to Planning & Development.

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

- 17. Cannabis-05 Fencing and Security Plan:** The Owner/Applicant shall implement the Fencing and Security Plan stamped “Zoning Approved”.

**PLAN REQUIREMENTS:** The Fencing and Security Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.2) as they existed at the time of approval.

**TIMING:** The Owner/Applicant shall implement the Fencing and Security Plan prior to commencement of the cannabis activities that are the subject of this permit. The Applicant shall maintain the project site in compliance with the Fencing and Security Plan throughout the life of the project.

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

- 18. Cannabis-06 Landscape and Screening Plan:** The applicant shall implement the Landscape and Screening Plan stamped “Zoning Approved”.

**PLAN REQUIREMENTS:** The Landscape and Screening Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.3) as they existed at the time of approval.

**TIMING:** The Owner/Applicant shall maintain the landscaping and screening in compliance with the Landscape and Screening Plan throughout the life of the project.

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

- 19. Cannabis-07 Lighting Plan:** The Owner/Applicant shall implement the Lighting Plan stamped “Zoning Approved”.

**PLAN REQUIREMENTS:** The Lighting Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.4 and –C.1.g) as they existed at the time of approval.

**TIMING:** All components of the Lighting Plan shall be implemented prior to final building inspection. The Owner/Applicant shall maintain the project site in



compliance with the Lighting Plan throughout the life of the project.

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

- 20. Cannabis-08 Noise Plan:** The Noise Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.5) as they existed at the time of approval.

TIMING: The Owner/Applicant shall implement the Noise Plan prior to issuance of final building inspection. The Owner/Applicant shall maintain the project site in compliance with the Noise Plan throughout the life of the project.

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

- 21. Cannabis-10 Odor Abatement Implementation and Monitoring:** The applicant shall implement the Odor Abatement Plan stamped “Zoning Approved”. The Odor Abatement Plan must prevent odors from being experienced within residential zones as determined by the Director. The applicant shall follow all methods for reducing odor as outlined in the Odor Abatement Plan and shall deploy, or re-deploy the best available control technologies or methods as necessary, or as determined by the County.

PLAN REQUIREMENTS: The Odor Abatement system shall be graphically depicted on project plans and comply with Article II, Section 35-144U.C.6 as that section reads as of the date of project approval. The depicted Odor Abatement system shall conform to the Odor Abatement Plan as reviewed and certified by a Professional Engineer or a Certified Industrial Hygienist.

TIMING: The Odor Abatement system shall be installed prior to the commencement of cultivation activities. The Applicant shall maintain the system in good operating condition throughout duration of cannabis cultivation activities.

MONITORING: P&D compliance staff shall monitor implementation prior to Final Building Clearance and/or commencement of use, whichever occurs first. Permit Compliance staff has the authority to request additional measures necessary for corrective actions, provided at the cost of the Applicant, to verify compliance with the Odor Abatement Plan. Upon installation of the odor control system and quarterly thereafter for one year, Permit Compliance staff shall conduct an inspection of the odor control system to assess its compliance with the requirements of this condition and the approved Odor Abatement Plan. As part of each inspection, the County shall retain a professional engineer or certified industrial hygienist, at the applicant’s expense, to certify that the Odor Abatement system, specification,

operation and procedures has been installed, operating, and maintained as specified in the approved Odor Abatement Plan.

- 22. Cannabis-11 Odor Control Notification:** The Owner/Applicant shall inform P&D compliance monitoring staff prior to making any changes to the product/substance used within the approved [INSERT SYSTEM TYPE: vapor phase, carbon filter, etc.] odor control system. The Owner/Applicant shall submit detailed product information, including but not limited to materials safety data sheets, to P&D compliance staff for review and approval. P&D staff shall coordinate their review of the proposed product/substance with the Santa Barbara Air Pollution Control District (SBCAPCD). The SBCAPCD shall assess whether this product, or its contents, are listed on the State’s Toxic Air Contaminant List or other similar hazardous air contaminants list.

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

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

- 23. Cannabis-12 Site Transportation Demand Management Plan:** The Owner/Applicant shall implement the Site Transportation Demand Management Plan stamped “Zoning Approved”.

**PLAN REQUIREMENTS:** The Site Transportation Demand Management Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.1.j) as they existed at the time of approval.

**TIMING:** The Applicant shall implement the Site Transportation Demand Management Plan prior to the commencement of cannabis activities. The Applicant shall maintain the project site in compliance with the Site Transportation Demand Management Plan throughout the life of the project.

**MONITORING:** The applicant shall demonstrate to P&D compliance staff (e.g., by providing a copy of an executed contract with a rideshare service or site inspections to verify that trip reduction features are installed onsite) that all components of the approved Site Transportation Demand Management Plan are implemented

- 24. Cannabis-13 Compliance with State Water Board Requirements:** The applicant shall demonstrate, to the satisfaction of the State Water Resources Control Board, compliance with the State Water Resources Control Board’s comprehensive Cannabis Cultivation Policy. The Policy includes limitations on the

diversion of surface water and certain groundwater diversions, and regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants and fertilizers.

**TIMING:** The applicant shall satisfy this condition prior to issuance of Land Use Permit.

- 25. Cannabis-14 Water Efficiency for Commercial Cannabis Activities:** Water conserving features shall be included in the design of the cannabis cultivation. Water-conserving features including the following: evaporative barriers, time drip irrigation, recycled water, rain capture, and soil moisture monitoring.

**PLAN REQUIREMENTS:** Water conserving features must comply with the requirements of the Coastal Zoning Ordinance (§ 35.144U.C.k)

**TIMING:** The applicant shall implement the Water efficiency measures prior to commence of use. The applicant shall maintain the project site in compliance with the water efficiency measures throughout the life of the project.

**MONITORING:** P&D compliance staff shall inspect the project site to confirm that all water efficiency measures are installed, operated and maintained pursuant to the requirements of this condition.

- 26. Cannabis-17 Wildlife Movement Plan:** The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Wildlife Movement Plan (WPP) included in the Biological Resources Assessment Addendum prepared by the Sage Institute on February 19, 2021 and stamped "Zoning Approved". The WPP measures are summarized below:

- a. Landscape Restoration,
- b. Fencing Modifications,
- c. Tailgate Education Training,
- d. Construction Monitoring,
- e. Pre-construction Monitoring Report,
- f. Special-status Wildlife Pre-construction Surveys, and
- g. Detention Basin Maintenance

**PLAN REQUIREMENTS:** This condition shall be printed on building and grading plans.

**TIMING:** The requirements of this condition shall be implemented prior to the commencement of cultivation activities or construction of new buildings, whichever occurs first. The requirements of this condition shall also be implemented throughout the life of the Proposed Project, as applicable. Permit compliance staff shall conduct site inspections as needed to confirm compliance.

**MONITORING:** P&D permit processing planner shall check plans prior to issuance.

P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the planset and as detailed in the WPP included in the Biological Resources Assessment prepared by Sage Institute on February 19, 2021 throughout the life of the project to permit compliance staff.

- 27. Cannabis-18 Habitat Protection Plan:** The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Habitat Protection Plan (HPP) included in the Biological Resources Assessment prepared by the Sage Institute on October 15, 2021 and stamped “Zoning Approved”. The HPP measures are summarized below:
- a. Landscape restoration,
  - b. Tailgate education training,
  - c. Construction protection,
  - d. Special-status wildlife pre-construction surveys,
  - e. Post-construction monitoring report, and
  - f. Detention basin maintenance.

**PLAN REQUIREMENTS:** This condition shall be printed on building and grading plans.

**TIMING:** The requirements of this condition shall be implemented prior to the commencement of cultivation activities or construction of new buildings, whichever occurs first. The requirements of this condition shall also be implemented throughout the life of the Proposed Project, as applicable. Permit compliance staff shall conduct site inspections as needed to confirm compliance.

**MONITORING:** P&D permit processing planner shall check plans prior to issuance. P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the planset and as detailed in the HPP included in the Biological Resources Assessment prepared by Sage Institute on October 15, 2021 throughout the life of the project to permit compliance staff.

- 28. Cannabis-19 Tree Protection Plan:** The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Tree Protection Plan (TPP) included in the Biological Resources Assessment prepared by the Sage Institute on October 8, 2021 and stamped “Zoning Approved”.

The TPP measures are summarized below:

- a. Tree protection fencing,
- b. No irrigation shall be located within 6 feet of the dripline,
- c. A Department-approved arborist shall oversee any development within the dripline,
- d. If hand tools are deemed infeasible by the Director, work with rubber-tired construction equipment weighing 5 tons or less may be authorized by the Director, and
- e. Grading shall be designed to avoid ponding and ensure proper drainage within the dripline.

**PLAN REQUIREMENTS:** This condition shall be printed on building and grading plans.

**TIMING:** The requirements of this condition shall be implemented prior to the commencement of cultivation activities or construction of new buildings, whichever occurs first. The requirements of this condition shall also be implemented throughout the life of the Proposed Project, as applicable. Permit compliance staff shall conduct site inspections as needed to confirm compliance.

**MONITORING:** P&D permit processing planner shall check plans prior to issuance. P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the planset and as detailed in the TPP included in the Biological Resources Assessment prepared by Sage Institute on October 8, 2021 throughout the life of the project to permit compliance staff.

- 29. Cannabis-20 Greenhouse Blackout Curtains:** The owner/applicant/operator shall install, use and maintain a mechanized blackout screening system within growing areas to prevent interior night lighting (grow lights) from being visible outside the green houses structures between sunset and sunrise.

**PLAN REQUIREMENTS:** The mechanized blackout screen system shall be noted on plans submitted for Permit approval

**TIMING:** The system shall be installed prior to Final Building Inspection Clearance or Commence of Use.

**MONITORING:** The Owner/Applicant/Operator shall demonstrate proper installation and functioning prior to Final Building Inspection Clearance or Commence of Use. P&D Compliance staff may conduct site inspections as necessary to respond to complaints and ensure blackout screen system is maintained

for the life of the project.

- 30. 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.

- 31. 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.

- 32. Landscape Easement:** The Owner/Applicant shall enter into and record an agreement in a form acceptable to and approved by the County Counsel and the Planning and Development to reserve an easement over the neighboring property (Assessor Parcel Number 005-310-021) in favor of the subject property (Assessor Parcel Number 005-310-024) for the maintenance of off-site landscaping at the time of conveyance of either parcel. This agreement is to be recorded with the appropriate instruments as determined by the County Surveyor.

TIMING: The Owner/Applicant shall submit to Planning and Development a recorded copy of this reservation of easement prior to issuance of Zoning Clearance.

**County Rules and Regulation**

- 33. 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. This is based on a project type of cannabis cultivation.

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).

- 34. 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 the County Public Works Department Roads Division. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. This is based on a project type of cannabis cultivation.

TIMING: Roads DIMFs shall be paid to the County Public Works Department Roads 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).

- 35. Rules-02 Effective Date-Appealable to CCC:** This Coastal Development Permit shall become effective upon 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 review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
- 36. 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.
- 37. 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.
- 38. 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.

- 39. Rules-11 CDP Expiration-With CUP or DVP:** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. Prior to the expiration of a time extension approved in compliance with Subsection a. above, the review authority who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.

A Coastal Development Permit shall expire two years from the date of issuance if the use or structure for which the permit was issued has not been established or commenced in conformance with the effective permit. A Coastal Development Permit whose expiration date has been extended in compliance with the above will nevertheless expire at the earlier of: (1) the expiration of the most recent time extension or (2) the expiration of the associated Conditional Use Permit or Development Plan (as modified by any extension thereto).

- 40. Rules-18 CUP and DVP Revisions:** The approval by the decision maker of a revised Final Development Plan shall automatically supersede any previously approved Final Development Plan upon the effective date of the revised permit.
- 41. 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.
- 42. 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.
- 43. Rules-25 Signed Agreement to Comply:** Prior to approval of Coastal Development Permit, the Owner/Applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the Owner of the property agrees to comply with the project description, approved exhibits and all conditions of approval. Form may be obtained from the P&D office.
- 44. 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 and irrigation. The landscape installation security shall be waived if installation is completed in conformance with applicable requirements prior to Building Final/Occupancy Approval. 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.

- 45. Rules-28 NTPO Condition:** Removal of Greenhouses. 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.

- 46. Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:
- Air Pollution Control District dated March 15, 2021;
  - Environmental Health Services Division dated March 29, 2021;
  - Fire Department dated April 21, 2021;
  - Flood Control Water Agency dated May 7, 2021.
- 47. 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.
- 48. 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.
- 49. 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.

- 50. 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

March 15, 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 SLO Cultivation Inc. – Cannabis Cultivation, 18CDH-00000-00031**

Dear Gwen Beyeler:

The Air Pollution Control District (District) has reviewed the referenced project, which consists of 264,500 square feet (SF) of mature mixed-light cultivation in an existing greenhouse, 58,396 SF of nursery mixed-light cultivation inside a new greenhouse addition, the construction of a new 24,751 SF pack house for processing (trimming, drying and freezing) cannabis, and the demolition of three existing 40,700 SF greenhouses. A new 27kW (36hp) Generac emergency standby spark-ignition generator is proposed. Existing boilers are used for cultivation purposes only. The Odor Abatement Plan includes the use of a Byers vapor-phase odor mitigation system with Ecosorb CNB100 or CNB107. The site is served by existing water wells and municipal electricity. Grading is estimated at 9,190 cubic yards (CY) of cut and 4,075 CY of fill, with 5,115 CY of export. The subject property, a 13.66-acre parcel zoned AG-I-10 and identified in the Assessor Parcel Map Book as APN 005-310-024, is located at 3889 Foothill Road in the unincorporated area of Carpinteria.

District rules and regulations apply to various aspects of the cannabis industry. This may include the need to obtain one or more permits or registrations. 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.

Based on the project description and information that has been provided, the project does not require a District permit. However, if the project description changes, the applicant should refer to the District's cannabis permitting webpage at [www.ourair.org/cannabis](http://www.ourair.org/cannabis) to determine if any equipment or operations will require District permits.

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. 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

Aeron Arlin Genet, Air Pollution Control Officer

805.961.8800

260 N. San Antonio Rd., Ste. A Santa Barbara, CA 93110

[ourair.org](http://ourair.org)

[@OurAirSBC](https://twitter.com/OurAirSBC)

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

2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

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. At a minimum, prior to occupancy, any feasible greenhouse gas reduction measures from the following sector-based list shall be applied to the project:
  - Energy use (energy efficiency, low carbon fuels, renewable energy)
  - Water conservation (improved practices and equipment, landscaping)
  - Waste reduction (material re-use/recycling, composting, waste diversion/minimization)
  - Architectural features (green building practices, cool roofs)
4. 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.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8873 or via email at [HoD@sbcapcd.org](mailto:HoD@sbcapcd.org).

Sincerely,

*Desmond Ho*

Desmond Ho  
Air Quality Specialist  
Planning Division

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

cc: 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.



**Environmental Health Services**

225 Camino del Remedio ♦ Santa Barbara, CA 93110  
805/681-4900 ♦ FAX 805/681-4901

**Van Do-Reynoso, MPH, PhD** *Director*  
**Lars Siefert** *Director of Environmental Health*

2125 S. Centerpointe Pkwy. #333 ♦ Santa Maria, CA 93455-1340  
805/346-8460 ♦ FAX 805/346-8485

TO: Gwen Beyeler, Planner  
Planning & Development Department  
Development Review Division

FROM: Deanna Talerico  
Environmental Health Services

DATE: March 29, 2021

SUBJECT: Case No. 18CDH-00000-00031, 20RVP-00000-00058 and 21CUP-00000-00006

Project: SLO Cultivation, Inc.

Assessor's Parcel No 005-310-024

Located at: 3861 Foothill Road in Carpinteria, CA zoned AG-1-10

The proposed project is a request for a Coastal Development Permit, Case No. 18CDH-00000-00031, Minor Conditional Use Permit, Case No. 21CUP-00000-00006, and Revision, Case No. 20RVP-00000-00058 to allow 7.98 acres of processing and mixed-light cultivation. Mature mixed-light cultivation will take place in the existing 264,500 sq. ft. greenhouse, and nursery mixed-light cultivation will take place in a new 17-ft.-tall, 58,396 sq. ft. addition to the greenhouse. The addition will include locker rooms, administrative offices, a walk-in cooler, and restrooms. A Byers Vapor Phase Odor Abatement System will be installed on the greenhouse and greenhouse addition. Cultivation will utilize water conservation methods including timed drip, evaporative barriers, soil moisture monitors, recycled water, and rain capture. Harvests will take place continuously year round. Compost will be transported off-site by a licensed operator.

Three existing 40,700 sq. ft. greenhouses will be demolished. A new 26-ft.-tall, 24,751 sq. ft. processing building will be used for freezing, curing, drying, bucking, trimming, grading, packaging, storage, testing sampling, and distribution. Carbon filters and scrubbers will be installed in the processing building. The processing building will also include an employee break area, locker rooms, administrative offices, and restrooms. A 5-ft.-tall retaining wall will be constructed between the processing building and existing greenhouse.

The proposed project includes the construction of a new 24,440 sq. ft. detention basin as well as expansion of two existing detention basins, one of which is located in the western portion of the parcel and the other is located in the southern portions of the parcel. The new detention basin will be in a disturbed area within the 100 ft. ESH buffer of Arroyo Paredon Creek. An existing unpaved parking



area and 44 avocado trees will be removed to allow for construction of the new detention basin. The detention basin area will be planted with native riparian trees, shrubs, and groundcover as part of the proposed habitat restoration plan. Portions of existing chain link fence located around the existing detention basin area will be replaced with a 3-ft.-tall wildlife-friendly fence pursuant to the proposed project's Wildlife Movement Plan.

The hours of operation will be from 7:00 a.m. to 3:30 p.m. daily. The cannabis operation will require a maximum of 75 employees year round. Employees will work staggered schedules and will be provided with carpool incentives in order to reduce peak hour trips. Employees will be required to utilize the Via Real access road to enter and exit the site. There will be 71 parking spaces onsite and a loading area located near the processing building.

Power will be provided by Southern California Edison. One back-up emergency generator will be used in power outage situations only. Access to the site will be provided off Via Real via a 12-ft.-wide paved driveway [with a shared access easement] as well as Foothill Road via a 20-ft.-wide paved driveway and shared access easement. Fire protection will be provided by the Carpinteria Summerland Fire District. The property is a 13.66-acre parcel zoned AG-I-10 and shown as Assessor's Parcel Number 005-310-024, located at 3861 Foothill Road in the Toro Canyon Community Plan in the Carpinteria area, First Supervisorial District.

Domestic water is provided by the Carpinteria Water District through an existing water meter, and irrigation water is provided by an existing shared off-site water well. Environmental Health Services has received and reviewed an updated Can and Will serve letter from the Carpinteria Water District, dated March 2, 2021.

Sanitary services will be provided to cannabis staff by a newly proposed onsite wastewater treatment system (OWTS). Environmental Health Services (EHS) has received and reviewed acceptable soils percolation testing and a feasible preliminary design for a new commercial onsite wastewater treatment system with a septic tank and leach line dispersal fields to accommodate the wastewater flow of up to 75 employees.

The applicant has already submitted to Environmental Health Services verification of exemption and/or enrollment (NOA) for the Regional Water Quality Control Board waste discharge requirements.

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 a 200% primary installation (dual disposal field) 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 Issuance of a Building Permit, the application for the new onsite wastewater treatment system permit shall be approved by Environmental Health Services.

3. Prior to Occupancy, the approved onsite wastewater treatment systems shall be installed, constructed and fully operational, to be verified by Environmental Health Services through inspection.
4. Prior to Occupancy (or Cannabis Business License approval), the applicant shall contact Environmental Health Services Hazardous Materials Program (CUPA) staff to evaluate possible permitting requirements.
5. Prior to Occupancy (or Cannabis Business License approval), the applicant shall submit a satisfactory solid waste management plan to Environmental Health Services for review.



Deanna Talerico, REHS  
Senior Environmental Health Specialist



# CARPINTERIA~SUMMERLAND FIRE PROTECTION DISTRICT

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**3861, Foothill Road, , Carpinteria, , CA, 93013, , Cannabis, yes**

Location	34.415525, -119.545889
Status	<span style="color: yellow;">■</span> Planning Completed
Submittal Date:	2020-08-05
Address/Location:	3861 Foothill Road Carpinteria, CA 93013
APN:	005-310-024
Number of stories:	1
Comments:	Cannabis
Submittal Type:	Planning
Applicant:	SCS Engineers
Address	2370 Skyway Drive Santa Maria, CA 93455
Phone Number:	805-346-6591
Email:	neady@scsengineers.com

## Planning/Conceptual Design

Date Plan Review Completed:	2021-04-21
Permit Number:	18CDH-0-00031 21CUP-0-00006 20RVP-0-00058
Planner:	Gwen Beyeler
Plans Checked By:	Michael LoMonaco
Invoiced	Yes
Items Invoiced:	FPC-P
Invoices Paid	Yes
Invoices Paid:	FPC-P

## Project Conditions

All work shall be done per current applicable CFC and CSFPD ordinance and standards.

*“Pride in Service”*



# CARPINTERIA~SUMMERLAND FIRE PROTECTION DISTRICT

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## Access and Identification

All required access ways (public or private) shall be installed and made serviceable prior to the erection of combustible materials.

Access to this project shall conform to the requirements for the private roads and driveways set forth in the current CSFPD California Fire Code Amendment Ordinance and the CSFPD Road and Driveway Standards and the Santa Barbara County Private Road and Driveway Design Standards (Section #8).

Access ways with sections in excess of 500 feet shall be provided with turnouts approximately every 500 feet. Driveway dimensions at the turnout location(s) shall provide 22 ft. of width by 50 ft. in length of driving surface not including approach and departure area.

Access ways shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building.

Dead end access roads or driveways shall terminate with a Fire District approved turnaround.

A minimum of 13 feet 6 inches of vertical clearance shall be provided and maintained for fire apparatus.

Gated access ways (if provided) shall open in the direction of ingress travel; gates shall be located thirty (30') feet from the edge of road driving surface. Minimum clear width of gate opening shall be at least 2 feet wider than the road served. The location and type of gate shall be approved by the Fire District prior to installation.

A Fire District approved key entry system shall be installed in an accessible location.

Building address numbers shall be visible from the street. Numbers shall be a minimum 4" high 1" stroke on a contrasting background.

Fire Lane Identification shall comply with the current CSFPD Development Standards

Application for address changes for the building shall be submitted to CSFPD Fire Prevention Bureau

20' wide Fire Department access required to the fire department turnaround located to the South of the processing building.

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## Water Requirements

Fire hydrants capable of supplying the required fire flow for fire protection shall be provided for all buildings or portions of buildings which have been or are hereafter constructed within this project.

Fire hydrants shall be installed within 250 feet driving distance of all structures. The hydrant(s) shall be of the type approved by the Fire District and acceptable to Carpinteria Valley Water District or Montecito Water District. The fire hydrant and mains supplying the same shall be installed in accordance with the current CFC and CSFPD standards. The minimum gallons per minute at 20 PSI shall be determined by the fire flow requirements in the current CFC.

The hydrant(s) shall be an onsite hydrant. Contact the Carpinteria Valley Water District or Montecito Water District. Submit one set of plans to CSFPD showing the location size and type of hydrants valves main lines and lateral lines for approval.

Prior to the erection of combustible materials or stacking of lumber for construction the fire protection water system shall be installed tested and approved by the Fire District to assure compliance with the standards expressed herein.

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*"Pride in Service"*



# CARPINTERIA~SUMMERLAND FIRE PROTECTION DISTRICT

## Fire Protection Systems

All new buildings and structures shall be protected by an approved automatic fire sprinkler system.

Existing buildings which are deemed by the Building Official to have undergone excessive reconstruction and are new construction shall be required to install automatic fire sprinklers throughout.

Prior to installation plans for the proposed fire sprinkler system shall be designed by a qualified person and submitted to this office for approval.

A fire alarm or sprinkler monitoring system shall be installed or modified. Prior to installation plans for the system shall be designed by a qualified person and submitted to this office for approval.

Prior to occupancy all alarm systems that are monitored shall be tested.

Prior to occupancy Portable Fire Extinguishers shall be mounted such that the maximum travel distance from any area will meet the standard or be less than 75 feet.

## Additional Requirements

Deferred submittal required for CFC Section 105 Operational or Construction Permits.

A business plan shall be submitted prior to occupancy.

Any future changes including further division intensification of use or increase in hazard classification may require additional conditions in order to comply with applicable fire district development standards

This project has a change of occupancy classification for one or more structure that will require the structure(s) meet the current California Fire code and CSFPD Ordinance and Standards

264000 Sq.Ft. of greenhouse were built without permits and will be considered new construction.

## Fees

PURSUANT to Ordinance 599 Chapter 8.26 Section 8.26.030 - Imposition of fire protection mitigation fee of the Carpinteria Municipal Code: The applicant will be required to pay a fee PRIOR TO THE ISSUANCE OF A "CERTIFICATE OF OCCUPANCY" for the purpose of mitigating the increased fire protection needs generated by the development. The amount of the fee is as follows:

I. Industrial/ Manufacturing Uses Development. A fee of Forty-Eight and Six-Tenth Cents (\$0.486) per square foot of floor space will be assessed on all new Industrial/ Manufacturing development.

PURSUANT to CSFPD Ordinance 2019-01 Sec. 2. Imposition of fire protection fees for service: The applicant may be required to pay fees for additional plans reviews and/ or additional field inspections prior to the issuance of a "CERTIFICATE OF OCCUPANCY". The amount of the fee is as follows:

A. Two Hundred Twenty-Four (\$224.00) Dollars for Additional Plan Review Fees will be assessed as additional plan reviews are completed.

B. Two Hundred Ten (\$210.00) Dollars per hour for Field Inspections will be assessed for additional inspections.

Checks shall be made payable to: Carpinteria-Summerland Fire Protection District (CSFPD) and delivered to Fire District Headquarters at 1140 Eugenia Place, Suite Money orders and cashiers' checks will be accepted. Credit and debit cards can be used online. The link can be found at [Carpfire.org](http://Carpfire.org) Note: Cash payment will not

*"Pride in Service"*



# CARPINTERIA~SUMMERLAND FIRE PROTECTION DISTRICT

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Inspector's Signature:

A handwritten signature in black ink, consisting of stylized, cursive letters that appear to be "MR".

Signed 2020-08-19 10:31:58 PDT

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*"Pride in Service"*

1140 Eugenia Place, Suite A • Carpinteria, California 93013 • (805) 684-4591 Fax (805) 684-8242



**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

May 7, 2021

Gwen Beyeler, Planner  
County of Santa Barbara  
Planning & Development Department  
123 E. Anapamu Street  
Santa Barbara, CA 93101

**Re: 18CDH-00000-00031; SLO Cultivation Inc (“Cresco Cultivation”)  
20RVP-00000-00058; SLO Cultivation Inc – Cannabis Cultivation  
21CUP-00000-00006; Van Wingerden Trust Processing Structure  
APN: 005-310-024; Carpinteria**

**This letter supersedes the condition letter dated March 19, 2021**

Dear Gwen Beyeler:

The Proposed Project is a request for a Coastal Development Permit to allow 264,500 square foot (sq. ft.) of mature mixed-light cultivation inside an existing greenhouse, 58,396 sq. ft. of nursery mixed-light cultivation inside a new greenhouse addition, construction of a new 24,751 sq. ft. pack house to be used for processing cannabis, and the demolition of three existing 40,700 sq. ft. greenhouses. The project includes the development of a new 24,440 sq. ft. detention basin. Total grading will be 9,190 cubic yards of cut and 4,075 cubic yards of fill, with 5,115 cubic yards of export. The cannabis operation will employ up to 75 employees and operate from 7:00 a.m. to 3:30 p.m. daily. The property is a 13.66 acre parcel zoned AG-I-10, shown as Assessor’s Parcel Number 005-310-024, located at 3861 Foothill Road in the Toro Canyon Plan Area and Carpinteria Agricultural Overlay District, First Supervisorial District.

**A. Flood Control & Water Conservation District**

The District recommends that approval of the above referenced project be subject to the following conditions:

1. General
  - a. This project has undergone various changes to scope of work over the years, but the pre vs. post development and 75% Pre development for greenhouse requirements in basin design has remained. The pre-development condition shall be taken as prior to construction of larger unpermitted Greenhouse on West side of parcel.
  - b. 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>

- c. The applicant shall provide a site plan of the proposed development following the guidelines provided in the Standard Conditions for Project Plan Approval.

## 2. Design/ Prior to Zoning Permit Approval

- a. Projects located in a FEMA designated Special Flood Hazard Area shall be designed in compliance with Floodplain Management Ordinance Chapter 15A of the Santa Barbara County Code.
- b. Projects near a watercourse shall be designed in compliance with the setback requirements described in Chapter 15B of the Santa Barbara County Code.
- c. Any work proposed within a Flood Control easement now or in the future will require a Temporary Right of Entry issued by the District.
- d. The applicant shall submit all improvement plans, grading plans, drainage plans, drainage studies, and landscape plans to the District for review and approval.
- e. The applicant shall submit all drainage studies to the District for review and approval.
- f. The applicant shall acquire and submit all required data, forms and certifications as described in the Standard Conditions of Approval.
- g. Detention basins shall provide detention such that the post-development peak storm runoff rate shall not exceed the pre-development runoff for 2-year through 100-year 24-hr storm events. For greenhouses, **maximum outflow discharge rates of the post-development condition shall not exceed 75% of the calculated pre-development amounts.**
- h. Drainage report shall provide the following items:
  - i. Basin design and supporting calculations showing pre development conditions (i.e. prior to unpermitted Greenhouse on West side of parcel) do not exceed post development runoff conditions and,
  - ii. Detention basins shall provide detention for newly permitted square footage for all impervious surface (including existing greenhouses) as part of this project such that the post-development peak storm runoff rate shall not exceed the pre-development runoff for 2-year through 100-year 24-hr storm events with appropriately designed outlets and spillway.
- i. For greenhouse areas, maximum outflow discharge rates of the post-development condition shall not exceed **75% of the calculated pre-development** amounts of the same acreage. Use pre-development conditions (i.e. prior to unpermitted Greenhouse on West side of parcel) to determine acreage of greenhouses/structures for calculations. Proper reference of aerial photography required.
- j. Drainage report to include an exhibit clearly showing **pre-development** hardscape area by type, and square footage. Report to also include an exhibit clearly showing **proposed** hardscape area by type and square footage.
- k. Projects located in a FEMA designated Recovery Map Area (HHA) shall be designed in compliance with Floodplain Management Ordinance Chapter 15A of the Santa Barbara County Code, including:
  - i. Accurate delineation of the limits of the Recovery Map.
  - ii. New accessory structures and greenhouses located within the Recovery Map must either be



1. Elevated such that the finished floor resides at or above the Advisory Flood Elevation (AFE) +2 feet, with an open crawl space. If the crawl space is closed, the structure must be floodproofed below AFE + 2 including;
      - i. Use of flood resistant materials per FEMA approved list of materials (see FEMA publication TB-2)
      - ii. Flood opening vents sized and located according to Ordinance Chapter 15A (see FEMA publication TB-1), or
    2. Remain non-elevated, and be wet-floodproofed below the AFE + 2 feet per the above requirements
  - iii. New non-residential, commercial structures located within the Recovery Map must either be
    1. Elevated such that the finished floor resides at or above AFE +2 feet, with wet-floodproofing below the finished floor elevation as described above, or
    2. Dry-floodproofed with draft **Floodproofing Certificate** prepared by licensed engineer along with draft **Flood Emergency Operations Plan and an Inspection & Maintenance Plan** (see FEMA P-936), and
    3. Plumbing below BFE +2 feet fitted with backflow devices.
  - iv. Elevation of all utilities, electrical/mechanical equipment at or above the AFE + 2 feet (e.g. water heaters, furnaces, A/C, HVAC, generators, electric panels, solar panels, etc.). All equipment will require anchoring and/or strapping to prevent floatation.
    - 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*.
3. Prior to Permit Issuance/Zoning Clearance
  - a. The applicant shall sign and return the Maintenance Agreement (Owner's Agreement).
  - b. The applicant shall post surety bonds for drainage improvements in amounts approved by the Public Works Director.
  - c. The applicant shall submit to the District electronic drawings in PDF format of the approved grading plans, improvement plans, drainage plans, drainage studies and landscape plans on a compact disc.
4. Prior to Occupancy Clearance
  - a. The engineer of record shall submit a Drainage Improvement Certification (attached to the Standard Conditions of Approval).
  - b. The applicant shall submit record drawings in electronic format to the District.
  - c. If the applicant chooses to dry-floodproof the non-residential (commercial) structure then the developer shall submit the following
    - I. Final **Flood Emergency Operations Plan and an Inspection & Maintenance Plan** prior to occupancy clearance to District for approval. See FEMA P-936 and FEMA TB-3 for more details.
    - II. Final **Floodproofing Certificate** prepared by licensed engineer.
  - d. The applicant shall submit an Elevation Certificate (latest FEMA Form 086-0-33) to the District's Floodplain Manager for all new and substantially improved structures located within a Special Flood Hazard Area. This document is subject to review and approval

- e. In the event that the grading and drainage plans are revised during the construction process the applicant shall update the drainage report and submit to the District for review and approval.

## **B. Project Clean Water**

This project must conform to the Central Coast Regional Water Quality Control Board Post-Construction Requirements (Resolution No. R3-2013-0032) for **Performance Requirement No. 4: Peak Management** due to new impervious surfaces greater than 22,500 sf. This requires the project to retain the storm water runoff for all events up to and including the design storm (95th percentile event) and demonstrate that the post-project peak runoff does not exceed the pre-project peak runoff for the 2- through 10-year storm events (which is less stringent and therefore superseded by separate requirements from the Santa Barbara County Flood Control District, as described above).

The following provisions apply to this project:

1. Prior to Development Permit Approval:

A Tier 4 Conceptual Stormwater Control Plan must be submitted for review and approval prior to Development Permit Approval. Please follow the County of Santa Barbara's Stormwater Technical Guide for a **Tier 4** project. The Stormwater Technical Guide is on the Water Resources Division website. Click on the Development tab at [SBProjectCleanWater.org](http://SBProjectCleanWater.org). A copy of the spreadsheet(s) used in the stormwater calculator shall be included, along with a summary of the general long-term maintenance requirements and responsibilities. Includes exhibits clearly showing the existing and proposed impervious surfaces by type and square footage.

The Stormwater Control Plan must provide relevant details on the location and function of treatment facilities. These facilities shall be depicted on a separate plan sheet within the engineering plan set. At a minimum, the submittal(s) must:

- a. Show the locations of all impervious surfaces and their delineated drainage management area, and associated stormwater control measure,
- b. Show the treatment areas comply with the conditions by managing runoff from the design storm,
- c. Demonstrate adequate space is dedicated to meet the performance objective for stormwater volume retention, and
- d. Include a long-term maintenance plan appropriate for the proposed facilities. Final report will contain a stand-alone maintenance plan that will be attached to the Maintenance Agreement.

The applicant must submit to the Water Resources Division for review and approval a **Final Storm Water Control Plan** with accompanying civil, architectural, and landscape plans as appropriate, for the storm water control measures provided. The Storm Water Control Plan shall follow the County of Santa Barbara's Stormwater Technical Guide in its approach.

The applicant will include a deposit for plan check review at the time the Stormwater Control Plan and engineering plans are submitted. The plan check deposit of \$2,000 shall be submitted to Water Resources Division, Public Works, 130 E. Victoria St., Santa Barbara, CA 93101. The check shall be made payable to Project Clean Water.

The owner must sign a Maintenance Agreement that includes the long-term maintenance plan. Instructions for preparing a **Maintenance Plan** are provided in the Stormwater Technical Guide. The maintenance agreement identifies the owner as the party responsible for maintaining the storm water retention facilities for the life of the project. The maintenance agreement will be signed and notarized by the property owner.

4. Upon installation of treatment systems as directed on the construction documents, and prior to Building Division final clearance on Grading or Building permits, all improvements required as part of the above conditions shall be installed in accordance with the approved plans. An **Engineer's Certificate of Approval** shall be signed and stamped by the engineer of record and submitted to the Water Resources Division along with a set of As-Built plans or drawings in PDF format as appropriate to the storm water measures installed. If the treatment systems are be installed in phases, separate Certificates of Approval can be provided for each phase. If necessary, the final maintenance plan shall be revised by the engineer of record based on as-built construction drawings, including elevations and construction details of stormwater measures.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT



By: \_\_\_\_\_  
Hansel Corsa, CFM  
CE/Plan Checker

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