

**ATTACHMENT 9: PLANNING COMMISSION STAFF REPORT, DATED MAY 24,  
2022, AND ASSOCIATED ATTACHMENTS**

## SANTA BARBARA COUNTY PLANNING COMMISSION

### Staff Report for the Appeal of 5980 Casitas Pass Cannabis Cultivation

**Hearing Date:** June 1, 2022

**Staff Report Date:** May 24, 2022

**Case No.:** 22APL-00000-00003 and 19CDP-00000-00016

**Environmental Document:** Cannabis Land Use Ordinance and Licensing Program PEIR (17EIR-00000-00003 and SCH No. 2017071016), Pursuant to CEQA Guidelines §15162 and §15168(c)(4)

**Deputy Director:** Travis Seawards

**Division:** Development Review

**Supervising Planner:** Joe Dargel

**Supervising Planner Phone #:** (805) 569-3573

**Staff Contact:** Ben Singer

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**PROPERTY OWNER:**

Van Wingerden Family Trust  
6030 Casitas Pass Rd.  
Carpinteria, CA 93013

**APPLICANT:**

Valley Crest Farms, LLC  
P.O. Box 1287  
Carpinteria, CA 93014

**AGENT:**

Gelaré Macon  
Flowers & Associates, Inc.  
115 West Canon Perdido St.  
Santa Barbara, CA 93101  
(805) 966-2224

**APPELLANT:**

Charlotte Brownlee  
Cate School  
1960 Cate Mesa Rd.  
Carpinteria, CA 93013  
(805) 684-4127



The project site is identified as Assessor Parcel Number (APN) 001-030-022 and located at 5980 Casitas Pass Road, Carpinteria, First Supervisorial District.

## 1.0 REQUEST

Hearing on the request of Charlotte Brownlee, representative for the Cate School (Appellant) to consider Case No. 22APL-00000-00003, an appeal of the Director's approval of Case No. 19CDP-00000-00016 for 8.98 acres of cannabis cultivation within an existing greenhouse and processing building. The appeal was filed in compliance with Section 35-182 of the Article II Coastal Zoning Ordinance (Article II). The application involves property zoned Agricultural I (AG-I-10) on Assessor's Parcel Number 001-030-022, located at 5980 Casitas Pass Road in the Carpinteria Area, First Supervisorial District.

## **2.0 RECOMMENDATION AND PROCEDURES**

Staff recommends that the Santa Barbara County Planning Commission take the following action:

1. Deny the appeal, Case No. 22APL-00000-00003.
2. Make the required findings for approval of the Proposed Project specified in Attachment A of this staff report, including California Environmental Quality Act (CEQA) findings.
3. Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) is adequate and no subsequent environmental review is required pursuant to CEQA Guidelines §15162 and §15168(c) (Attachments C and D).
4. Grant *de novo* approval of the Project, Case No. 19CDP-00000-00016, subject to the conditions included in Attachment B.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings and conditions.

## **3.0 JURISDICTION**

This project is being considered by the County Planning Commission based on Article II, Section 35-182.4.A.2 which states that any decision of the Planning and Development (P&D) Director (Director) to approve, conditionally approve, or deny an application for a Coastal Development Permit may be appealed to the Planning Commission. The Proposed Project includes mixed-light cannabis cultivation, including processing, which requires approval of a Coastal Development Permit by the Director based on Section 35-144U.B.4 of Article II. Given that the Coastal Development Permit was approved by the Director and subsequently appealed, the County Planning Commission is the decision-making body on this appeal.

## **4.0 ISSUE SUMMARY**

On January 28, 2022, the Director approved the 5980 Casitas Pass Cannabis Cultivation Project (Case No. 19CDP-00000-00016) and found the Project consistent with the development standards for Cannabis Regulations (Article II, Section 35-144U). The Appellant filed a timely appeal during the 10-day appeal period following approval of the Project, citing the following reasons for appeal: unpermitted modifications to the property, inadequacies of the Odor Abatement Plan (OAP), safety risks to employees and the surrounding community, an inability to make the required findings, and the project description being too general.

Staff reviewed the appeal issues and finds they are without merit. Staff reviewed the Proposed Project and finds that it is consistent with the Santa Barbara County Comprehensive Plan,

including the Coastal Land Use Plan, and all applicable sections of Article II. The information included in this staff report supports *de novo* approval of the 5980 Casitas Pass Cannabis Cultivation Project.

## 5.0 PROJECT INFORMATION

### 5.1 Site Information

Site Information	
Comprehensive Plan Designation	Agriculture I, A-I-10 (10 acre minimum parcel size)
Zone	Agriculture I, AG-I-10 (10 acre minimum parcel size)
Site Size	15.32 acres
Present Use & Development	Greenhouses, processing building, single-family dwelling,
Surrounding Uses/Zone(s)	North: AG-I-40, AG-I-10; Orchards, single-family dwellings South: AG-I-10; Orchards, single-family dwellings East: AG-I-10; greenhouses, orchards, single-family dwellings West: AG-I-10; Orchards, single-family dwellings
Access	Casitas Pass Road
Public Services	Water Supply: Carpinteria Valley Water District and private well Sewage: Private on-site wastewater treatment system Fire: Carpinteria/Summerland Fire Protection District Police Services: County Sheriff

### 5.2 Project Description

The Proposed Project is a request for a Coastal Development Permit to allow 8.98 acres of cannabis cultivation consisting of 7.72 acres of mature plant cultivation and 0.12 acres of nursery cultivation within an existing, permitted greenhouse and approximately 49,700 square feet of cultivation (processing and storage) within an existing, permitted two-story processing building. Processing activities on-site will include drying, trimming, packaging, and storage. Up to 15% of cannabis processed will be grown off-site. There will be no more than one import and export per day of cannabis grown off-site. The processing building includes office space and restrooms for employees. The Proposed Project also includes removal of a 200-square-foot shed, a 475-square-foot shade structure, a 375-square-foot pole barn, and a 980-square-foot pump house. A permitted single-family dwelling exists and will remain on-site and will not be utilized as part of the cannabis operations. The single-family dwelling is accessed via an easement over the neighboring property to the west. No tree removal, vegetation removal, or grading is proposed. Odor abatement will consist of Benzaco Scientific vapor-phase systems surrounding all cultivation areas (including processing areas). Additionally, carbon filters will be installed within processing

areas. The operation will be fenced off by a six-foot high chain-link fence, part of which is existing. Additional avocado trees will be planted to provide screening of the greenhouse and processing building from public viewing areas. Lighting will consist of motion-sensing, fully shielded, and downward directed lights mounted at eight feet on existing structures and twelve-foot tall poles. Access to the cannabis operation will be provided by an existing 25-foot wide driveway off of Casitas Pass Road. Water will be provided by an existing private well, and potable water will be provided by the Carpinteria Valley Water District. Wastewater treatment will be provided by an existing private septic system. The cultivation will use a closed-loop irrigation system to conserve water. The operation will utilize a maximum of 70 employees. Hours of operation will be from 6:00 am – 7:00 pm daily. Forty-four parking spaces will be provided on-site. Bicycle parking and a shuttle service will be provided to reduce traffic impacts. The Facilities Manager will monitor the trip generation and alternative transportation use, including carpooling and shuttles, and will store and make available alternative transportation records every year. The Applicant agreed to observe a set of Community Odor Guidelines that were developed through collaboration between the Cannabis Association of Responsible Producers (CARP Growers) and the Coalition for Responsible Cannabis (Coalition). These Guidelines are not part of the Project Description and are not enforceable by the County, but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria’s unique community and are a foundation of the Coalition’s decision to support this project. The property is a 15.32-acre parcel zoned AG-I within the Carpinteria Agricultural Overlay, shown as APN 001-030-022 and addressed as 5980 Casitas Pass Road, Carpinteria, First Supervisorial District.

### **5.3 Background Information**

The County Planning Commission approved the existing greenhouse, processing building, and detention basin as part of a Development Plan (95-DP-025) on May 29, 1996. The greenhouse is currently being used for cannabis cultivation based on an affidavit of legal nonconforming use. The processing building is currently vacant. Under current regulations, the processing building would require the approval of a Minor Conditional Use Permit pursuant to Section 35-102.F of Article II. However, Development Plan 95-DP-025 was approved prior to the adoption of Section 35-102.F, and the existing processing building is therefore legal nonconforming.

## **6.0 PROJECT ANALYSIS**

### **6.1 Appeal Issues**

On February 7, 2022, the Appellant submitted their appeal package (Attachment E). The primary concerns are unpermitted modifications to the property, inadequacies of the Odor Abatement Plan (OAP), safety risks to employees and the surrounding community, an inability to make the required findings, and the project description being too general. These appeal issues and staff’s analysis are provided in the following paragraphs.

### **Appeal Issue 1 – Unpermitted Modifications to the Property**

The Appellant contends that the Applicant made unauthorized changes to the property and did not submit accurate information to the Planning Department, and that therefore the Proposed Project cannot be approved. Additionally, the Appellant asserts that the Applicant must bring the project site into conformance prior to approval of the Proposed Project, rather than as part of the Proposed Project.

#### **Staff Response**

The materials submitted to the Planning Department provide a detailed and accurate depiction of the site conditions and proposed facility, which has been confirmed by P&D staff during site visits. With implementation of the Proposed Project, the site will conform to all applicable rules and regulations.

The project site currently contains a 200-square-foot shed, a 475-square-foot shade structure, a 375-square-foot pole barn, and a 980-square-foot pump house that were constructed without permits. Pursuant to Article II, validation or demolition of unpermitted development requires the approval of a Coastal Development Permit (Section 35-58 [definition of “Development”]; Section 35-169.2 [requiring CDP]). Unpermitted development is reviewed as new development, and all applicable policies, requirements, and standards within Article II and the Coastal Land Use Plan are applied. The Appellant incorrectly states that the Application is being “rewarded” with an after-the-fact permit, and should be forced to seek multiple CDPs as a matter of “good policy.” A permit to validate or demolish existing, unpermitted development may include new uses and development as well. As described in the project description above, these four structures will be removed as part of the Proposed Project. Removal of all unpermitted structures is required within 90 days of issuance of the Coastal Development Permit, pursuant to Condition No. 18 (Attachment B). Compliance with this condition will be enforced by P&D permit compliance staff. All other structures and improvements on-site received the required permits prior to their construction as part of the Development Plan (95-DP-025) approved on May 29, 1996. Additionally, the greenhouse is currently being used for cannabis cultivation based on an affidavit of legal nonconforming use, and is now seeking to permit that use in accordance with County law and policy.

### **Appeal Issue 2 – Inadequate Odor Abatement Plan**

The Appellant identifies four issues with the Odor Abatement Plan (OAP): 2.A) nonconformance with applicable standards; 2.B) failure to incorporate the correct Best Available Control Technology (BACT); 2.C) inability to adequately control odors; and 2.D) inadequate community notification and engagement measures.

#### **2.A – Nonconformance with Standards**

The Appellant contends that the OAP does not adequately explain odor generation during the drying phase; lacks reliability due to reliance on testing under different climate conditions; and does not map or consider surrounding land uses, including residences, schools, childcare facilities, youth athletic facilities, farms, recreational trails, and roadways.

### **Staff Response**

The proposed OAP is consistent with all standards and requirements of Article II. The OAP includes a complete description of all odor-generating activities on-site, which include nursery cultivation, flowering of mature plants, harvesting of mature plants, and drying, trimming, and storage of harvested cannabis. The OAP explains the lengths of time each activity takes, where on the project site they occur, and the relative amount of odor generated during each activity. The OAP further explains that drying will occur in drying rooms inside the processing building, which will be fitted with both vapor-phase odor neutralizing technology and 12 separate carbon filters. The OAP thus adequately explains how odors will be effectively neutralized from escaping the processing building.

The OAP does not rely on testing under different climate conditions. The Appellant incorrectly claims the OAP relies on a case study that was performed in Pahrump, Nevada that was completed under different climate conditions. However, the analysis provided in the OAP, and certified by a Licensed Professional Engineer and Certified Industrial Hygienist, is specific to the Santa Barbara County project site and local region. The OAP is based on olfactory assessments at various cannabis cultivation properties in Carpinteria that are deploying the vapor phase technology. The case study in Nevada is provided, along with a case study in Colorado, as supportive information in the first and second attachments to the OAP. Finally, Article II requires OAPs to be reviewed and certified by either a Certified Industrial Hygienist or a Professional Engineer; this OAP was reviewed and certified by both.

Article II does not require mapping of proximate land uses as part of an OAP. In addition, Article II does not have specific odor requirements related to zones or land uses, other than that the OAP must prevent odors from being experienced within residential zones. The nearest residentially zoned property to the project site is within the City of Carpinteria, approximately 2,850 feet to the west of the subject parcel. Article II also requires that the premises of a cannabis cultivation project not be located within 750 feet from a school, day care center, or youth center. The nearest school is more than 3,000 feet to the east of the subject parcel. All properties adjacent to the subject parcel are agriculturally zoned. The generation of noise, smoke, odor, and dust is recognized by the County in Agricultural Element Policy I.E as a natural consequence of agricultural practices, and Article II does not contain requirements to prevent odor from being experienced in agricultural zones, regardless of the presence of residences.

### **2.B – Failure to Incorporate Best Available Control Technology (BACT)**

The Appellant contends that the OAP incorrectly identifies chemical deodorant as BACT rather than carbon scrubbers and does not incorporate the correct BACT. The Appellant further notes that the BACT analysis was performed by the Applicant's consultant without third party review, which could represent a conflict of interest.

### **Staff Response**

The OAP is consistent with all odor abatement requirements in Article II, does not incorrectly identify BACT, and does incorporate correct BACT. Section 35-144.U.C.6 of Article II defers to Professional Engineers and Certified Industrial Hygienists to certify that a project has proposed accepted and available industry-specific best control technologies to mitigate odor, and specifically identifies both vapor-phase and carbon filtration systems as approved odor control systems, subject to certification. This OAP includes the use of carbon filters and a vapor-phase system, both of which are County-approved odor control systems. The proposed vapor-phase system uses essential oils to subtract (rather than mask) cannabis-related oils, and deploys a micro-fogging system encompassing the existing greenhouse and processing building. The OAP describes the efficacy of both odor control methods, the current state of the science regarding odor control in greenhouses versus air-tight enclosed buildings, and the reasoning for not utilizing the alternative methods. Additionally, the OAP includes provisions to re-evaluate, deploy, and re-deploy BACT as determined by P&D. The OAP was reviewed and certified by a Professional Engineer and Certified Industrial Hygienist in compliance with Article II. Finally, Article II does not require OAP review by an independent third party, and certification does not constitute a conflict of interest.

### **2.C – Inability to Adequately Control Odors**

The Appellant contends that the OAP will not adequately control odors associated with the Proposed Project and does not include evidence to support the efficacy of the proposed odor abatement methods.

### **Staff Response**

The OAP meets the requirements of Section 35-144U.C.6 of Article II. The OAP includes the use of carbon filters and a vapor-phase system, both of which are County-approved odor control systems. Additionally, the OAP is certified by a Certified Industrial Hygienist. The OAP is consistent with all provisions of Article II, which requires that odors be prevented from being experienced in residential zones. As described in Appeal Issue 2.A above, the nearest residential zone is within the City of Carpinteria approximately 2,850 feet west of the project site. If odors are identified on residentially zoned parcels, the OAP requires that the Operator take corrective actions. The OAP includes protocols to monitor, receive, and respond to odor complaints. Upon receipt of an odor complaint, the Operator must notify P&D, investigate the complaint and cause, and take corrective actions.

The Appellant speculates that the processing building could have leaks, but there is no evidence this is the case. The OAP is based on on-site field assessments of the current processing building, and includes initial audit and continuing monitoring obligations to identify and correct leaks if they occur in the future. The Appellant also asserts that the OAP improperly fails to consider odor impacts associated with curing, but curing is a part of the drying process as described in the OAP and occurs within sealed totes.



## **2.D – Inadequate Community Notification and Engagement**

The Appellant contends that the OAP does not include adequate community notification and engagement measures, complete odor response protocols, or any corrective actions. The Appellant further states that the Applicant’s commitment to observe Community Odor Guidelines is not enforceable by the County and therefore does not constitute evidence that the Proposed Project will meet the requirements of Article II.

### **Staff Response**

The OAP is consistent with all requirements of Article II, which includes designation of a local contact who is responsible for responding to odor complaints. The local contact is also required to send their contact information to property owners and residents of property within 1,000 feet of the subject parcel, notify the County of any complaints received within 24 hours, implement a complaint tracking system for all complaints the operator receives, and maintain the records for a minimum of five years. Additionally, pursuant to Article II, failure to respond to calls in a timely and appropriate manner may result in revocation of the permit. The OAP identifies the Head of Security and Facilities as the primary odor contact and provides their phone number as well as their email address. The OAP also includes provisions to notify the County within 24 hours of receiving an odor complaint, implement a complaint tracking system, and maintain the records for a minimum of five years. The Appellant broadly asserts that all of these measures are “inadequate,” but does not identify any elements that are missing, and Article II does not require additional community notification and engagement measures. Article II does not require the tiered odor response protocols included in the OAP and the operator’s commitment to observe the Community Odor Guidelines for approval of the Proposed Project. Nevertheless, the operator is required to implement all provisions of the OAP, including the odor response protocols, pursuant to Condition No. 12 of Attachment B.

## **Appeal Issue 3 – Safety Risks to Employees and the Surrounding Community**

The Appellant contends that no health risk assessment has been conducted with respect to the vapor-phase system and that “site features” create unnecessary safety risks to facility workers and impacts to the surrounding community.

### **Staff Response**

The Proposed Project does not create health or safety risks to the workers or surrounding community. The Appellant asserts “site features” create an unnecessary safety risk but offers no clarification as to what features, only mentioning the lack of a health risk assessment for the vapor-phase system. There are no known potential adverse human health effects associated with the vapor-phase system, and the Santa Barbara County Air Pollution Control District (SBCAPCD) reviewed the vapor-phase system formula and confirmed that none of the ingredients are considered toxic air contaminants as identified by the State of California. Any changes to the solution used within the vapor-phase system must be submitted to Planning and Development and SBCAPCD for review and approval pursuant to Condition No. 18 of Attachment B.

Additionally, the California Division of Occupational Safety and Health (Cal-OSHA) is responsible for general protection of health and safety of workers in California, including workers employed in the cannabis industry, through the implementation of Cal-OSHA regulations set forth in Title 8 of the California Code of Regulations. Enforcement of Cal-OSHA regulations is not within the purview of the Planning and Development Department, the Planning Commission, or the Board of Supervisors, nor part of the County's land use entitlement process. All employers in the cannabis industry, including those who cultivate, manufacture, distribute, and sell cannabis products, must take steps to protect their employees from health and safety hazards associated with their work as required by Cal-OSHA.

#### **Appeal Issue 4 – Inability to Make the Required Findings**

The Appellant contends that there is not adequate information provided to be able to make the required findings for approval of a Coastal Development Permit, asserting that the Proposed Project does not conform to the Coastal Land Use Plan, General Plan, and Coastal Zoning Ordinance. The Appellant specifically describes the Proposed Project as an intensification of use that does not comply with Coastal Land Use Plan Policy 8-5.

#### **Staff Response**

All findings required for approval of a Coastal Development Permit (CDP) can be made for the Proposed Project. As discussed in Attachment A, the findings required for the approval of a CDP are: 1) that the proposed development conforms to the Comprehensive Plan, including the Coastal Land Use Plan, and Article II; 2) that the proposed development is located on a legally created lot; and 3) that the subject property and development is in compliance with all laws, rules, and regulations pertaining to zoning uses, setbacks, and other provisions of Article II and that all required fees have been paid.

As discussed in Sections 6.3 and 6.4 below, the Proposed Project is consistent with all applicable requirements of the County Comprehensive Plan, Coastal Land Use Plan, and Article II. The Appellant incorrectly states that Coastal Land Use Plan Policy 8-5 requires CEQA analysis for "intensifications of activities at the site." In fact, Policy 8-5 only requires discretionary approval and environmental review of all greenhouse projects of 20,000 or more square feet and all additions to existing greenhouse development or other development of 20,000 square feet or more. The Proposed Project does not include any new or redeveloped greenhouses or related development. The greenhouse and processing building on-site were reviewed and approved under Development Plan 95-DP-025 on May 29, 1996. Cannabis cultivation is a principal permitted use in the AG-I Zone District and authorized with a CDP. The Proposed Project is a crop conversion from cut flowers to cannabis cultivation and does not constitute an intensification of use.

Additionally, the subject parcel was legally created by Parcel Map 11,615 in 1972. Although there are four structures on-site that were constructed without permits, implementation of the Proposed Project will allow demolition of the unpermitted structures. Finally, with adherence to

the Conditions of Approval imposed in Attachment B, the subject parcel and development on-site is in compliance with all laws, rules, and regulations.

### **Appeal Issue 5 – Vague Project Description**

The Appellant contends that the project description is too general and does not adequately address impacts to traffic and circulation or adequacy of the septic system.

### **Staff Response**

The project description, as described in Section 5.2 above, and the project plans, Attachment F, include all information necessary to analyze and approve the Proposed Project, and identify what uses will be conducted; by whom; where; during what hours; and how. The project description and project plans specifically include a Fencing and Security Plan, Landscaping Plan, OAP, Site Transportation Demand Management Plan (STDMP), and water efficiency information. The STDMP (Sheet 8 of Attachment F) identifies traffic circulation routes and includes a combination of vehicle trip reduction measures that will adequately reduce trip generation associated with the Proposed Project. Caltrans reviewed the STDMP and confirmed their requirements are satisfied. Additionally, the Proposed Project was reviewed by County Environmental Health Services, who confirmed that the existing septic system is adequate to serve the proposed number of employees.

## **6.2 Environmental Review**

On February 6, 2018, the Santa Barbara County Board of Supervisors certified the Program Environmental Impact Report (PEIR) that analyzed the environmental impacts of the Cannabis Land Use Entitlement and Licensing Program (Cannabis Program). The PEIR was prepared in accordance with the State CEQA Guidelines Section 15168 and evaluated the Program's impacts, including those in the coastal zone. The PEIR identified a number of significant impacts and set forth feasible mitigation measures that would be included as development standards and requirements in the land use and licensing ordinances, which would be applied to site-specific land use entitlement and business licensing applications for commercial cannabis operations authorized under the Program. The PEIR concluded that significant and unavoidable (Class I) impacts would result from the Program. On February 27, 2018, the Santa Barbara County Board of Supervisors adopted a series of ordinances, including Section 35-144U [Cannabis Regulations] of Article II, the Coastal Zoning Ordinance, that regulate commercial cannabis operations within the County's unincorporated area. The California Coastal Commission (CCC) reviewed the proposed amendments and on October 10, 2018 certified Section 35-144U of Article II, the Coastal Zoning Ordinance relying on their CEQA equivalent analysis and County certified PEIR. The Board of Supervisors adopted a Statement of Overriding Considerations for the Class I impacts, and the 30-day statute of limitations to challenge the adequacy of the PEIR expired without legal challenge.

Section 15168(c) of the State CEQA Guidelines allows the County to approve an activity as being within the scope of the Project covered by a program environmental impact report if the County

finds, pursuant to Section 15162, that no new environmental document is required. On May 24, 2022, pursuant to the State CEQA Guidelines Section 15168(c)(4), staff completed the Checklist for Commercial Cannabis Land Use Entitlement and Licensing Applications (Attachment C) and determined that all of the environmental impacts of the Project were within the scope of the Project covered by the PEIR for the Cannabis Land Use Ordinance and Licensing Program. No additional cumulative impacts were identified, and no new environmental document was required under Section 15162.

### 6.3 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<b>SERVICES</b>	
<p><b><i>Coastal Land Use Plan (CLUP) Policy 2-6:</i></b> Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e. water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extension or improvements that are required as a result of the Proposed Project. Lack of available public or private services or resources shall be grounds for denial of the Project or reduction in the density otherwise indicated in the land use plan.</p>	<p><b>Consistent:</b> The Project site will have adequate services to support the Proposed Project consistent with Coastal Land Use Plan (CLUP) Policy 2-6.</p> <p>The existing processing building will include restrooms for employees. An existing private wastewater treatment system will serve these restrooms. Environmental Health Services (EHS) reviewed the wastewater treatment system and found that the system will be able to serve the Proposed Project. Agricultural water will be provided by an existing private well, and domestic water will be provided by the Carpinteria Valley Water District, which reviewed the Proposed Project and provided an Intent to Serve Letter.</p> <p>Adequate public and private roads are available to serve the Proposed Project. Access for the Proposed Project will be taken via an existing private driveway off Casitas Pass Road. There is an existing single-family dwelling on-site which takes access via an easement off Casitas Pass Road. The easement is over the neighboring property and is a separate entrance.</p> <p>Fire protection will continue to be provided by the Carpinteria-Summerland Fire Protection District, and police services will continue to be</p>

	<p>provided by the Santa Barbara County Sheriff's Department. The Carpinteria-Summerland Fire Protection District reviewed the Proposed Project and provided a condition letter included in Attachment B. Additionally, the County Sheriff reviewed the Fencing and Security Plan and determined it to be sufficient. The County Sheriff will be involved in reviewing the Business License as required for all cannabis operations, and will continue to provide police services to the subject parcel. The Proposed Project does not require the provision of any additional services from these departments.</p>
<b>AGRICULTURE</b>	
<p><b><i>Agricultural Element GOAL I:</i></b> Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.</p> <p><b><i>CLUP Policy 8-11:</i></b> The following requirements shall apply to greenhouse and greenhouse related development within the Carpinteria Valley to protect the long-term productivity of prime agricultural soils.</p> <ol style="list-style-type: none"> <li><i>a. Greenhouse operations on prime agricultural soils shall encourage use of in-soil cultivation methods</i></li> <li><i>b. Prime agricultural soils shall not be modified with sterilants or other chemicals that would adversely affect the long-term productivity of the soil.</i></li> <li><i>c. The removal of prime agricultural soils shall be prohibited, including removal of indigenous prime soils used as a growing medium for container plants which are sold intact.</i></li> </ol>	<p><b>Consistent:</b> The Proposed Project is consistent with policies that encourage the agricultural viability of land within the County. The subject parcel contains Class I and II prime soils. The Proposed Project consists of cannabis cultivation, both growing and processing, within an existing greenhouse and an existing processing building. The Proposed Project does not include any expansion of facilities or grading. Cannabis will be cultivated above ground in pots. No prime agricultural soils will be removed from site and no sterilants or other chemicals that would adversely affect the long-term productivity of the soil will be utilized on-site.</p>

<b>WATER QUALITY</b>	
<p><b>CLUP Policy 3-19:</b> <i>Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.</i></p>	<p><b>Consistent:</b> The Proposed Project is consistent with the policy that requires the protection of water resources and water quality. No pollutants, chemicals, fuels, lubricants, sewage, or other harmful waste will be discharged into or alongside coastal streams or wetlands. The nearest stream is approximately 480 feet north of the subject parcel, and the nearest wetlands are approximately 360 feet northeast. The subject parcel includes a permitted detention basin to retain and limit stormwater runoff from the site.</p>
<b>NOISE</b>	
<p><b>Noise Element Policy 1:</b> <i>In the planning of land use, 65 dB Day-Night Average Sound Level should be regarded as the maximum exterior noise exposure compatible with noise-sensitive uses unless noise mitigation features are included in Project design.</i></p>	<p><b>Consistent:</b> The Proposed Project is consistent with the policy that requires limited noise production from development. A Noise Plan is provided as Sheet 10 of Attachment F. The Noise Plan identifies all noise generating equipment on the subject parcel, as well as their noise levels at the nearest property line. As described in the Noise Plan, no noise will exceed 65dB at any property line. Additionally, the property line near the loudest noise is shared with Casitas Pass Road, rather than another privately owned property.</p>
<b>FLOOD HAZARD</b>	
<p><b>CLUP Policy 3-11:</b> <i>All development, including construction, excavation, and grading, except for flood control Projects and non-structural agricultural uses, shall be prohibited in the floodway unless off-setting improvements in accordance with HUD regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor</i></p>	<p><b>Consistent:</b> The Proposed Project is consistent with policies that require development to be located outside of floodways and not to contribute to flood hazards. A small portion of the subject property is within the Flood Hazard Overlay and the majority of the parcel is within the Flood Recovery Map. The Proposed Project does not include any new development. The existing facilities were approved by the</p>

<p><i>elevations are above the Projected 100-year flood elevation, as specified in the Flood Plain Management Ordinance.</i></p> <p><b>CLUP Policy 3-12:</b> <i>Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, i.e., dams, stream channelizations, etc.</i></p>	<p>County under Development Plan 95-DP-025, and as modified by Substantial Conformity Determination on June 25, 1997. Included on-site is a detention basin to capture stormwater runoff. County Flood Control has reviewed and approved all facilities.</p>
<p><b>VISUAL RESOURCES</b></p>	
<p><b>CLUP Policy 4-2:</b> <i>All commercial, industrial, planned development, and greenhouse Projects shall be required to submit a landscaping plan to the County for approval.</i></p>	<p><b>Consistent:</b> The Proposed Project is consistent with the policy that requires landscaping plans for greenhouse projects. The Proposed Project does not include any new development or redevelopment of existing structures. A Landscape Plan is included as Sheet 3 of Attachment F. The Landscape Plan is consistent with the landscaping approved under 95-DP-025 for the development of the greenhouse and processing building. Additional avocado trees will be planted to provide screening of the greenhouse and processing building from public viewing areas. Additionally, Condition No. 19 of Attachment B requires consistency with the landscaping approved by 95-DP-025 for the greenhouse and processing building.</p>

## 6.4 Zoning: Article II, Coastal Zoning Ordinance Compliance

As detailed below, the Proposed Project is consistent with the Article II requirements for the AG-I-10 Zone District, the Carpinteria Agricultural Overlay District, and the Cannabis Ordinance.

### 6.4.1 Intent of AG-I-10 Zone District

Per Section 35-68.1 of Article II, the purpose and intent of the AG-I Zone District is to designate and protect land appropriate for long-term agricultural use within or adjacent to urbanized areas, and to preserve prime agricultural soils. The subject site is mapped on the California State Important Farmlands Map as unique farmland. The subject parcel is also subject to an Agricultural Preserve contract under the Williamson Act. The subject parcel is under non-renewal by the owner, and the Proposed Project was determined consistent with the County Uniform Rules by

the Agricultural Preserve Advisory Committee (APAC) at the April 19, 2019 APAC meeting. The Proposed Project does not include any new development or redevelopment of existing structures. The cannabis operation will be contained within structures approved by Development Plan 95-DP-025 on May 29, 1996.

#### **6.4.2 Intent of the Carpinteria Agricultural Overlay District**

The subject property is located within Area B of the Carpinteria Agricultural Overlay (CA Overlay) District. Per Section 35-102F of Article II, the purpose of this overlay district is to designate geographic areas of AG-I-zoned lands in the Carpinteria Valley appropriate for the preservation of open field agricultural uses. The intent is to ensure well-designed greenhouse development and to limit the loss of open field agricultural areas for piecemeal greenhouse expansion by providing well-crafted development standards that protect water quality, visual resources, and rural character of the Carpinteria Valley. Specifically, Area B of the Overlay District includes more limitations on the construction of new greenhouses and greenhouse related development than Area A. The Proposed Project does not include any new development, and therefore, the Proposed Project meets the purpose and intent of the CA Overlay District.

#### **6.4.3 Setbacks**

The subject parcel is zoned AG-I-10 and is located within the CA Overlay District. Section 35-102F.8.3 of Article II sets forth the following setback requirements for greenhouses, packing and shipping facilities, shade and hoop structures, and related structures:

- *Front: 75 feet from the right-of-way line of any street. For parcels within identified view corridors, the front setback shall be at least 250 feet from right-of-way.*
- *Side and Rear: 30 feet from the lot lines of the lot on which the building or structure is located.*
- *Interior Lot: 20 feet from the lot lines on which the building or structure is located.*
- *100 feet from a residentially-zoned lot or 50 feet from an adjacent parcel where there is an approved residential dwelling located within 50 feet of the parcel boundary.*
- *100 feet from top-of-bank or edge of riparian habitat of natural creek channels, whichever is greater.*

The Proposed Project meets the setback requirements for the AG-I Zone District. The Proposed Project does not include any new development or redevelopment of existing structures. The existing structures are set back at least 88 feet from the right-of-way and 65 feet from the rear property line. The processing building is located approximately 25 feet from the side property line, but was approved in 1995 prior to the implementation of the CA Overlay District and is therefore legal non-conforming.

#### **6.4.4 Height Limit**



Section 35-68.9 of Article II sets forth the following height limit requirements for the AG-I Zone:

*No building or structure shall exceed a height of 35 feet.*

Section 35-102F.8.2 of Article II sets forth the following height requirements:

- *The maximum absolute height of any greenhouse or greenhouse related development, or packing and shipping facility, shall be no greater than 30 feet above finished grade. The maximum absolute height of any shade structure or hoop structure shall be no greater than 12 feet above natural grade.*
- *Within view corridors the maximum absolute height of any greenhouse or greenhouse related development, or packing and shipping facility, shall be no greater than 25 feet above finished grade.*

The Proposed Project meets the height requirements for the AG-I Zone and the CA Overlay. The Proposed Project does not include any new development or redevelopment of existing structures. The existing greenhouse has a maximum height of 26 feet, and the existing processing building has a maximum height of 29 feet.

#### **6.4.5 Parking**

Section 35-113 of Article II sets forth the following parking requirements for agricultural uses:

- *Commercial greenhouses, hothouses, or other plant protection structure: Two spaces per acre of land in such use*

Section 35-114.3 of Article II sets forth the following parking requirements for all uses:

- *All parking areas shall be graded and drainage provided so as to dispose of all surface water without erosion, flooding, and other inconveniences or hazards.*
- *Uncovered parking areas and driveways shall be paved with a minimum of two inches of asphalt, concrete, masonry pavers, or equivalent, including pervious materials, on a suitable base.*
- *Parking spaces shall be marked and access lanes clearly defined. Bumpers and wheel stops shall be installed as necessary. Every stall designed to accommodate compact cars shall be clearly marked as a compact car stall.*

The Proposed Project meets the parking requirements set forth in Article II. The subject site includes approximately 7.8 acres of greenhouse area, a processing building, a single-family residence, and other accessory structures. These land uses require 16 parking spaces for the greenhouse, two parking spaces for the single-family dwelling, and no parking spaces for the other structures or uses on-site. Based on these requirements, the Proposed Project is required to provide 18 parking spaces, and the Proposed Project includes 44 parking spaces, which exceeds the number required pursuant to Article II.

#### **6.4.6 Section 35-102F.9 Greenhouses and Related Development Standards**

The Carpinteria Agricultural Overlay District contains 26 development standards. These development standards apply to Coastal Development Permits, Development Plans, and Conditional Use Permits for greenhouses, greenhouse related development, packing and shipping facilities, and shade or hoop structures within the CA Overlay District. The Proposed Project does not include any new development or redevelopment of existing structures, and therefore the development standards included in this section do not apply to the Proposed Project.

#### **6.4.7 Cannabis Regulations: Section 35-144U General Commercial Cannabis Activities Development Standards**

Section 35-144U of Article II provides standards that are designed to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls, as a result of and in compliance with State law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment, by establishing minimum land use requirements for medicinal and adult use cannabis activities including cultivation, processing, distribution, manufacturing, testing, and sales. As part of the Coastal Development Permit application, the Applicant submitted all of the required information to show that the proposed cannabis operation will be in compliance with all of the applicable standards in Section 35-144U of Article II, as discussed below.

- 1. *Archaeological and paleontological surveys.*** *When commercial cannabis activities are proposed for lots that have not been subject to prior archaeological or paleontological surveys in accordance with Section 35-65 (Archaeology), the applicant shall provide a Phase I cultural resources study documenting the absence of presence of cultural resources in the Project area...*

The Proposed Project does not include any new development or redevelopment of existing structures, or other ground disturbance. Additionally, the existing facilities were approved and reviewed under Development Plan 95-DP-025. The Central Coast Information Center performed an initial records search, which did not include any archaeological or historical resources on the subject parcel, and only included a single historical resource within a 2,000-foot radius. Therefore, an archaeological survey was not required, and this development standard does not apply.

- 2. *Fencing and Security Plan.*** *Security fencing measures for commercial cannabis activities shall be sited and designed to avoid adverse impacts to public access and minimize adverse impacts to visual resources. The Applicant for a permit to allow outdoor, mixed-light, or nursery cannabis cultivation development shall prepare and submit to the Department for review and approval a Security Fencing Plan demonstrating ample security and screening of the*

*commercial cannabis activity. The standards of this Section shall be in addition to Section 35-123 (Fences, Walls and Gate Posts), as well as all other resource protection provisions of this Article and all applicable Community and Area Plans. The Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the Project, as applicable. The Security Fencing Plan shall include the following:*

- a. The Fencing Plan shall depict typical fencing details, including location, fence type, and height.*
- b. All fencing and/or walls shall be made out of material that blends into the surrounding terrain and shall minimize any visual impacts.*
- c. Where fencing will separate an agricultural area from undeveloped areas with native vegetation and/or Habitat Management Plan easement area, said fencing shall use material or devices that are not injurious to wildlife and enable wildlife passage.*
- d. Prohibited fencing materials include razor wire, tarps, dust guard fencing, privacy netting, or woven or non-woven polyethylene plastic.*
- e. The fence shall include lockable gate(s) that are locked at all times, except for during times of active ingress/egress.*
- f. No visual markers indicating that cannabis is cultivated on the site shall be visible from offsite.*
- g. Evidence that the proposed security fencing has been sited and designed to avoid adverse impacts to public access and minimize adverse impacts to visual resources.*

As demonstrated in the Security and Fencing Plan (Sheet 2 of Attachment F), the Proposed Project is consistent with this development standard. The Security and Fencing Plan provided by the Applicant describes fencing details, including location, type, and height. The proposed fencing includes lockable gates, and the Plan does not include any prohibited fencing materials or visual markers that cannabis is cultivated on-site. The Sheriff's Office has reviewed the Fencing and Security Plan and determined it to be sufficient. The Security Plan will also be reviewed by the County Executive Office and the Sheriff's Office as part of the Cannabis Business License application.

- 3. *Landscaping Plan and Screening Plan.*** *Commercial cannabis activities shall be sited and designed to minimize adverse impacts to visual resources. Landscape screening shall not substitute for siting and design alternatives that avoid or minimize adverse impacts to public views of the ocean and other scenic areas. If it is infeasible to site and design the proposed cannabis cultivation activity to avoid being seen from public places, the applicant for a permit to allow outdoor, indoor, mixed-light, or nursery cannabis cultivation development shall submit a Landscape Plan and Screening Plan to the Department for review and approval...*

As demonstrated in the Landscaping Plan (Sheet 3 of Attachment F), the Proposed Project is consistent with this development standard. The Proposed Project includes landscaping to match the landscaping approved as part of Development Plan 95-DP-025, approved on May 29, 1996, which permitted the existing greenhouse and processing building. Additional avocado trees will be planted to provide screening of the greenhouse and processing building

from public viewing areas. The approved landscaping will adequately screen the site from all public viewing areas, and the Applicant is required to maintain the landscaping for the life of the Proposed Project pursuant to Condition No. 9 of Attachment B.

- 4. Lighting Plan.** *Exterior lighting for commercial cannabis activities shall be sited and designed to avoid impacts to biological resources. The applicant for any commercial cannabis activity involving artificial lighting shall submit a Lighting Plan to the Department for review and approval... The Lighting Plan shall include the following:*
- a. Plans that identify all lighting on the lot demonstrating that all lighting will comply with the standards set forth in this Section and all applicable Community and Area Plans.*
  - b. Lighting necessary for security shall consist solely of motion-sensor lights and avoid adverse impacts on properties surrounding the lot on which the cannabis activity is located.*
  - c. Any outdoor lighting used for the illumination of parking areas and/or loading areas, or for security, shall be fully shielded and directed downward.*
  - d. Lighting is prohibited in hoop structures.*
  - e. Lighting is sited and designed to avoid light spill or other impacts to ESH.*

As demonstrated in the Lighting Plan (Sheets 4, 5, 6, and 7 of Attachment F), the Proposed Project is consistent with this development standard. Exterior lighting for the proposed processing building will consist of motion-sensor wall-mounted lights at points of entry for the building. All lights will be full cut off, hooded and downward facing.

- 5. Noise Plan.** *The applicant for indoor, mixed light, and nursery cultivation, and manufacturing (volatile and non-volatile) permits shall prepare and submit to the Department for review and approval a Noise Plan. The Noise Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the Project as applicable. The Noise Plan shall demonstrate compliance with the following standards:*
- a. Buildings shall be adequately soundproofed so that interior noise shall not exceed 65 decibels beyond the property. The Plan shall identify noise-generating equipment that will be used and the noise level associated with each.*
  - b. Environmental control systems shall be located and/or shielded to avoid generating noise levels above 65 decibels heard by sensitive receptors, in compliance with the Santa Barbara County Noise Element.*
  - c. The combined decibel level for all noise sources, as measured at the property line of the lot on which the cannabis activity is located, shall not exceed 65 decibels.*
  - d. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or emergency. The noise produced by a generator shall not be audible by humans from neighboring residences.*

As demonstrated in the Noise Plan (Sheet 10 of Attachment F), the Proposed Project is consistent with this development standard. The Project does not include any equipment that

will exceed 65 decibels at a property line. As shown on the Noise Plan, the loudest equipment will be the emergency generator, which will generate 59.6 decibels at the nearest property line. Additionally, the property line nearest the emergency generator is shared with Highway 192 rather than another parcel.

**6. Odor Abatement Plan.** *The applicant for cultivation, nursery, manufacturing (volatile and non-volatile), processing, microbusiness, and/or distribution permits, shall (1) prepare and submit to the Department for review and approval, and (2) implement, an Odor Abatement Plan... The Odor Abatement Plan must include the required items listed and addressed below:*

- a. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.*
- b. A description of the specific odor-emitting activity(ies) that will occur.*
- c. A description of the phases (e.g., frequency and length of each phase) of odor-emitting activity(ies).*
- d. A description of all equipment and methods to be used for reducing odors. A Professional Engineer or a Certified Industrial Hygienist must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.*
- e. Approved odor control systems, subject to certification as required in Subsection d above, may include, but are not limited to:*
  - 1) Activated carbon filtration systems.*
  - 2) Vapor-phase systems. Vapor-phase systems must comply with the following:*
    - a) The resulting odors must be odor-neutralizing, not odor-masking.*
    - b) The technology must not be utilized in excessive amounts to produce a differing scent (such as pine or citrus).*
    - c) Use of these systems must have supporting documentation which meet United States Environmental Protection Agency's Acute Exposure Guideline Levels or similar public health threshold.*
  - 3) Other odor controls systems or Project siting practices that demonstrate effectiveness in controlling odors.*
- f. Designation of an individual (local contact) who is responsible for responding to odor complaints as follow:*
  - 1) The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding any odor complaints.*
  - 2) The applicant shall provide property owners and residents of property located within 1,000-feet of the lot on which the cannabis activity is conducted, the contact information of the local contact responsible for odor complaints. The operator is required to immediately notify the County of any changes to the local contact.*
  - 3) The operator of the cannabis activity is required to notify the County of any complaints that the operator receives, within 24 hours of receiving the complaint.*
  - 4) Failure to respond to calls in a timely and appropriate manner may result in revocation of the permit. For purposes of this Subsection, responding in a timely and*

*appropriate manner means that an initial call shall be responded to within one hour of the time the initial call was made, and a corrective action shall commence within two hours of the initial call, if corrective action is required, to address any violation of this Section.*

- 5) The operator shall implement a complaint tracking system for all complaints that the operator receives, which includes a method for recording the following information: contact information of the complainant, as well as a description of the location from which the complainant detected the odors; time that the operator received the complaint; description of the complaint; description of the activities occurring on site when the complainant detected the odors; and actions the operator implemented in order to address the odor complaint. The operator shall provide the complaint tracking system records to the Department as part of any Departmental inspections of the cannabis activity, and upon the Department's request. The operator shall maintain the complaint tracking records for a minimum of five years.*
- g. The applicant shall allow the Department access to the facility at all times, without notice, for the purpose of inspecting odor mitigation practices, odor source(s), and complaint tracking system records.*
- h. If the Department receives three verified complaints regarding odor events in any 365-day period, the Permittee shall implement corrective actions to comply with the odor abatement requirements of this Section 35-144U.C.7. Upon the Department's request, the Permittee shall submit a written statement that sets forth the corrective actions and timing of implementation of each corrective action, subject to the Department's review and approval. The department may require the corrective actions to be re-certified by a Professional Engineer or a Certified Industrial Hygienist. Notwithstanding the requirements of this Section, the Department may take additional enforcement actions pursuant to Chapter 35-108 (Enforcement and Penalties) which may include, but are not limited to, initiating proceedings to revoke the applicable cannabis land use entitlement(s).*

As demonstrated in the Odor Abatement Plan (Attachment G and Sheet 9 of Attachment F), the Proposed Project is consistent with this development standard. The Odor Abatement Plan (OAP) was prepared and signed by a Certified Industrial Hygienist, identifies and describes all odor-emitting activities, and provides a description of the specific odor control methods and technologies to be used. The primary odor-emitting activities will consist of mature plants within the greenhouse and trimming, drying, storage, and other processing of cannabis within the processing building. The Proposed Project includes the use of Fogco/Benzaco Vapor-Phase Units with the associated piping covering the perimeter of the greenhouse and the processing building. The Proposed Project also includes the use of carbon filters within the processing areas. Carbon filters and vapor-phase units are both odor abatement technologies approved by the County. The OAP also includes the contact information for a 24-hour local contact as well as odor response protocols beyond those required by Section 35-144U of Article II.

**7. *Signage.*** *All signs shall comply with Chapter 35-138 (Signs and Advertising Structures) and all applicable Community and Area Plans.*

No signs are proposed as part of this Project. No existing or future signs will indicate cannabis cultivation will occur on-site.

**8. *Tree Protection, Habitat Protection, and Wildlife Movement Plans.*** *All commercial cannabis activities shall comply with the tree and habitat protection policies and standards set forth in this Article, all applicable Community and Area Plans, and the Coastal Land Use Plan. Commercial cannabis activities shall be sited and designed to avoid environmentally sensitive habitat (ESH) and ESH buffers...*

As discussed in Section 6.3 above, the Proposed Project complies with the applicable Coastal Land Use Plan Policies. The project site does not contain and is not adjacent to any Environmentally Sensitive Habitat (ESH) or other identified habitat. Furthermore, the Proposed Project will not result in the removal of, or impacts to, trees or vegetation, including ESH, and therefore the Project does not require the preparation of a Tree Protection Plan or Habitat Protection Plan. The project site is also not adjacent to a wildlife corridor, and the preparation of a Wildlife Movement Plan is not warranted.

**9. *View Impact Study.*** *The applicant for a commercial cannabis activity outside of the boundaries of the Carpinteria Agricultural Overlay District shall prepare and submit to the Department a view impact study...*

The subject property is within the CA Overlay District. Therefore, this development standard is not applicable to the Proposed Project.

**10. *Carpinteria Agricultural Overlay District.*** *All structures for commercial cannabis activities, including accessory structures, within Area A and Area B of the Carpinteria Agricultural Overlay District shall comply with the standards of Section 35-102F(CA – Carpinteria Agricultural Overlay District).*

As discussed in Sections 6.4.2 and 6.4.6 of this staff report, the subject property is within Area B of the geographically designated CA Overlay District and complies with all development standards of the overlay district.

**6.4.8 Cannabis Regulations: Specific Use Development Standards from Section 35-144U.C of Article II**

The standards applicable to this proposal are discussed below.

**1. *AG-I Lots 20 acres or less; Lots zoned AG-I-5; and/or Lots zoned AG-I-10 and lots within two miles of an Urban-Rural boundary.*** *Outdoor cannabis cultivation, including cannabis*

*cultivation within hoop structures, is prohibited on lots zoned AG-I that are 20 acres or less in size; lots zoned AG-I-5; and/or lots zoned AG-I-10 and lots within two miles of an Urban Rural boundary. Indoor and mixed-light cultivation shall be located in existing structures to the maximum extent feasible. No more than 186 acres of cannabis cultivation, nurseries, and microbusinesses with cultivation shall be allowed at any one time within the boundaries of Area A and Area B of the Carpinteria Agricultural Overlay District, as implemented through the Cannabis Business License Ordinance.*

As demonstrated in the Site Plan (Sheet 1 of Attachment F), the Proposed Project is consistent with Article II development standards. The Proposed Project consists of mature and nursery cultivation within an existing, permitted greenhouse and processing within an existing, permitted processing building. No outdoor cannabis cultivation or cannabis cultivation within hoop structures is proposed.

- 2. *Avoidance of prime soils.*** *All structures for cannabis cultivation operations, including, but not limited to, greenhouses that do not rely on in-ground cultivation, that are located on premises that contain prime soils shall be sited to avoid prime soils to the maximum extent feasible. Ancillary use facilities shall not be located on prime soils unless the Director determines that an alternative location on nonprime soils does not exist within a reasonable distance of the proposed site.*

The Proposed Project does not include any new development or structures and will not disturb any prime soils. All development to remain on-site was reviewed and approved under separate permits.

- 3. *Site Transportation Demand Management Plan.*** *The applicant shall prepare and submit to the Department for review and approval a Site Transportation Demand Management Plan that includes the lot location, total number of employees, hours of operation, lot access and transportation routes, and trip origins and destinations. The Transportation Demand Management Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the Project, as applicable. The Transportation Demand Management Plan shall include a combination of the following methods to reduce vehicle trips generated by the manufacturing activity as necessary to avoid impacts to prime soils and on-street parking availability to the maximum extent feasible:*
  - 1) Provide for carpool/shuttle/mini bus service for employees, especially during harvesting periods, on cultivation lots.*
  - 2) Provide shared parking areas for ridesharing on large and/or rural lots.*
  - 3) Provide bicycle storage/parking facilities.*
  - 4) Provide incentives to employees to rideshare or take public transportation.*
  - 5) Implement compressed or flexible work schedules to reduce the number of days per week that employees are needed.*



As demonstrated in the Site Transportation Demand Management Plan (STDMP) (Sheet 8 of Attachment F), the Proposed Project is consistent with this development standard. The STDMP lays out the routes to and from the site, the expected trips and deliveries, numbers of employees, and hours of operation. The STDMP also includes the use of a shuttle service to transport employees between the project site and local public transportation stops. Additionally, the STDMP has designated carpool spaces and bicycle storage. These methods will adequately reduce vehicle trips associated with the Proposed Project.

**4. *Water efficiency for commercial cannabis activities.*** *To the maximum extent feasible, and to the Director's satisfaction, water-conserving features shall be included in the design of proposed cannabis cultivation. These features may include, but are not limited to:*

- 1) *Evaporative barriers on exposed soils and pots.*
- 2) *Rainwater capture and reuse.*
- 3) *Recirculated irrigation water (zero waste).*
- 4) *Timed drip irrigation.*
- 5) *Soil moisture monitors.*
- 6) *Use of recycled water.*

As described in Section 5.2 above, Proposed Project is consistent with this development standard. The Proposed Project will use a closed-loop irrigation system to conserve water.

## **6.5 Agricultural Preserve Advisory Committee**

The Proposed Project was reviewed by the Agricultural Preserve Advisory Committee (APAC) at the April 19, 2019, APAC meeting. APAC found the Proposed Project consistent with the Uniform Rules.

## **7.0 APPEALS PROCEDURE**

The action of the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action. The appeal fee to the Board of Supervisors is \$701.06.

The action of the Board of Supervisors is not appealable to the Coastal Commission.

## **ATTACHMENTS**

- A. Findings
- B. Coastal Development Permit with Conditions
- C. CEQA Guidelines §15168(c)(4) Environmental Checklist
- D. Link to the Program Environmental Impact Report for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003
- E. Appeal Application and Letter, received February 7, 2022
- F. Project Plans

G. Odor Abatement Plan, dated December 23, 2021

## **ATTACHMENT A: FINDINGS**

### **1.0 CEQA FINDINGS**

#### **SUBSEQUENT ACTIVITIES WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)**

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15162 AND 15164:

#### **1.1 CONSIDERATION OF THE SUBSEQUENT ACTIVITIES IN THE PROGRAM**

The County Planning Commission considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Attachment D to the staff report, dated May 24, 2022, and incorporated herein by reference), along with the Proposed Project, which is an activity within the scope of the PEIR. The PEIR's certification is not limited to particular purposes or particular areas of the County. The Coastal Commission considered the County's PEIR, and found that the PEIR is consistent with the Local Coastal Program. Staff prepared a written checklist in compliance with State CEQA Guidelines Section 15168(c)(4) to document the evaluation of the site and the activity to determine that the environmental effects of the operation are covered in the PEIR (Attachment C to the staff report, dated May 24, 2022, and incorporated herein by reference). As shown in the written checklist, the Proposed Project is within the scope of the PEIR and the effects of the Proposed Project were examined in the PEIR. Therefore, on the basis of the whole record, including the written checklist, the previously certified PEIR, and any public comments received, the Planning Commission finds that the Proposed Project will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment, and there is no new information of substantial importance under State CEQA Guidelines Section 15162, warranting the preparation of a new environmental document for the Proposed Project.

#### **1.2 LOCATION OF DOCUMENTS**

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101. The Final PEIR is also located online here: <http://cannabis.countyofsb.org/zones.sbc>.

### **2.0 COASTAL DEVELOPMENT PERMIT FINDINGS**

#### **2.1 *Findings required for all Coastal Development Permits.***

- 2.1.1 *In compliance with Section 35-60.5 of the Article II Coastal Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.***

The Planning Commission finds that public and private services are adequately available to serve the Proposed Project. As discussed in Section 6.3 of the staff report dated May 24, 2022, adequate services are available to serve the Proposed Project. The site will be served by the Carpinteria Valley Water District in addition to a private well, the Carpinteria-Summerland Fire Protection District, and the Santa Barbara County Sheriff's Department. An existing private septic system will provide wastewater treatment for the site.

- 2.2 *Findings required for Coastal Development Permit applications subject to Section 35-169.4.1 for development that may not be appealed to the Coastal Commission. In compliance with Section 35-169.5.1 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development subject to Section 35-169.4.1 for development that may not be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:***

- 2.2.1 *The proposed development conforms:***
- a. *To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;***
  - b. *The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).***

The Planning Commission finds that the Proposed Project conforms to the Comprehensive Plan, including the Coastal Land Use Plan, as well as the applicable provisions of the Article II Coastal Zoning Ordinance. As discussed in Sections 6.3 and 6.4 of the staff report dated May 24, 2022, the Proposed Project conforms with all applicable regulations, policies, and development standards from the Comprehensive Plan, the Coastal Land Use Plan, and Article II.

- 2.2.2 *The proposed development is located on a legally created lot.***

The Planning Commission finds that the Proposed Project is located on a legally created lot. The subject parcel is a 15.32-acre parcel that is shown as Parcel B of Parcel Map 11,615 in Book 10, Page 69 of Parcel Maps in the office of the County Recorder of Santa Barbara County.

**2.2.3 *The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses).***

The Planning Commission finds the subject property and Proposed Project is in compliance with all requirements. As described in the staff report dated May 24, 2022, upon implementation of the Proposed Project the subject parcel is in full compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks, and all other applicable provisions of the Article II Zoning Ordinance, and for the AG-I Zone District. The subject parcel contains a 200-square-foot shed, a 475-square-foot shade structure, a 375-square-foot pole barn, and a 980-square-foot pump house, which were constructed without the benefit of permits. These four structures will be removed pursuant to the project description and Condition No. 18 of Attachment B to the staff report, dated May 24, 2022, and incorporated herein by reference, and upon removal the subject parcel will conform to all requirements. Additionally, all processing fees are paid to date.



**COASTAL DEVELOPMENT PERMIT NO.: 19CDP-00000-00016**

**Project Name:** 5980 CASITAS PASS MIXED-LIGHT CANNABIS CULTIVATION  
**Project Address:** 5980 CASITAS PASS RD, CARPINTERIA, CA 93013  
**A.P.N.:** 001-030-022  
**Zone:** AG-I-10

The County Planning Commission hereby approves this Coastal Development Permit for the project described below based upon compliance with the required findings for approval and subject to the attached terms and conditions.

**APPROVAL DATE:** 6/1/2022  
**LOCAL APPEAL PERIOD BEGINS:** 6/2/2022  
**LOCAL APPEAL PERIOD ENDS:** 6/13/2022  
**DATE OF PERMIT ISSUANCE (if no appeal is filed):** 6/14/2022

**APPEALS:**

1. The approval of this Coastal Development Permit may be appealed to the Board of Supervisors by the applicant, owner, or any aggrieved person. An aggrieved person is defined as any person who, either in person or through a representative, appeared at a public hearing in connection with this decision or action being appealed, or who by other appropriate means prior to a hearing or decision, informed the decision-maker of the nature of their concerns, or who, for good cause, was unable to do either. The appeal must be filed in writing and submitted in person to the Planning and Development Department at either 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, prior to 5:00 p.m. on or before the date that the local appeal period ends as identified above (Article II Section 35-182).
2. Final action by the County on this permit may not be appealed to the California Coastal Commission; therefore payment of a fee is required to file an appeal of the approval of this Coastal Development Permit.

**PROJECT DESCRIPTION SUMMARY:** The Proposed Project is a request for a Coastal Development Permit to allow 8.98 acres of cannabis cultivation consisting of 7.72 acres of mature plant cultivation and 0.12 acres of nursery cultivation within an existing, permitted greenhouse and approximately 49,700 square feet of cultivation (processing and storage) within an existing, permitted two-story processing building. Processing activities on-site will include drying, trimming, packaging, and storage. Up to 15% of cannabis processed will be grown off-site. There will be no more than one import and export per day of cannabis grown off-site. The processing building includes office space and restrooms for employees. The Proposed Project also includes removal of a 200-square-foot shed, a 475-square-foot shade structure, a 375-square-foot pole barn, and a 980-square-foot pump house. A permitted single-family dwelling exists and will remain on-site and will not be utilized as part of the cannabis operations. The single-family dwelling is accessed via an easement over the neighboring property to the west. No tree removal, vegetation removal, or grading is proposed. Odor abatement will consist of Benzaco Scientific vapor-phase systems surrounding all cultivation areas (including processing areas). Additionally, carbon filters will be installed within processing areas. The operation will be fenced off by a six-foot high chain-link fence, part of which is existing. Additional avocado trees will be planted to provide screening of the greenhouse and processing building from public viewing areas. Lighting will consist of motion-sensing, fully shielded, and downward directed lights mounted at eight feet on existing structures and twelve-foot tall poles. Access to the cannabis operation will be provided by an existing 25-foot wide driveway off of Casitas Pass Road. Water will be provided by an existing private well, and potable water will be provided by the Carpinteria Valley Water District. Wastewater treatment will be provided by an existing private septic system. The cultivation will use a closed-loop irrigation system to conserve water. The operation will utilize a maximum of 70 employees. Hours of operation will be from 6:00 am – 7:00 pm daily. Forty-four parking spaces will be provided on-site. Bicycle parking and a shuttle service will be provided to reduce traffic impacts. The Facilities Manager will monitor the trip generation and alternative transportation use, including carpooling and shuttles, and will store and make available alternative transportation records every year. The Applicant agreed to observe a set of Community Odor Guidelines that were developed through collaboration between the Cannabis Association of Responsible Producers (CARP Growers) and the Coalition for Responsible Cannabis (Coalition). These Guidelines are not part of the Project Description and are not enforceable by the County,

but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria's unique community and are a foundation of the Coalition's decision to support this project. The property is a 15.32-acre parcel zoned AG-I within the Carpinteria Agricultural Overlay, shown as APN 001-030-022 and addressed as 5980 Casitas Pass Road, Carpinteria, First Supervisorial District. To receive additional information regarding this project and/or to view the application and/or plans, please contact Ben Singer at 624 West Foster Road, Suite C, Santa Maria, by email (bsinger@countyofsb.org), or by phone ((805) 934-6587).

**PROJECT SPECIFIC CONDITIONS:** See Attachment A.

**ASSOCIATED CASE NUMBERS:** 22APL-00000-00003

**PERMIT ISSUANCE:** This Coastal Development Permit will be issued following the close of the appeal period provided an appeal is not filed, or if appealed, the date of final action on the appeal which has the effect of upholding the approval of the permit. Issuance of this permit is subject to compliance with the following terms and conditions:

1. **Notice.** Notice of this project shall be posted on the project site by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit, including an action on any appeal of this permit (Article II Section 35-181). The ***Proof of Posting of Notice on Project Site*** shall be signed and returned to the Planning and Development Department prior the issuance of the permit.
2. **Compliance with conditions.** All conditions that are required to be satisfied prior to issuance of the permit have been satisfied and the permit has been signed by the applicant or owner.
3. **Design Review.** If required, the project has been granted final approval by the appropriate Board of Architectural Review (BAR), and an appeal of that final approval has not been filed.
4. **Appeals.** An appeal of the approval of this permit, or an appeal of the final approval by the BAR, has not been filed with the County. If an appeal has been filed then the permit shall not be issued until final action on the appeal(s) has occurred which has the effect of upholding the approval of this permit, and, if applicable, the final approval by the BAR.
5. **Other approvals.** Any other necessary approvals required prior to issuance of this Coastal Development Permit have been granted.

**PERMIT EXPIRATION AND EXTENSION:** This permit shall remain valid only as long as compliance with all applicable requirements of the Article II Coastal Zoning Ordinance and the permit continues, including the conditions of approval specific to this permit. Additionally:

1. The approval of this permit shall expire either 12 months from the effective date of the permit or other period allowed in compliance with an approved Time Extension, and shall be considered void and of no further effect unless the permit is either issued within the applicable period in compliance with the terms indicated above or a valid application for a Time Extension is submitted prior to the expiration of this 12 month period and is subsequently approved (Article II Section 35-169).
2. This permit shall expire two years from the date of issuance and be considered void and of no further effect unless the use and/or structure for which the permit was issued has been lawfully established or commenced in compliance with the issued permit or an application for a Time Extension is submitted prior to the expiration of this two year period and is subsequently approved (Article II Section 35-169).
3. The effective date of this permit shall be (a) the day following the close of any applicable appeal period provided an appeal is not filed, or (b) if appealed, the date of final action on the appeal which has the effect of upholding the approval, or (c) some other date as indicated in this permit (Article II Section 35-57B).

**WORK PROHIBITED PRIOR TO PERMIT ISSUANCE:** No work, development, or use intended to be authorized pursuant to this permit approval shall commence prior to issuance of this permit and/or any other required permit (e.g., building permit).

**OWNER/APPLICANT ACKNOWLEDGMENT:** Undersigned permittee acknowledges receipt of this approval and agrees to abide by all conditions and terms thereof. Undersigned permittee also acknowledges that issuance of this permit for this project does not allow construction or use outside of the project description, nor shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

**Print name**

**Signature**

**Date**

**Coastal Development Permit Approval By:**

\_\_\_\_\_/\_\_\_\_\_  
**Chair, County Planning Commission** **Date**

**PERMIT ISSUANCE:** The permit shall be issued and deemed effective on the date signed and indicated below.

**Planning and Development Department Issuance By:**

\_\_\_\_\_/\_\_\_\_\_  
**Planner** **Date**



**ATTACHMENT A: 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 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 to allow 8.98 acres of cannabis cultivation consisting of 7.72 acres of mature plant cultivation and 0.12 acres of nursery cultivation within an existing, permitted greenhouse and approximately 49,700 square feet of cultivation (processing and storage) within an existing, permitted two-story processing building. Processing activities on-site will include drying, trimming, packaging, and storage. Up to 15% of cannabis processed will be grown off-site. There will be no more than one import and export per day of cannabis grown off-site. The processing building includes office space and restrooms for employees. The Proposed Project also includes removal of a 200-square-foot shed, a 475-square-foot shade structure, a 375-square-foot pole barn, and a 980-square-foot pump house. A permitted single-family dwelling exists and will remain on-site and will not be utilized as part of the cannabis operations. The single-family dwelling is accessed via an easement over the neighboring property to the west. No tree removal, vegetation removal, or grading is proposed. Odor abatement will consist of Benzaco Scientific vapor-phase systems surrounding all cultivation areas (including processing areas). Additionally, carbon filters will be installed within processing areas. The operation will be fenced off by a six-foot high chain-link fence, part of which is existing. Additional avocado trees will be planted to provide screening of the greenhouse and processing building from public viewing areas. Lighting will consist of motion-sensing, fully shielded, and downward directed lights mounted at eight feet on existing structures and twelve-foot tall poles. Access to the cannabis operation will be provided by an existing 25-foot wide driveway off of Casitas Pass Road. Water will be provided by an existing private well, and potable water will be provided by the Carpinteria Valley Water District. Wastewater treatment will be provided by an existing private septic system. The cultivation will use a closed-loop irrigation system to conserve water. The operation will utilize a maximum of 70 employees. Hours of operation will be from 6:00 am – 7:00 pm daily. Forty-four parking spaces will be provided on-site. Bicycle parking and a shuttle service will be provided to reduce traffic impacts. The Facilities Manager will monitor the trip generation and alternative transportation use, including carpooling and shuttles, and will store and make available alternative transportation records every year. The Applicant agreed to observe a set of Community Odor Guidelines that were developed through collaboration between the Cannabis Association of Responsible Producers (CARP Growers) and the Coalition for Responsible Cannabis (Coalition). These Guidelines are not part of the Project Description and are not enforceable by the County, but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria's unique community and are a foundation of the Coalition's decision to support this project. The property is a 15.32-acre parcel zoned AG-I within the Carpinteria Agricultural Overlay, shown as APN 001-030-022 and addressed as 5980 Casitas Pass Road, Carpinteria, First Supervisorial District.

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.

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

### **Conditions By Issue Area**

3. **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 7:00 a.m. and 4:00 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.

### **Project Specific Conditions**

4. **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.
5. **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.

- 6. 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.

- 7. 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 Coastal Development Permit 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 Coastal Development Permit an associated Permit Compliance Application and deposit shall be submitted to Planning & Development.

**MONITORING:** P&D 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.

- 8. Cannabis-05 Fencing and Security Plan:** The 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 that section reads as of the date of project approval.

**TIMING:** The 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.

- 9. 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 that section reads as of the date of project approval. The applicant shall file a performance security in an amount sufficient to ensure the installation and maintenance of the landscaping for two years, as determined by a landscape architect and approved by P&D compliance staff.

**TIMING:** The applicant shall submit one copy of the approved Landscaping and Screening Plan to P&D staff and deposit the performance security prior to issuance of this permit. The applicant shall install all components of the Landscape and Screening Plan prior to commencement of the cannabis activities that are the subject of this permit. The 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. P&D compliance staff releases said performance security upon a written statement from the Department that the landscaping, in accordance with the approved Landscape and Screening Plan, has been installed and maintained for two years.

- 10. Cannabis-07 Lighting Plan:** The 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 that section reads as of the date of project approval.

**TIMING:** All components of the Lighting Plan shall be implemented 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 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.

- 11. Cannabis-08 Noise Plan:** The applicant shall implement the Noise Plan stamped “Zoning Approved.”

**PLAN REQUIREMENTS:** The Noise Plan must comply with the requirements of the Article II Coastal Zoning Ordinance (§ 35-144U.C.5), as that section reads as of the date of project approval.

**TIMING:** The applicant shall implement the Noise 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 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.

- 12. 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, §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.

- 13. 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 vapor-phase odor control system and carbon filtration 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.

- 14. Cannabis-12 Site Transportation Demand Management Plan:** The 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.i) as that section reads as of the date of project approval.

**TIMING:** The applicant shall implement the Site Transportation Demand Management Plan prior to the issuance of final building and/or grading inspection. 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 on-site) that all components of the approved Site Transportation Demand Management Plan are implemented.

- 15. 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 Coastal Development Permit.

- 16. 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: reticulated irrigation water (zero waste), timed drip irrigation, and use of recycle water.

**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.

- 17. 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.

- 18. Unpermitted Development Removal:** The Owner/Applicant shall demolish or remove the following existing unpermitted structures: a 200-square-foot shed, a 475-square-foot shade structure, a 375-square-foot pole barn, and a 980-square-foot pump house. Prior to the initiation of any demolition or construction activities, the Owner/Applicant shall obtain a Demolition Permit, Building Permit, and/or any other permit required pursuant to the Building Code.

**TIMING:** The Owner/Applicant shall remove or demolish the unpermitted shed, shade structure, pole barn, and pump house within 90 days of issuance of this Coastal Development Permit.

**MONITORING:** P&D compliance staff shall inspect the project site to confirm that the structures have been removed.

- 19. Development Plan Compliance:** The Applicant shall comply with all conditions of approval of Development Plan 95DP025, including, but not limited to, the reservation of an easement for landscaping over APN 001-030-023.

**TIMING:** The Applicant shall provide proof of compliance to P&D staff prior to issuance of Coastal Development Permit.

**MONITORING:** P&D staff shall verify compliance with Development Plan 95DP025 prior to issuance

of Coastal Development Permit.

### **County Rules and Regulations**

- 20. Rules-01 Effective Date-Not Appealable to CCC:** This Coastal Development Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. ARTICLE II §35-169.4.
- 21. 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.
- 22. 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.
- 23. Rules-08 Sale of Site:** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
- 24. Rules-09 Signs:** No signs of any type are approved with this action unless otherwise specified. All signs shall be permitted in compliance with Article II, the Coastal Zoning Ordinance.
- 25. Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changes to the approved permit plans. Substantial conformity shall be determined by the Director of P&D.
- 26. Rules-22 Leased Facilities:** The Operator and Owner are responsible for complying with all conditions of approval contained in this Coastal Development Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
- 27. Rules-23 Processing Fees Required:** Prior to issuance of this Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 28. Rules-26 Performance Security Required:** The Owner/Applicant shall post separate performance securities, the amounts and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of landscape & irrigation. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan 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 and 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/Applicant fails to install or maintain the approved landscape and irrigation, P&D may use the security to complete the work.

- 29. Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:
  1. Carpinteria-Summerland Fire Protection District dated December 23, 2019.
- 30. 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.
- 31. 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.
- 32. 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. In the event that the County fails promptly to notify the Owner/Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
- 33. 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.



# CARPINTERIA~SUMMERLAND FIRE PROTECTION DISTRICT

5980, Casitas Pass Road, , Carpinteria, , CA, 93013, , Cannabis

Location	34.404957, -119.494508
Status	 Planning Completed
Submittal Date:	2019-12-16
Address/Location:	5980 Casitas Pass Road Carpinteria, CA 93013
APN:	001-030-022
Comments:	Cannabis
Submittal Type:	Planning
Applicant:	Gelare Macon; Flower and Assoc.
Address	201 North Cesar Chavez Santa Barbara, CA 93103
Phone Number:	805-966-2224
Email:	gmacon@flowersassoc.com
Fire Protection Systems Existing or Required	Yes

## Planning/Conceptual Design

Date Plan Review Completed:	2019-12-18
Permit Number:	19CDP-0-00016
Submittal Type:	CDP
Plans Checked By:	Todd Jenkins
Invoiced	No

## 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 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. 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.

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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.

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*"Pride in Service"*



# CARPINTERIA~SUMMERLAND FIRE PROTECTION DISTRICT

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## Fire Protection Systems

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

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.

Smoke detectors and Carbon Monoxide Alarms must be installed in all residences in accordance with the current National Electric Code Per the provisions of the California Building and Fire Codes.

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.

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## Additional Requirements

A business plan shall be submitted prior to occupancy.

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Checks shall be made payable to: Carpinteria-Summerland Fire Protection District (CSFPD) and delivered to Fire District Headq

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*“Pride in Service”*

**ATTACHMENT C: CEQA GUIDELINES § 15168(c)(4) Environmental Checklist**



COUNTY OF SANTA BARBARA

Planning and Development

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**State CEQA Guidelines § 15168(c)(4) Checklist for Commercial Cannabis Land Use Entitlement and Licensing Applications**

**A. Purpose**

On February 6, 2018, the Santa Barbara County Board of Supervisors certified a programmatic environmental impact report (PEIR) that analyzed the environmental impacts of the Cannabis Land Use Ordinance and Licensing Program (Program). The PEIR was prepared in accordance with the State CEQA Guidelines (§ 15168) and evaluated the Program's impacts with regard to the following environmental resources and subjects:

- Aesthetics and Visual Resources
- Agricultural Resources
- Air Quality and Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Transportation and Traffic
- Utilities and Energy Conservation
- Population, Employment, and Housing

The PEIR evaluated the direct and indirect impacts, as well as the project-specific and cumulative impacts, that would result from the implementation of the Program. The PEIR set forth feasible mitigation measures for several significant impacts, which are now included as development standards and/or requirements in the land use and licensing ordinances.

Pursuant to State CEQA Guidelines (§ 15168(c)(4)), the following checklist was prepared to determine whether the environmental effects of a proposed commercial cannabis operation are within the scope of the PEIR.

**B. Project Description**

Please provide the following project information.

1. Land Use Entitlement Case Number(s): 19CDP-00000-00016
2. Business Licensing Ordinance Case Number(s): \_\_\_\_\_
3. Project Applicant(s): Valley Crest Farms, LLC

4. Property Owner(s): Van Wingerden Family Trust

5. Project Site Location and Tax Assessor Parcel Number(s): 5980 Casitas Pass Road, APN 001-030-022

6. Project Description: The Proposed Project is a request for a Coastal Development Permit to allow 8.98 acres of cannabis cultivation consisting of 7.72 acres of mature plant cultivation and 0.12 acres of nursery cultivation within an existing, permitted greenhouse and approximately 49,700 square feet of cultivation (processing and storage) within an existing, permitted two-story processing building. Processing activities on-site will include drying, trimming, packaging, and storage. Up to 15% of cannabis processed will be grown off-site. There will be no more than one import and export per day of cannabis grown off-site. The processing building includes office space and restrooms for employees. The Proposed Project also includes removal of a 200-square-foot shed, a 475-square-foot shade structure, a 375-square-foot pole barn, and a 980-square-foot pump house. A permitted single-family dwelling exists and will remain on-site and will not be utilized as part of the cannabis operations. The single-family dwelling is accessed via an easement over the neighboring property to the west. No tree removal, vegetation removal, or grading is proposed. Odor abatement will consist of Benzaco Scientific vapor-phase systems surrounding all cultivation areas (including processing areas). Additionally, carbon filters will be installed within processing areas. The operation will be fenced off by a six-foot high chain-link fence, part of which is existing. Additional avocado trees will be planted to provide screening of the greenhouse and processing building from public viewing areas. Lighting will consist of motion-sensing, fully shielded, and downward directed lights mounted at eight feet on existing structures and twelve-foot tall poles. Access to the cannabis operation will be provided by an existing 25-foot wide driveway off of Casitas Pass Road. Water will be provided by an existing private well, and potable water will be provided by the Carpinteria Valley Water District. Wastewater treatment will be provided by an existing private septic system. The cultivation will use a closed-loop irrigation system to conserve water. The operation will utilize a maximum of 70 employees. Hours of operation will be from 6:00 am – 7:00 pm daily. Forty-four parking spaces will be provided on-site. Bicycle parking and a shuttle service will be provided to reduce traffic impacts. The Facilities Manager will monitor the trip generation and alternative transportation use, including carpooling and shuttles, and will store and make available alternative transportation records every year. The Applicant agreed to observe a set of Community Odor Guidelines that were developed through collaboration between the Cannabis Association of Responsible Producers (CARP Growers) and the Coalition for Responsible Cannabis (Coalition). These Guidelines are not part of the Project Description and are not enforceable by the County, but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria's unique community and are a foundation of the Coalition's decision to support this project. The property is a 15.32-acre parcel zoned AG-I within the Carpinteria Agricultural Overlay, shown as APN 001-030-022 and addressed as 5980 Casitas Pass Road, Carpinteria, First Supervisorial District.

**C. PEIR Mitigation Measures/Requirements for Commercial Cannabis Operations**

The following table lists the specific mitigation measures set forth in the PEIR. The table further includes questions to determine the scope of the potential environmental impacts of a project. This information will be used by staff to determine if subsequent environmental review of a project is warranted.

Please answer all questions set forth in the following table. Planning and Development Department (P&D) staff complete § C.1 and County Executive Office (CEO) staff complete § C.2. If a question does not apply to the proposed cannabis operation, please check the corresponding “N/A” box.

**C.1 Mitigation Measures/Requirements for P&D Staff Review**

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
<b>Aesthetics and Visual Resources</b>		
MM AV-1. Screening Requirements	LUDC § 35.42.075.C.3	Is the proposed cannabis operation visible from a public viewing location? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Article II § 35-144U.C.3	If so, does the proposed project include implementation of the required landscape and screening plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>Agricultural Resources</b>		
MM AG-1. Cannabis Cultivation Prerequisite Ancillary Use Licenses	LUDC §§ 35.42.075.D.3 and -4	Does the proposed project include ancillary cannabis uses (e.g., manufacturing of cannabis products)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Article II § 35-144U.C.2.a and -3.a	If the proposed project includes ancillary cannabis uses, does the proposed project comply with the minimum cultivation requirements to allow ancillary cannabis uses? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
MM AG-2. New Structure Avoidance of Prime Soils	LUDC § 35.42.075.D.1.b	Does the proposed project site have prime soils located on it? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Article II § 35-144U.C.1.b	Does the proposed project involve structural development? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If the proposed project involves structural development, are the structures sited and designed to avoid prime soils? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<b>Air Quality and Greenhouse Gas Emissions</b>		
MM AQ-3. Cannabis Site Transportation	LUDC § 35.42.075.D.1.j	Does the proposed project include cannabis cultivation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
Demand Management	Article II § 35-144U.1.j	If so, does the project include implementation of the required Transportation Demand Management Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
MM AQ-5. Odor Abatement Plan	LUDC § 35.42.075.C.6	<i>This mitigation measure/requirement does not apply to projects in the AG-II zone, unless a Conditional Use Permit is required for the proposed commercial cannabis operation.</i>
	Article II § 35-144U.C.6	Does the proposed project include cannabis cultivation, a nursery, manufacturing, microbusiness, and/or distribution? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  If so, does the project include implementation of the required odor abatement plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>Biological Resources</b>		
MM BIO-1a. Tree Protection Plan	LUDC § 35.42.075.C.8 and Appendix J	Does the proposed project involve development within proximity to, alteration of, or the removal of, a native tree? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Article II § 35-144.C.8 and Appendix G	If so, does the project include implementation of the required tree protection plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
MM BIO-1b. Habitat Protection Plan	LUDC § 35.42.075.C.8 and Appendix J	<i>Inland.</i> Will the project result in the removal of native vegetation or other vegetation in an area that has been identified as having a medium to high potential of being occupied by a special-status wildlife species, nesting bird, or a Federal or State-listed special-status plant species? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A  If so, does the project include implementation of the required habitat protection plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
	Article II § 35-144.C.8 and Appendix G	<i>Coastal.</i> Does the project involve development within environmentally sensitive habitat (ESH) and/or ESH buffers? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A  If so, does the project include implementation of the required habitat protection plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A



Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
MM HWR-1a. Cannabis Waste Discharge Requirements Draft General Order	LUDC § 35.42.075.D.1.d	Does the proposed project involve cannabis cultivation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Article II § 35-144U.C.1.d	If so, did the applicant submit documentation from the State Water Resources Control Board demonstrating compliance with the comprehensive Cannabis Cultivation Policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
MM BIO-3. Wildlife Movement Plan	LUDC § 35.42.075.C.8 and Appendix J	Is the proposed project site located in or near a wildlife movement area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Article II § 35-144.C.8 and Appendix G	If so, does the project include implementation of the required wildlife movement plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<b>Cultural Resources</b>		
MM CR-1. Preservation  MM CR-2. Archaeological and Paleontological Surveys	LUDC § 35.42.075.C.1	Does the proposed project involve development within an area that has the potential for cultural resources to be located within it? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Article II §§ 35-144U.C.1 and 35-65	If so, was a Phase I cultural study prepared? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A  If so, did the Phase I cultural study require a Phase II cultural study? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A  If so, does the project involve implementation of cultural resource preservation measures set forth in the Phase II cultural study? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<b>Hazards and Hazardous Materials</b>		
MM HAZ-3. Volatile Manufacturing Employee Training Plan	LUDC § 35.42.075.D.4.c	Does the proposed project involve volatile manufacturing of cannabis products? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Article II § 35-144U.C.3.c	If so, does the project involve implementation of the required Volatile Manufacturing Employee Training Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<b>Hydrology and Water Quality Impacts</b>		
MM HWR-1. Cannabis Waste Discharge Requirements General Order	<i>See the Biological Resources items, above.</i>	
MM BIO-1b. Cannabis Waste Discharge Requirements General	<i>See the Biological Resources items, above.</i>	

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
Order		
<b>Land Use Impacts</b>		
MM LU-1. Public Lands Restriction	LUDC § 35.42.075.D.1.h	Does the proposed project involve cannabis cultivation on public lands? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Article II § 35-144U.C.1.h	
MM AQ-3. Cannabis Site Transportation Demand Management	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
MM AQ-5. Odor Abatement Plan	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
MM TRA-1. Payment of Transportation Impact Fees	County Ordinance No. 4270	Is the proposed project subject to the countywide, Goleta, or Orcutt development impact fee ordinance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If so, did the applicant pay the requisite fee? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Compliance with Comprehensive Plan Environmental Resource Protection Policies	LUDC § 35.10.020.B	<i>All cannabis applications.</i> Does the proposed project comply with all applicable environmental resource protection policies set forth in the Comprehensive Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	CLUP Chapter 3, § 3.1 and Policy 1-4	<i>Coastal cannabis applications.</i> Does the proposed project comply with all applicable coastal resources protection policies set forth in the Coastal Land Use Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>Noise</b>		
MM AQ-3. Cannabis Site Transportation Demand Management	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
<b>Transportation and Traffic</b>		
MM AQ-3. Cannabis Site Transportation Demand Management	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
MM TRA-1. Payment of Transportation Impact Fees	<i>See the Land Use Impacts items, above.</i>	
<b>Unusual Project Site Characteristics and Development Activities</b>		
Activities and Impacts within the Scope of the Program/PEIR	State CEQA Guidelines § 15168(c)(1)	Does the proposed project involve a project site with sensitive or unusual environmental characteristics, or require unusual development activities, which will result in a significant environmental impact that was not evaluated in the PEIR? Examples of unusual environmental

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		characteristics or development activities which might cause a significant environmental impact include, but are not limited to: <ul style="list-style-type: none"> <li>• construction of a bridge across a riparian corridor that supports listed species protected under the Federal or California endangered species acts, in order to gain access to a project site;</li> <li>• structural development that cannot be screened from a public viewing location pursuant to the requirements of PEIR mitigation measure MM AV-1 (Screening Requirements); or</li> <li>• development activities that will have a significant impact on cultural resources, which cannot be mitigated to a less-than-significant level pursuant to the County's <i>Environmental Thresholds and Guidelines Manual</i> (March 2018).</li> </ul> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

LUDC = Land Use and Development Code; Chapter 35, Article 35.1 et seq., of the Santa Barbara County Code  
 Article II = Coastal Zoning Ordinance; Chapter 35, Article II, § 35-50 et seq., of the Santa Barbara County Code  
 CLUP = Santa Barbara County Coastal Land Use Plan  
 State CEQA Guidelines = California Code of Regulations, Title 14, Division 6, Chapter 3, § 15000 et seq.

**C.1.1 Environmental Document Determination**

Check the appropriate box below, based on the responses to the questions and requests for information set forth in the checklist in § C.1, above, and pursuant to the requirements set forth in State CEQA Guidelines §§ 15162 and 15168.

- All of the environmental impacts of the proposed commercial cannabis operation are within the scope of the PEIR, and a subsequent environmental document is not required to evaluate the environmental impacts of the proposed commercial cannabis operation.
  - Certification is certification and the PEIR is certified for all purposes.
  - The PEIR's certification is not limited to particular purposes or particular areas of the County.
  - The Coastal Commission considered the County's PEIR, and reached their own conclusion using their certified regulatory program, and found the PEIR consistent with the County of Santa Barbara's Local Coastal Program.
  - When the County of Santa Barbara takes action on cannabis entitlements in the Coastal Zone, the County of Santa Barbara relies on both the PEIR and the Local Coastal Program in making consistency findings.

- The proposed commercial cannabis operation will have environmental effects that were not examined in the PEIR, and an initial study must be prepared to determine whether a subsequent environmental impact report or negative declaration must be prepared.

Ben Singer  
Name of Preparer of § C.1

  
Signature of Preparer of § C.1

5/24/2022  
Date

**C.2 Mitigation Measures/Requirements for CEO Staff Review**

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
<b>Air Quality and Greenhouse Gas Emissions</b>		
MM UE-2a. Energy Conservation Best Management Practices	BLO § 50-10(b)	Does the proposed project include the implementation of the required energy conservation plan? <input type="checkbox"/> Yes <input type="checkbox"/> No
MM UE-2b. Participation in a Renewable Energy Choice Program	BLO § 50-10(b)2.ii	Does the proposed project include participation in a renewable energy choice program to meet the applicable energy reduction goals for the proposed project? <input type="checkbox"/> Yes <input type="checkbox"/> No
MM UE-2c. Plan review by the County Green Building Committee	BLO § 50-10(b)2.iii.K	Did the County Green Building Committee review the proposed project? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  If so, does the proposed project conform to the recommendations of the County Green Building Committee? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>Utilities and Energy Conservation</b>		
MM UE-2a. Energy Conservation Best Management Practices	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
MM UE-2b. Participation in a Renewable Energy Choice Program	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
MM UE-2c. Licensing by the County Green Building Committee	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
<b>Unusual Project Site Characteristics and Development Activities</b>		
Activities and Impacts within the Scope of the Program/PEIR	State CEQA Guidelines § 15168(c)(1)	Does the proposed project involve a project site with sensitive or unusual environmental characteristics, or require unusual development activities, which will result in a significant environmental impact that was not evaluated in the PEIR? Examples of unusual environmental characteristics or development activities which might cause a significant environmental impact include, but are not limited to: <ul style="list-style-type: none"> <li>• construction of a bridge across a riparian corridor that supports listed species protected under the Federal or California</li> </ul>

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		endangered species acts, in order to gain access to a project site; <ul style="list-style-type: none"> <li>• structural development that cannot be screened from a public viewing location pursuant to the requirements of PEIR mitigation measure MM AV-1 (Screening Requirements); or</li> <li>• development activities that will have a significant impact on cultural resources, which cannot be mitigated to a less-than-significant level pursuant to the County's <i>Environmental Thresholds and Guidelines Manual</i> (March 2018).</li> </ul> <input type="checkbox"/> Yes <input type="checkbox"/> No

\* BLO = Commercial Cannabis Business Licensing Ordinance; Chapter 50, § 50-1 et seq., of the Santa Barbara County Code  
 State CEQA Guidelines = California Code of Regulations, Title 14, Division 6, Chapter 3, § 15000 et seq.

**C.2.1 Environmental Document Determination**

Check the appropriate box below, based on the responses to the questions and requests for information set forth in the checklist in § C.2, above, and pursuant to the requirements set forth in State CEQA Guidelines §§ 15162 and 15168.

- All of the environmental impacts of the proposed commercial cannabis operation are within the scope of the PEIR, and a subsequent environmental document is not required to evaluate the environmental impacts of the proposed commercial cannabis operation.
- The proposed commercial cannabis operation will have environmental effects that were not examined in the PEIR, and an initial study must be prepared to determine whether a subsequent environmental impact report or negative declaration must be prepared.

\_\_\_\_\_  
 Name of Preparer of § C.2

\_\_\_\_\_  
 Signature of Preparer of § C.2

\_\_\_\_\_  
 Date

# Attachment 1

## Additional Information for the Proposed Cannabis Activity CEQA Environmental Determination

The following discussion supports the determinations made in the Checklist for the G&K Processing Warehouse (Proposed Project), pursuant to the requirements of the State CEQA Guidelines §§ 15168(c) and 15162. The State CEQA Guidelines §§ 15168(c)(1) and -(2) state:

*(1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. That later analysis may tier from the program EIR as provided in Section 15152.*

*(2) If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.*

The requirements of the State CEQA Guidelines § 15168 and 15162 are set forth below, along with an analysis of the Proposed Project with regard to these requirements. The following analysis supplements the information set forth in the State CEQA Guidelines § 15168 checklist prepared for the Proposed Project.

### ***State CEQA Guidelines § 15168(c)(1)***

As discussed below, the PEIR analyzed the environmental impacts of the Cannabis Land Use Ordinance and Licensing Program. The effects of this particular Project were anticipated and examined in the PEIR and there are no project-specific effects that were not examined in the program EIR. Therefore, no new initial study is required and the PEIR can be relied upon for this Project based upon the checklist prepared pursuant to State CEQA Guidelines 15168(c)(4).

### ***State CEQA Guidelines § 15162***

State CEQA Guidelines § 15162 states that when a lead agency has prepared an EIR for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that certain conditions exist. The specific conditions that warrant the preparation of a subsequent EIR are set forth below, with an analysis of the proposed project immediately following the respective condition.

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.**

The Proposed Project includes a request for a commercial cannabis cultivation activity that was anticipated and evaluated in the PEIR. The Proposed Project site is zoned AG-I-10, which is one of the zones that was evaluated for proposed cannabis cultivation activities in the PEIR (PEIR page 2-36, Table 2-5). Furthermore, the Carpinteria Valley region in which the Proposed Project site is located was one of five regions identified in the PEIR for organizing the data and analyzing the impacts of the Program (Ibid, page 2-5).

As discussed below, the Proposed Project consists of an activity the impacts of which were disclosed in, the PEIR. Cannabis processing is a cannabis activity that were anticipated to occur on AG zoned lands, such as the AG-I zoned lands which exist in the Carpinteria Valley region in which the Proposed Project site is located. The PEIR evaluated the potential increases in employment, traffic, noise, air emissions (including odors), etc., that would result from the Proposed Project and other commercial cannabis activities allowed under the Program. There is nothing unusual about the proposed cultivation and processing activities, as these are considered standard agricultural practices in the Carpinteria Valley area and the AG-I zone district. Therefore, the Proposed Project will not result in substantial changes to the Program which will require major revisions of the PEIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

**(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.**

Currently, there are approximately 40 land use entitlement applications involving proposed or permitted cannabis activities located in the Carpinteria Valley area (Santa Barbara County Interactive Map for Cannabis, available at <https://sbcopad.maps.arcgis.com/apps/webappviewer/index.html?id=f287d128ab684ba4a87f1b9cf438f91>, accessed on March 30, 2022). The PEIR anticipated that certain areas in which cannabis activities historically have occurred would continue to experience cannabis activities under the Program. Furthermore, the PEIR projected the demand for cannabis cultivation that could occur under the Program, based on information that was known at the time the PEIR was prepared. The Program that was analyzed in the PEIR did not include a cap or other requirement to limit either the concentration or total amount of cannabis activities that could occur within any of the zones that were under consideration for cannabis activities (PEIR, pages 3-3, 3-5, 3-12, 3.1-19, and 3.12-26).<sup>1</sup> Although the PEIR did not predict the specific commercial cannabis applications on the properties located on and around the Proposed Project site, the programmatic analysis was broad enough to account for this pattern of development that has resulted from the Program. Therefore, the number and/or location of the commercial cannabis activities that have been either permitted or are currently under consideration within the general area of the Proposed Project site, do not constitute a substantial change with respect to the circumstances under which the project is undertaken.

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<sup>1</sup> The PEIR states, "...[T]he impact analysis in this EIR assumes that **future cannabis activity licenses would not be limited under the Project**, with the total area permitted to be unincorporated areas Countywide that are under County jurisdiction (excludes incorporated cities, state, federal, and tribal lands) (PEIR, page 3-5, emphasis added)."



Furthermore, the potential concentration of cannabis activities near the Proposed Project site will not create new significant environmental effects or a substantial increase in the severity of previously identified significant effects evaluated in the PEIR. The PEIR evaluated the cumulative impacts to which cannabis activities, as well as other pending, recently approved, and reasonably foreseeable non-cannabis projects, would contribute (Ibid, page 3-11, Section 3.0.4). The PEIR concluded that unavoidable and significant (Class I) impacts would result from the Program with regard to the following environmental resources or issues:

- Aesthetics and visual resources
- Agricultural resources
- Air quality (including odor impacts)
- Noise
- Transportation and traffic

The Board of Supervisors adopted a Statement of Overriding Considerations concluding that the benefits of the Program outweigh the unavoidable adverse environmental effects identified above.

The Proposed Project is compatible with the surrounding zone districts and heavy agricultural uses. The Proposed Project consists of cannabis cultivation within an existing greenhouse and existing processing building. Both structures were approved under Development Plan 95-DP-025. No new or redevelopment is included as part of the Proposed Project. All structures will be shielded from public views by existing and proposed landscaping.

The proposed Project would contribute to cumulative impacts on air quality and transportation/traffic. The proposed Project would be subject to the mitigation measures set forth in the PEIR to reduce the proposed Project's contribution to these cumulative impacts. These mitigation measures include implementation of a Site Transportation Demand Management Plan to reduce vehicle trips generated by proposed Project, and implementation of an Odor Abatement Plan to prevent cannabis odors from being experienced within residential zones.

These are no new impacts resulting from a substantial change in the Program. As stated above, the Proposed Project is an activity that was anticipated to result from the Program and, consequently, the impacts associated with the Proposed Project were disclosed in the PEIR. As such, the PEIR analysis of cumulative impacts accounted for the impacts from the Proposed Project.

Therefore, no substantial changes have occurred with respect to the circumstances under which the Project is undertaken under the Program which will require major revisions of the PEIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

**(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:**

**(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;**

The PEIR evaluated the direct and indirect impacts of the Program as well as cumulative impacts that would result from the implementation of the Program. More specifically, the PEIR identified the following unavoidably significant (Class I) impacts that would result from the Program:

- Cumulative impacts to aesthetics and visual resources
- Cumulative impacts to agricultural resources
- Project-specific and cumulative impacts to air resources (including odors)
- Project-specific and cumulative noise impacts
- Project-specific and cumulative transportation and traffic impacts

The PEIR also identified the following significant but mitigable (Class II) impacts that would result from the Program:

- Project-specific impacts to aesthetics and visual resources
- Project-specific impacts to agricultural resources
- Project-specific and cumulative impacts to biological resources
- Project-specific impacts to cultural resources
- Project-specific impacts related to hazards and hazardous materials
- Project-specific impacts related to hydrology and water quality
- Project-specific land use impacts
- Project-specific impacts related to utilities and energy conservation

The PEIR identified a number of mitigation measures to reduce the significant impacts that would result from the implementation of the Program. The mitigation measures were included as development standards and other regulations of Chapters 35 and 50 of the County Code, which are applied to commercial cannabis activities resulting from the Program. As shown in Section C of the State CEQA Guidelines § 15168(c)(4) checklist that was prepared for the Proposed Project, the Proposed Project would be subject to the applicable mitigation measures that were included as development standards and other regulations of Chapters 35 and 50 of the County Code.

As stated above, the PEIR did not assume that there would be a cap or other limitation on activities or location. Therefore, although the PEIR did not predict the specific commercial cannabis applications on the properties located on and around the Proposed Project site, the programmatic analysis was broad enough to account for this pattern of development that has resulted from the Program. Furthermore, the concentration of commercial cannabis activities will not result in a new significant impact which was not disclosed in the PEIR. The cumulative impacts associated with aesthetics and visual resources, agricultural resources, air resources (including odors), noise, and traffic resulting from the Proposed Project and other proposed projects located within proximity to the Proposed Project site were discussed in the PEIR.

The Proposed Project includes a Site Transportation Demand Management Plan and Odor Abatement Plan. As such, the Proposed Project will not have any new impacts which were not discussed in the PEIR, because there is nothing unusual about the proposed development or the project site.

Therefore, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the PEIR was certified, which shows that the Proposed Project will have one or more significant effects not discussed in the PEIR.

**(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;**

As stated above, the Proposed Project consists of a cannabis activity that was analyzed as part of the Program studied in the PEIR. There are no unique features of the Proposed Project such that the Proposed Project could cause more severe impacts than shown in the PEIR. The PEIR analyzed the impacts of cannabis processing on AG zoned lots within the Carpinteria Valley region. As shown in Section C of the State CEQA Guidelines § 15168(c)(4) checklist that was prepared for the Proposed Project, the Proposed Project complies with the applicable mitigation measures.

Furthermore, the PEIR did not assume that there would be a cap or other limitation on activities or location. Although the PEIR did not predict the specific commercial cannabis applications on the properties located on and around the Proposed Project site, the programmatic analysis was broad enough to account for this pattern of development, and disclosed the corresponding impacts that would result.

Therefore, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the PEIR was certified, which shows that significant effects previously examined will be substantially more severe than shown in the PEIR.

**(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or**

There are no mitigation measures or alternatives previously found not to be feasible that would in fact be feasible and would substantially reduce one or more significant effects of the Proposed Project which are available at this time for the project proponents to consider.

**(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.**

There is no new information which was not known and could not have been known at the time the PEIR was certified that shows any mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR which would substantially reduce one or more significant effects on the environment. Further, the project applicant agrees to adopt all applicable mitigation measures as demonstrated by Section C.1 of the 15168(c)(4) Checklist hereby incorporated into this attachment. The Site Transportation

Demand Management Plan and Odor Abatement Plan have been incorporated into the Proposed Project.

## **ATTACHMENT 2**

### **FINDINGS FOR APPROVAL AND STATEMENT OF OVERRIDING CONSIDERATION CANNABIS LAND USE ORDINANCES**

**February 6, 2018**

**Case Nos. 17ORD-00000-00004, 17ORD-00000-00010, 17ORD-00000-00009,  
18ORD-00000-00001, and 17EIR-00000-00003**

#### **1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

##### **1.1 FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CEQA GUIDELINES SECTIONS 15090, 15091, AND 15163:**

###### **1.1.1 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT**

The Board of Supervisors (Board) find that the Final Programmatic Environmental Impact Report (EIR) (17EIR-00000-00003) dated December 2017, and EIR Revision Letter (RV 01), dated January 4, 2018, were presented to the Board and all voting members of the Board reviewed and considered the information contained in the EIR and its appendices and RV 01 prior to approving the project. In addition, all voting members of the Board have reviewed and considered testimony and additional information presented at, or prior to, its public hearings. The EIR, appendices, and RV 01 reflect the independent judgment and analysis of the Board and are adequate for this project. Attachments 7 and 8, of the Board letter, dated February 6, 2018, are incorporated herein by reference.

###### **1.1.2 FULL DISCLOSURE**

The Board finds and certifies that the EIR, appendices, and RV 01 constitute a complete, accurate, adequate, and good faith effort at full disclosure pursuant to CEQA. The Board further finds and certifies that the EIR, appendices, and RV 01 were completed in compliance with CEQA.

###### **1.1.3 LOCATION OF RECORD OF PROCEEDINGS**

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

###### **1.1.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM**

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) and 15097 require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The EIR has been prepared as a program EIR pursuant to CEQA Guidelines Section 15168. The degree of specificity in the EIR corresponds to the specificity of the general or program level policies of the project and to the effects that may be expected to follow from the adoption of the project.

A detailed Mitigation Monitoring and Reporting Program (MMRP) has been provided in Section 7.0 of the EIR, incorporated herein by reference, and all mitigation measures identified in the MMRP have been incorporated directly into the Cannabis Land Use Ordinance and Licensing Program as shown in Attachments 1, 2, 3, 6 and 13 of the Board letter dated February 6, 2018, incorporated herein by reference, and into the resolution and amendments to the Uniform Rules for Agricultural Preserves and Farmland Security Zones as shown in Attachment 5 of the Board letter dated February 6, 2018, incorporated herein by reference. To ensure compliance with adopted mitigation measures during implementation of Cannabis Land Use Ordinance and Licensing Program the County Land Use and Development Code (LUDC), Montecito Land Use and Development Code (MLUDC) and the Coastal Zoning Ordinance (CZO) amendments include requirements that future development projects comply with each policy, action, or development standard required by each adopted mitigation measure in the MMRP, as applicable to the type of proposed development. Therefore, the Board adopts the MMRP to comply with Public Resource Code Section 21081.6 and California Environmental Quality Act (CEQA) Guidelines Section 15097, and finds that the Cannabis Land Use Ordinance and Licensing Program's above referenced ordinance amendments in the LUDC, MLUCD, and CZO are sufficient for a monitoring and reporting program.

### **1.1.5 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS<sup>1</sup> ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE**

The EIR (17EIR-00000-00003), its appendices, and EIR Revision Letter (RV 01), for the Cannabis Land Use Ordinance and Licensing Program identify several environmental impacts which cannot be fully mitigated and, therefore, are considered unavoidable (Class I). These impacts involve: agricultural resources; air quality and greenhouse gas emissions; noise; transportation and traffic; and aesthetic and visual resources. To the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein. For each of these Class I impacts described in the EIR, feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to the maximum extent feasible, as discussed below. The Board letter, dated February 6, 2018, and its attachments are incorporated by reference.

#### **Agricultural Resources**

Impacts: The EIR identified significant project-specific and cumulative impacts related to the conversion of prime agricultural soils to a non-agricultural use or the impairment of agricultural land productivity (Impact AG-2).

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<sup>1</sup> The discussion of impacts related to aesthetics and visual resources discussed in this section of these findings (below), addresses both the unavoidable cumulative impacts (Class I), as well as the project-specific impacts found to be significant but mitigable to a less-than-significant level (Class II), that are set forth in the EIR.

**Mitigation:** Mitigation Measure AG-2 requires that any new structures proposed for cannabis site development are sited on areas of the property that do not contain prime soils, to the maximum extent feasible. During the review of applications for cannabis site development, the County Planning and Development Department shall review the proposed location of any new structures proposed for cannabis-related structural development to ensure that they would avoid prime agricultural soils on-site. No other feasible mitigation measures are known that will further reduce impacts. Under a reasonable buildout scenario for cannabis related development, impacts to prime soils will remain significant and unavoidable.

Cumulative impacts to agricultural resources are mitigated to the maximum extent feasible with measure MM AG-2. Program approval would contribute to cumulative agricultural impacts associated with pending and future growth and development projects Countywide. The combined effect of cumulative development is anticipated to result in significant and unavoidable cumulative impacts to agricultural resources.

**Findings:** The Board finds that the feasible mitigation measure (MM AG-2) has been incorporated into the Cannabis Land Use Ordinance and Licensing Program to reduce the significant environmental effects identified in the EIR to the maximum extent feasible. This mitigation measure will be implemented during the review of entitlement applications for cannabis development, to mitigate project-specific and cumulative impacts to agricultural resources to the maximum extent feasible. However, even with this mitigation measure, impacts to agricultural resources (Impact AG-2) will remain significant and unavoidable. Therefore, the Board finds the Cannabis Land Use Ordinance and Licensing Program's residual impacts to agricultural resources are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Finding 1.1.8 below.

### **Air Quality and Greenhouse Gas Emissions**

**Impacts:** The EIR identified significant project-specific and cumulative impacts related to air quality and greenhouse gas emissions from future cannabis activities that would be permitted if the Project is approved. Specifically, the EIR identified the following adverse and unavoidable effects: inconsistency with the Clean Air Plan (Impact AQ-1), traffic generated emissions (Impact AQ-3), inconsistency with the Energy and Climate Action Plan (Impact AQ-4), and exposure of sensitive receptors to objectionable odors (Impact AQ-5).

**Mitigation:** The EIR identifies two mitigation measures, MM AQ-3 and MM AQ-5 to reduce impacts associated with traffic-generated emissions and objectionable odors, respectively.

MM AQ-3 requires that cannabis Permittees implement feasible transportation demand management (TDM) measures that reduce vehicle travel to and from their proposed sites. Each Permittee must consider location, total employees, hours of operation, site access and transportation routes, and trip origins and destinations associated with the cannabis operation. Once these are identified, the Permittee is required to identify a range of TDM measures as feasible for County review and approval. No other feasible mitigation measures are known that will further reduce traffic-generated emissions impacts. Under a reasonable buildout

scenario for cannabis related development, impacts from traffic-generated emissions will not be fully mitigated and will remain significant and unavoidable.

MM AQ-5 requires that cannabis licensees implement feasible odor abatement plans (OAPs) consistent with Santa Barbara County Air Pollution Control District requirements and subject to the review and approval of the County. No other feasible mitigation measures are known that will further reduce odor impacts. Under a reasonable buildout scenario for cannabis-related development, impacts from objectionable odors will not be fully mitigated and will remain significant and unavoidable.

Cumulative impacts related to air quality and greenhouse gas emissions are mitigated to the maximum extent feasible with measures MM AQ-3 and MM AQ-5. Since the Project is inconsistent with the Clean Air Plan and the Energy and Climate Action Plan, and the County is anticipated to remain in non-attainment, the Project's contribution to cumulative air quality impacts would be cumulatively considerable and, therefore, significant and unavoidable (Class I).

Findings: The Board finds that feasible mitigation measures (MM AQ-3 and MM AQ-5) have been incorporated into the Cannabis Land Use Ordinance and Licensing Program to reduce the significant environmental effects identified in the EIR to the maximum extent feasible. These mitigation measures are implemented during project review to mitigate project-specific and cumulative impacts related to air quality and greenhouse gas emissions, to the maximum extent feasible. However, even with these mitigation measures, impacts related to inconsistency with the Clean Air Plan (Impact AQ-1), traffic generated emissions (Impact AQ-3), inconsistency with the Energy and Climate Action Plan (Impact AQ-4), and exposure of sensitive receptors to objectionable odors (Impact AQ-5), will remain significant and unavoidable. Therefore, the Board finds the Cannabis Land Use Ordinance and Licensing Program's residual impacts related to air quality and greenhouse gas emissions are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Finding 1.1.8 below.

### **Noise**

Impacts: The EIR identified significant project-specific and cumulative impacts to sensitive receptors from long-term increases in noise from traffic on vicinity roadways (Impact NOI-2).

Mitigation: As discussed above in the summary of air quality impacts, MM AQ-3 would require cannabis Permittees to implement feasible TDM measures that reduce vehicle travel to and from their proposed sites, subject to the review and approval of the County. No other feasible mitigation measures are known that will further reduce impacts. Under a reasonable buildout scenario for cannabis-related development, impacts to sensitive receptors from long-term noise increases from Project traffic will not be fully mitigated and will remain significant and unavoidable.



Cumulative impacts to sensitive receptors from traffic-generated noise are mitigated to the maximum extent feasible with measure MM AQ-3. The Project has the potential to contribute to cumulative noise impacts from roadway noise effects on ambient noise levels in the County. Combined with other development, increased vehicle trips could increase congestion and daily travel on roadways in rural areas that experience relatively minimal traffic noise. As the Project's contribution would be cumulatively considerable, even with implementation of MM AQ-3 to require reduced employee trips through TDM measures, cumulative impacts from the Project would be significant and unavoidable.

Findings: The Board finds that the feasible mitigation measure (MM AQ-3) has been incorporated into the Cannabis Land Use Ordinance and Licensing Program to reduce the significant environmental effects identified in the EIR, to the maximum extent feasible. This mitigation measure will be implemented during the review of entitlement applications for cannabis activities, in order to mitigate project-specific and cumulative impacts to sensitive receptors from traffic generated noise, to the maximum extent feasible. However, even with this mitigation measure, noise impacts related to long-term noise increases (Impact NOI-2) will remain significant and unavoidable. Therefore, the Board finds the Cannabis Land Use Ordinance and Licensing Program's residual noise impacts are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Finding 1.1.8 below.

### **Transportation and Traffic**

Impacts: The EIR identified significant project-specific and cumulative impacts related to transportation and traffic from future cannabis activities that would be permitted if the Project is approved. The following adverse and unavoidable effects were identified: increases of traffic and daily vehicle miles of travel that affect the performance of the existing and planned circulation system (Impact TRA-1), and adverse changes to the traffic safety environment (Impact TRA-2).

Mitigation: The EIR identifies two mitigation measures, MM AQ-3 and MM TRA-1, to reduce impacts associated with traffic.

As discussed above in the summary of air quality impacts, MM AQ-3 would require cannabis Permittees to implement feasible TDM measures that reduce vehicle travel to and from their proposed sites, subject to the review and approval of the County. No other feasible mitigation measures are known that will further reduce these traffic impacts. Under a reasonable buildout scenario for cannabis-related development, impacts from traffic will not be fully mitigated and will remain significant and unavoidable.

MM TRA-1 requires that cannabis Permittees pay into the County's existing Development Impact Mitigation Fee Program, at an appropriate level (e.g., Retail Commercial and Other Nonresidential Development) in effect at the time of permit issuance for the County and Goleta and Orcutt Planning Areas to improve performance of the circulation system. No other feasible mitigation measures are known that will further reduce these traffic impacts. Under a

reasonable buildout scenario for cannabis related development, impacts from traffic will not be fully mitigated and will remain significant and unavoidable.

Cumulative impacts related to traffic would be mitigated to the maximum extent feasible with measures MM AQ-3 and MM TRA-1. The Project's contribution to cumulative changes in the transportation environment as a result of generation of new vehicle trips could still result in exceedances of acceptable road segment or intersection Level of Service, as well as inconsistency with the Regional Transportation Plan-Sustainable Communities Strategy. Therefore, the proposed Project would make a cumulatively considerable contribution to a significant cumulative traffic impact, and impacts are considered significant and unavoidable.

Findings: The Board finds that feasible mitigation measures (MM AQ-3 and MM TRA-1) have been incorporated into the Cannabis Land Use Ordinance and Licensing Program to reduce the significant environmental effects identified in the EIR, to the maximum extent feasible. These mitigation measures will be implemented during the review of entitlement applications for cannabis activities in order to mitigate project-specific and cumulative impacts related to traffic, to the maximum extent feasible. However, even with these mitigation measures, increases of traffic and daily vehicle miles of travel that affect the performance of the existing and planned circulation system (Impact TRA-1) and adverse changes to the traffic safety environment (Impact TRA-2) would remain significant and unavoidable. Therefore, the Board finds the Cannabis Land Use Ordinance and Licensing Program's residual impacts related to traffic are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Finding 1.1.8 below.

### **Aesthetics/Visual Resources**

Impacts: Although the EIR identifies that project-specific impacts to County scenic resources would be mitigated to a less-than-significant level, it also found that Project-related future development in combination with other County projects and plans would contribute considerably to aesthetic and visual impacts. Thus, potential cumulative impacts resulting from changes to scenic resources and existing character would be significant and unavoidable.

Mitigation: Mitigation Measure MM AV-1 would reduce direct visual impacts associated with hoop structures and ancillary development for cannabis cultivation, such as fencing, by requiring appropriate screening in compliance with the land use entitlement (e.g., LUP, CDP, or CUP) that would be required for the cannabis operation. To the maximum extent feasible, screening for cannabis cultivation sites shall consist of natural barriers and deterrents to enable wildlife passage, prevent trespass from humans, and shall be visually consistent, to the maximum extent possible, with surrounding lands. Screening requirements would be set forth in the conditions of, and on the plans related to, the entitlement for the cannabis operation. While project-specific impacts to aesthetics/visual resources will be less-than-significant (Class II) with implementation of this mitigation measure, cumulative impacts would remain significant and unavoidable (Class I).

Findings: The Board finds that the feasible mitigation measure (MM AV-1) has been incorporated into the Cannabis Land Use Ordinance and Licensing Program to reduce the significant environmental effects identified in the EIR, to the maximum extent feasible. This mitigation measure will be implemented during the review of entitlement applications for cannabis operations in order to mitigate project-specific impacts to a less-than-significant level. However, even with this mitigation measure, the Project's contribution to significant cumulative visual impacts would remain cumulatively considerable, and would be significant and unavoidable. Therefore, the Board finds the Cannabis Land Use Ordinance and Licensing Program's residual cumulative impacts to aesthetic and visual resources are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Finding 1.1.8 below.

### **1.1.6 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY MITIGATION MEASURES**

The EIR (17EIR-00000-00003), its appendices, and EIR Revision Letter (RV 01), for the Cannabis Land Use Ordinance and Licensing Program, identify several subject areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts (Class II). For each of these Class II impacts identified by the EIR, feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as discussed below.

#### **Aesthetics/Visual Resources**

As discussed in Section 1.1.4 of these findings (above), the EIR identified potentially significant but mitigable project-specific impacts to County scenic resources from development associated with cannabis cultivation (Impact AV-1). The Board finds that implementation of MM AV-1 would reduce the significant project-specific environmental effects related to aesthetic and visual resources (Impact AV-1) to a less-than-significant level (Class II).

#### **Agricultural Resources**

Impacts: The EIR identified potentially significant but mitigable project-specific impacts as a result of potential land use incompatibility from manufacturing and distribution uses on agriculturally zoned lands (Impact AG-1).

Mitigation: MM AG-1 would require cannabis Permittees for manufacturing or distribution on lands designated for agricultural use (e.g., AG-I and AG-II), to cultivate cannabis on-site and have approval for a cultivation license. The requirement would specify that non-cultivation activities must be clearly ancillary and subordinate to the cultivation activities on-site so that the majority of cannabis product manufactured and/or distributed from a cannabis site is sourced from cannabis plant material cultivated on the same site. The requirement would also specify that the accessory use must occupy a smaller footprint than the area dedicated to cannabis cultivation. Further, the requirement would apply to microbusiness licenses (Type

12) to ensure that proposed manufacturing or distribution would be ancillary and subordinate to the proposed cultivation area.

Findings: The Board finds that MM AG-1 has been incorporated into the Cannabis Land Use Ordinance and Licensing Program. The Board finds that implementation of MM AG-1 will reduce the significant project-specific environmental effects related to incompatibility with existing zoning for agricultural uses (Impact AG-1) to a less-than-significant level (Class II).

### **Biological Resources**

Impacts: The EIR identified the following potentially significant but mitigable project-specific impacts from future cannabis activities: adverse effects on unique, rare, threatened, or endangered plant or wildlife species (Impact BIO-1); adverse effects on habitats or sensitive natural communities (Impact BIO-2); adverse effects on the movement or patterns of any native resident or migratory species (Impact BIO-3); and conflicts with adopted local plans, policies, or ordinances oriented towards the protection and conservation of biological resources (Impact BIO-4).

Mitigation: The EIR identifies several mitigation measures that would reduce potentially significant impacts to a less-than-significant level.

MM BIO-1a would require applicants who apply for a cannabis permit for a site that would involve pruning, damage, or removal of a native tree or shrub, to submit a Tree Protection Plan (TPP) prepared by a County-approved arborist/biologist. The TPP would set forth specific avoidance, minimization, or compensatory measures, as necessary, given site-specific conditions and the specific cannabis operation for which the applicant would be requesting a permit.

MM BIO-1b would require applicants who apply for a cannabis permit for a site that would involve clearing of sensitive native vegetation, to submit a Habitat Protection Plan (HPP) prepared by a County-approved biologist. The HPP would set forth specific avoidance, minimization, or compensatory measures, as necessary, given site-specific conditions and the specific cannabis operation for which the applicant would be requesting a permit.

MM BIO-3, Wildlife Movement Plan, would be required for outdoor cultivation sites that would include fencing. The Wildlife Movement Plan would analyze proposed fencing in relation to the surrounding opportunities for migration, identify the type, material, length, and design of proposed fencing, and identify non-disruptive, wildlife-friendly fencing, such as post and rail fencing, wire fencing, and/or high-tensile electric fencing, to be used to allow passage by smaller animals and prevent movement in and out of cultivation sites by larger mammals, such as deer. Any required fencing would also have to be consistent with the screening requirements outlined in MM AV-1, which is discussed in these findings (above).

MM HWR-1 would require applicants for cultivation permits to provide evidence of compliance with the State Water Resources Control Board (SWRCB) requirements (or

certification by the appropriate Water Board stating a permit is not necessary). The SWRCB has drafted a comprehensive Cannabis Cultivation Policy which includes principles and guidelines for cannabis cultivation within the state. The general requirements and prohibitions included in the draft policy address a wide range of issues, from compliance with state and local permits to riparian setbacks. The draft general order also includes regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers.

Findings: The Board finds that MM BIO-1a, MM BIO-1b, MM BIO-3, and MM HWR-1 have been incorporated into the Cannabis Land Use Ordinance and Licensing Program. The Board finds that implementation of MM BIO-1a, MM BIO-1b, MM BIO-3, and MM HWR-1 would reduce the significant project-specific environmental effects related to biological resources (Impacts BIO-1, BIO-2, BIO-3, and BIO-4) to a less-than-significant level (Class II).

In addition, the Board finds that implementation of MM BIO-1a, MM BIO-1b, MM BIO-3, and MM HWR-1 would reduce the Project's contribution to significant, cumulative impacts to biological resources, such that the Project would not make a cumulatively considerable contribution and, therefore, the Project's contribution to cumulative impacts to biological resources would be less-than-significant with mitigation (Class II).

### **Cultural Resources**

Impacts: The EIR identified potentially significant but mitigable impacts to historical resources (Impact CR-1) as well as to archaeological resources, tribal cultural resources, human remains, or paleontological resources (Impact CR-2) from future cannabis activities.

Mitigation: The EIR identifies two mitigation measures that would reduce potentially significant impacts to a less-than-significant level.

MM CR-1 would require cannabis licensees to preserve, restore, and renovate onsite structures consistent with the requirements of CEQA and the County Cultural Resources Guidelines. This mitigation measure requires an applicant for a cannabis permit to retain a qualified historian to perform a Phase I survey, and if necessary, a Phase II significance assessment and identify appropriate preservation and restoration/renovation activities for significant onsite structures in compliance with the provisions of the most current County Cultural Resources Guidelines.

MM CR-2 would require a Phase I archaeological and paleontological survey in compliance with the provisions of the County Cultural Resources Guidelines for areas of proposed ground disturbance. If the cannabis development has the potential to adversely affect significant resources, the applicant would be required to retain a Planning and Development Department-approved archaeologist to prepare and complete a Phase II subsurface testing program in coordination with the Planning and Development Department. If the Phase II program finds that significant impacts may still occur, the applicant would be required to retain a Planning and Development Department-approved archaeologist to prepare and complete a Phase III

proposal for data recovery excavation. All work would be required to be consistent with County Cultural Resources Guidelines. The applicant would be required to fund all work.

Findings: The Board finds that the feasible MM CR-1 and MM CR-2 have been incorporated into the Cannabis Land Use Ordinance and Licensing Program. The Board finds that implementation of MM CR-1 and MM CR-2 would reduce the significant project-specific effects related to cultural resources (Impacts CR-1 and CR-2) to a less-than-significant level (Class II).

### **Hydrology and Water Resources**

Impacts: The EIR identified potentially significant but mitigable impacts to surface water quality (Impact HWR-1) as well as groundwater quality (Impact HWR-2) from future cannabis activities.

Mitigation: MM HWR-1 would require applicants for cultivation licenses to provide evidence of compliance with the SWRCB requirements (or certification by the Regional Water Quality Control Board stating that a permit is not necessary). The SWRCB has drafted a comprehensive Cannabis Cultivation Policy which includes principles and guidelines for cannabis cultivation within the state. The general requirements and prohibitions included in the draft policy address a wide range of issues, from compliance with state and local permits to riparian setbacks. The draft general order also includes regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers.

Findings: The Board finds that the feasible MM HWR-1 has been incorporated into the Cannabis Land Use Ordinance and Licensing Program. The Board finds that implementation of MM HWR-1 would reduce the significant project-specific effects related to surface water quality (Impact HWR-1) and groundwater quality (Impact HWR-2) to a less-than-significant level (Class II).

### **Land Use**

Impacts: The EIR identified potentially significant but mitigable impacts related to conflicts with an applicable land use plan, policy, or regulation, specifically with regard to conflicts with public land uses (Impact LU-1).

Mitigation: MM LU-1 would establish a regulation prohibiting cannabis activities on publicly owned lands within the County.

Findings: The Board finds that the feasible MM LU-1 has been incorporated into the Cannabis Land Use Ordinance and Licensing Program. The Board finds that implementation of MM LU-1 would reduce the significant project-specific effects related to conflicts with uses on public lands (Impact LU-1) to a less-than-significant level (Class II).

### **Utilities and Energy Conservation**

Impacts: The EIR identified potentially significant but mitigable impacts related to increased demand for new energy resources (Impact UE-2) from future cannabis activities.

Mitigation: The EIR identifies several mitigation measures that would reduce potentially significant impacts to a less-than-significant level.

MM UE-2a would require cannabis licensees to implement energy conservation best management practices to the maximum extent feasible. This would include the use of renewable energy sources and energy efficient development and operations.

MM UE-2b would require that cannabis licensees participate in a Regional Renewable Choice (RRC) program, Green Rate program, Community Renewable program, or similar equivalent renewable energy program, if feasible.

MM UE-2c would encourage cannabis Permittees to participate in the Smart Build Santa Barbara (SB2) Program as part of the permit review process. This measure would ensure that Permittees receive direction on feasible energy conservation measures, incentives, or other energy-saving techniques.

Findings: The Board finds that the MM UE-2a, MM UE-2b, and MM UE-2c have been incorporated into the Cannabis Land Use Ordinance and Licensing Program. The Board finds that implementation of MM UE-2a, MM UE-2b, and MM UE-2c would reduce the significant project-specific effects related to increased demand for new energy resources (Impact UE-2) to a less-than-significant level (Class II).

### **1.1.7 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE**

The EIR (17EIR-00000-00003) evaluated a no project alternative and three additional alternatives (Alternative 1 - Exclusion of Cannabis Activities from the AG-I Zone District, Alternative 2 - Preclusion of Cannabis Activities from Williamson Act Land, and Alternative 3 - Reduced Registrants) as methods of reducing or eliminating significant environmental impacts. The Board letter, dated February 6, 2018, and its attachments are incorporated by reference. The Board finds that the identified alternatives are infeasible for the reasons stated.

#### **1. No Project Alternative**

The No Project Alternative addresses the potential environmental impacts that could result if the proposed Project is not adopted and the mitigation measures of the Project are not implemented. Under the No Project Alternative, the direct impacts associated with licensing of an expanded cannabis industry would not occur. However, this alternative would not address unregulated and illegal cannabis activities, and would not offer an avenue for licensing and permitting. Thus, it is likely that illegal cannabis activities would continue to

exist. Under the No Project Alternative, existing County law enforcement would continue on a primarily response-to-complaints and call-for-service basis. Over the more than three decades of local, state and federal law enforcement activities cannabis cultivation and related activities have not been eradicated. Even with local, state, and federal participation in cannabis law enforcement, as well as pending state-level regulations and programs developed from MAUCRSA, the illicit cultivation and sale of cannabis in California and the County would likely continue to be a major illicit business. Therefore, there would be no orderly development, nor oversight of cannabis activities within the County, with potential for expanded illegal activities.

Under the No Project Alternative, aesthetic/visual and agricultural resource impacts would likely be reduced. However, potential impacts related to air quality, biology, cultural resources, geology and soils, hazards, hydrology, land use, public services, transportation, and utilities/energy would be more severe under the No Project Alternative.

The No Project Alternative fails to achieve the objectives of the project. Therefore, the Board finds that the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) is preferable to the No Project Alternative.

## **2. Alternative 1: Exclusion of Cannabis Activities from the AG-I Zone District**

Under Alternative 1 - the Exclusion of Cannabis Activities from the AG-I Zone District, cannabis-related activities would not be allowed within the AG-I zone districts throughout the County. This would reduce the areas of eligibility in the County, particularly within the Carpinteria Valley and the Santa Ynez Valley. Alternative 1 would reduce the total amount of eligible area and sites as compared to the proposed Project, and would require substantial relocation or abandonment of existing cannabis operations. Existing cultivators would need to find locations within the reduced area of eligibility.

The classification of all impacts under Alternative 1 would be similar to those under the proposed Project, including significant and unavoidable impacts to agricultural resources; air quality and greenhouse gas emissions; noise; and transportation and traffic. Adoption of Alternative 1 would achieve most of the Project objectives, which include regulating cannabis activities within the County including: providing an efficient and clear cultivation and manufacturing permit process and regulations; and regulating sites and premises to avoid degradation of the visual setting and neighborhood character, odors, hazardous materials, and fire hazards. However, adoption of Alternative 1 would not achieve Project objectives related to development of a robust and economically viable legal cannabis industry (Objective 1), encouraging businesses to operate legally and secure a license to operate in full compliance with County and state regulations (Objective 4), and minimization of adverse effects of cultivation and manufacturing and distribution activities on the natural environment (Objective 6).



Although this alternative would be consistent with some of the objectives of the Proposed Project, it would not adequately meet Objectives 1, 4, and 6. As such, it has been found infeasible for social, economic and other reasons. The Board finds that the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) is preferable to Alternative 1.

### **3. Alternative 2: Preclusion of Cannabis Activities from Williamson Act Land**

Alternative 2 considers environmental impacts under a modified set of licensing regulations that would reduce the area of eligibility on lands that are subject to a Williamson Act contract in the County where licenses may be issued for cannabis cultivation activities. Under Alternative 2, cannabis activities would not count towards the minimum cultivation requirements to qualify for an agricultural preserve contract pursuant to the Williamson Act; however, cannabis activities would be considered compatible uses on lands that are subject to agricultural preserve contracts. Cannabis cultivation activities would be limited to a maximum of 22,000 square feet of cannabis canopy cover for each Williamson Act contract premises. Agricultural use data for commercial production and reporting that would be used to determine compliance with minimum productive acreage and annual production value requirements would not include cannabis activities.

This alternative would result in limiting the potential for cannabis activities on over 50 percent of eligible County area, and would eliminate hundreds of potential cannabis operations from occurring on Williamson Act lands. As compared to the proposed Project, the approximate total area of eligibility for manufacturing and distribution would be reduced while retail sales and testing area would remain about the same.

Adoption of Alternative 2 would achieve some of the Project objectives which include regulating commercial cannabis cultivation, manufacturing, and distribution activities within the County, providing an efficient and clear cultivation and manufacturing permit process and regulations, and regulating sites and premises to avoid degradation of the visual setting and neighborhood character, odors, hazardous materials, and fire hazards. However, Alternative 2 would not reduce any significant impacts to a less-than-significant level. Moreover, adoption of this alternative would not achieve some of the basic Project objectives, including those related to development of a robust and economically viable legal cannabis industry (Objective 1), encouraging businesses to operate legally and secure a license to operate in full compliance with County and state regulations (Objective 4), and minimization of adverse effects of cultivation and manufacturing and distribution activities on the natural environment (Objective 6).

Although this alternative would be consistent with some of the objectives of the Proposed Project, it would not adequately meet Objectives 1, 4, and 6. As such, it has been found infeasible for social, economic, and other reasons. The Board finds that the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) is preferable to Alternative 2.

#### **4. Alternative 3: Reduced Registrants**

Under the Reduced Registrants Alternative, the total number of licenses issued by the County would consist of half of the number of each category of licenses that were indicated as part of the 2017 Cannabis Registry. This would restrict the County to issuing a total of 962 licenses (50 percent of the 1,924 identified), which would subsequently limit the representative buildout of the Project analyzed in the EIR by a commensurate 50 percent. Existing operators identified in the 2017 Cannabis Registry would be prioritized for licensing under this alternative, which would substantially reduce the net new buildout, while allowing for limited growth.

Alternative 3 would result in substantial reductions in the severity of most impacts compared to the Project, and would reduce significant and unavoidable impacts to agricultural resources to a less-than-significant level. However, it would not achieve the most basic Project objectives, including those related to development of a robust, economically viable, and legal cannabis industry (Objective 1), and encouraging businesses to operate legally and secure a license to operate in full compliance with County and state regulations (Objective 4).

Although this alternative would be consistent with some of the objectives of the Proposed Project, it would not adequately meet Objectives 1 and 4. As such, it has been found infeasible for social, economic and other reasons. The Board finds that the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) is preferable to Alternative 3.

#### **1.1.8 STATEMENT OF OVERRIDING CONSIDERATIONS**

The Board makes the following Statement of Overriding Considerations: The Cannabis Land Use and Licensing Program EIR (17EIR-00000-00003) found that impacts related to agricultural resources, air quality and greenhouse gas emissions, noise, transportation and traffic, and aesthetic and visual resources (cumulative) will remain significant and unavoidable (Class I). The Board has balanced “the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits” of the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) against these effects and makes the following Statement of Overriding Considerations, which warrants approval of the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) notwithstanding that all identified adverse environmental effects are not fully avoided or substantially lessened [CEQA Guidelines Section 15093(a)]. The Board finds that the benefits of the “proposed project outweigh the unavoidable adverse environmental effects,” and therefore, “the adverse environmental effects may be considered ‘acceptable’” [CEQA Guidelines Section 15093(a)].

Each of the reasons for approval cited below is a separate and independent basis that justifies approval of the Cannabis Land Use Ordinance and Licensing Program. Thus, even if a court

were to set aside any particular reason or reasons, the Board finds that it would stand by its determination that each reason, or any combinations of reasons, is a sufficient basis for approving the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) notwithstanding the significant and unavoidable impacts that may occur. The substantial evidence supporting the various benefits can be found in the other Findings for Approval set forth in this document, the EIR, and in the Record of Proceedings, including, but not limited to, public comment received at the numerous public hearings listed in the incorporated Board letter dated February 6, 2018.

Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Sections 15043, 15092, and 15093, any unavoidable adverse environmental effects of the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) are acceptable due to the following environmental benefits and overriding considerations:

- A. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) provides for a robust and economically viable legal cannabis industry to ensure production and availability of high quality cannabis products to help meet local demands, and, as a public benefit, improves the County's tax base. For a detailed discussion of the economic viability, see the Fiscal Analysis of the Commercial Cannabis Industry in Santa Barbara County, prepared by Hdl Companies and dated October 31, 2017 and incorporated herein by reference:  
<https://santabarbara.legistar.com/View.ashx?M=F&ID=5685428&GUID=E6A9F289-B740-40DC-A302-B4056B72F788>
- B. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) enhances the local economy and provides opportunities for future jobs, business development, and increased living wages. Moreover, the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) promotes continued agricultural production as an integral part of the region's economy by giving existing farmers access to the potentially profitable cannabis industry, which in turn would provide relief for those impacted by competition from foreign markets and rising costs of water supply.
- C. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) expands the production and availability of medical cannabis, which is known to help patients address symptoms related to glaucoma, epilepsy, arthritis, and anxiety disorders, among other illnesses.
- D. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) allows for the orderly development and oversight of commercial cannabis activities by applying development standards that

- require appropriate siting, setbacks, security, and nuisance avoidance measures, thereby protecting public health, safety, and welfare.
- E. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) provides a method for commercial cannabis businesses to operate legally and secure a permit and license to operate in full compliance with County and state regulations, maximizing the proportion of licensed activities and minimizing unlicensed activities. Minimization of unlicensed activities will occur for two reasons. First, the County will be providing a legal pathway for members of the industry to comply with the law. Secondly, the County will use revenue from the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) to strengthen and increase code enforcement actions in an effort to remove illegal and noncompliant operations occurring in the County unincorporated areas.
  - F. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) establishes land use requirements for commercial cannabis activities to minimize the risks associated with criminal activity, degradation of neighborhood character, groundwater basin overdraft, obnoxious odors, noise nuisances, hazardous materials, and fire hazards.
  - G. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) minimizes the potential for adverse impacts on children and sensitive populations by imposing appropriate setbacks and ensuring compatibility of commercial cannabis activities with surrounding existing land uses, including residential neighborhoods, agricultural operations, youth facilities, recreational amenities, and educational institutions. For detailed discussions on compatibility, see Section 3.9, *Land Use and Planning*, in the EIR, incorporated herein by reference, as well as the other Findings for Approval in this document.
  - H. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) provides opportunities for local testing labs that protect the public by ensuring that local cannabis supplies meet product safety standards established by the State of California.
  - I. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) protects agricultural resources, natural resources, cultural resources, and scenic resources by limiting where cannabis activities can be permitted and by enacting development standards that would further avoid or minimize potential impacts to the environment.

## **2.0 ADMINISTRATIVE FINDINGS FOR CANNABIS LAND USE ORDINANCES**

In compliance with Section 35.104.060.A (Findings for Comprehensive Plan, Development Code and Zoning Map Amendments) of the Santa Barbara LUDC the Board shall make the

findings below in order to approve a text amendment to the County Land Use and Development Code (LUDC).

The findings to approve a text amendment to the County's certified Local Coastal Program are set forth in Section 35-180.6 (Findings Required for Approval of Rezone or Ordinance Amendment) of the Coastal Zoning Ordinance (CZO). In compliance with Chapter 2, Administration, Article V, Planning and Zoning, Section 2-25.2, Powers and Duties, the Board shall make the following findings in order to approve the text amendment to the CZO.

In compliance with Section 35.494.050 (Action on Amendment) of the Montecito Land Use and Development Code (MLUDC), the Board shall make the following findings in order to approve the text amendment to the MLUDC.

**2.1 The request is in the interests of the general community welfare.**

The proposed ordinance amendments are in the interest of the general community welfare since the amendments will serve to (1) define new land uses associated with cannabis activities (2) indicate those zones that allow the Cannabis land uses, and (3) set forth development standards for various permitted commercial cannabis activities to avoid compromising the general welfare of the community, as analyzed in the Board letter, dated February 6, 2018, which is hereby incorporated by reference.

**2.2 The request is consistent with the County Comprehensive Plan, the requirements of state planning and zoning laws, and the LUDC, CZO, and MLUDC.**

Adoption of the proposed ordinances, as analyzed in the Board letter, dated February 6, 2018, which is hereby incorporated by reference, will provide more effective implementation of the State planning and zoning laws by revising the LUDC, CZO, and MLUDC to provide clear zoning standards that will benefit the public, consistent with the state licensing program for the cannabis industry. The proposed ordinances: define the uses associated with commercial cannabis activities; identify the zones in which cannabis land uses would be prohibited; and set forth a number of development standards and other requirements that would apply to personal cultivation, in order to avoid or otherwise minimize adverse effects from cannabis activities. The proposed ordinances would be consistent with the adopted policies and development standards of the Comprehensive Plan, including the Community Plans. The proposed ordinance amendments are also consistent with the remaining portions of the LUDC, CZO, and MLUDC that these ordinance amendments would not be revising. Therefore, the proposed ordinance amendments would be consistent with the Comprehensive Plan including the Community Plans, the requirements of State Planning and Zoning Laws, and the LUDC, CZO, and MLUDC.

**2.3 The request is consistent with good zoning and planning practices.**

The proposed ordinances, as analyzed in the Board letter, dated February 6, 2018, which are hereby incorporated by reference, clearly and specifically address personal cultivation and commercial cannabis activities within the unincorporated area of Santa Barbara County. The ordinances are consistent with sound zoning and planning practices to regulate land uses for

the overall protection of the environment and community values since it provides for clear direction regarding where cannabis land uses are allowed and prohibited, which serves to minimize potential adverse impacts to the surrounding area. As discussed in Finding 2.2, above, the amendments are consistent with the Comprehensive Plan, including the Community Plans, LUDC, CZO and MLUDC. Therefore, the proposed ordinances are consistent with sound zoning and planning practices to regulate land uses.

### **3.0 ADMINISTRATIVE FINDINGS FOR AMENDMENTS TO ARTICLE X (CASE NO. 18ORD-00000-00001)**

In compliance with Section 35.104.060.A (Findings for Comprehensive Plan, Development Code and Zoning Map Amendments) of the Santa Barbara LUDC the Board shall make the findings below in order to approve the amendment and partial rescission of Article X, Medical Marijuana Regulations, of Chapter 35, Zoning, of the Santa Barbara County Code (Case no. 18ORD-00000-00001).

#### **3.1 The request is in the interests of the general community welfare.**

The proposed ordinance to amend and partially rescind Article X is in the interest of the general community welfare since it will:

- Maintain the amortization of Legal Nonconforming medical marijuana operations as established by the Board in November of 2017.
- Clarify the timing of the amortization periods for Legal Nonconforming medical marijuana operations, thereby providing certainty to the operators and the public alike regarding the status of the operations.
- Rescind the existing prohibition against medical marijuana cultivation upon the operative dates of the Cannabis Land Use Ordinances (Case Nos. 17ORD-00000-00004, -00009, -00010), thereby ensuring that the new regulations are not in conflict with existing regulations.
- Rescind the entirety of Article X upon the termination of Legal Nonconforming uses, thereby removing obsolete regulations.

#### **3.2 The request is consistent with the County Comprehensive Plan, the requirements of state planning and zoning laws, and the LUDC and CZO.**

Adoption of the proposed ordinance, as analyzed in the Board letter, dated February 6, 2018, which is hereby incorporated by reference, will ensure that the provisions in Article X are consistent with the new regulations in the LUDC, CZO, and MLUDC should the Board adopt the Cannabis Land Use Ordinances (Case Nos. 17ORD-00000-00004, -00009, -00010). The amended Article X would be consistent with the adopted policies and development standards of the Comprehensive Plan, including the Community Plans. Together with the Cannabis Land Use Ordinances, the amended Article X will allow for more effective implementation of the State planning and zoning laws by ensuring consistency with the new State licensing program for the cannabis industry. Therefore, the proposed ordinance amendments would be

consistent with the Comprehensive Plan including the Community Plans, the requirements of State Planning and Zoning Laws, and the LUDC, CZO and MLUDC.

**3.3 The request is consistent with good zoning and planning practices.**

The proposed amendments to Article X are consistent with sound zoning and planning practices since they will ensure that there is no conflict between the new cannabis regulations and the existing medical marijuana regulations. Moreover, the amendments provide a clear timeframe for the termination of Legal Nonconforming uses for medical marijuana cultivation. Finally, the amendments provide for Article X to be rescinded entirely once Legal Nonconforming medical marijuana operations are terminated and the separate medical marijuana regulations are no longer necessary. Thus, the proposed amendments are consistent with sound zoning and planning practices to regulate land uses.

**4.0 AMENDMENT TO THE UNIFORM RULES FINDINGS (Case No. 17ORD-00000-00019)**

**4.1 The request is in the interests of the general community welfare.**

The proposed amendment to the Uniform Rules would limit the amount and types of cannabis activities that would be permitted on Williamson Act lands. This is in the interests of the general community welfare because the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and also for the assurance of adequate, healthful, and nutritious food for residents of the state and the nation. The amendment would also specify that cannabis activities are not compatible with Williamson Act contracts for open space or Williamson Act contracts for recreation, thereby ensuring the continued protection of scenic, biological and recreational resources in those preserves.

**4.2 The request is consistent with the County Comprehensive Plan, the requirements of state planning and zoning laws, and the LUDC and CZO.**

The amendment of the Uniform Rules, as analyzed in the Board letter, dated February 6, 2018, which is hereby incorporated by reference, would be consistent with the adopted policies and development standards of the Comprehensive Plan, including the Land Use and Agricultural Elements. The Agricultural Element contains goals and policies which require the protection of agriculture lands, the reservation of prime soils for agricultural uses, and the preservation of a rural economy. The amendment would limit the types and amounts of cannabis activities that would be permitted on Williamson Act lands. It would also specify that some cannabis activities, including cultivation, are compatible with the agricultural uses on Williamson Act lands, thereby ensuring consistency with the Cannabis Land Use Ordinances (Case Nos. 17ORD-00000-00004, -00010).

**4.3 The request is consistent with good zoning and planning practices.**

The Agricultural Preserve Advisory Committee (APAC) held three hearings on the matter of cannabis activities to be permitted on Williamson Act lands. At the hearings, public input was received and information such as current zoning and planning practices, assessor policies and procedures, potential environmental impacts, and approaches taken by other counties was discussed. The purpose of agricultural preserve program and uniform rules was also discussed

as a factor in making a recommendation to the Board. APAC recommended the proposed amendments to the Uniform Rules on December 1, 2017, with particular consideration given to applying good zoning/planning practices while preserving agricultural and open space land in the County. As also stated under 4.2 above, the proposed Uniform Rules amendment is consistent with all applicable policies of the Comprehensive Plan and Land Use and Development Code.



**ATTACHMENT D: LINK TO PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE CANNABIS LAND USE  
ORDINANCE AND LICENSING PROGRAM, 17EIR-00000-00003**

Volume 1:

[http://cannabis.countyofsb.org/uploadedFiles/cannabis/Documents/Final\\_PEIR/Santa%20Barbara%20\\_Cannabis%20FEIR-Volume%201.pdf](http://cannabis.countyofsb.org/uploadedFiles/cannabis/Documents/Final_PEIR/Santa%20Barbara%20_Cannabis%20FEIR-Volume%201.pdf)

Volume 2:

[http://cannabis.countyofsb.org/uploadedFiles/cannabis/Documents/Final\\_PEIR/Santa%20Barbara\\_Cannabis\\_FEIR-Volume%202.pdf](http://cannabis.countyofsb.org/uploadedFiles/cannabis/Documents/Final_PEIR/Santa%20Barbara_Cannabis_FEIR-Volume%202.pdf)

Appendix A - Scoping:

<http://cannabis.countyofsb.org/asset.c/129>

Appendix B – Proposed Ordinances and Amendments:

<http://cannabis.countyofsb.org/asset.c/130>

Appendix C – Project Description Data:

<http://cannabis.countyofsb.org/asset.c/131>

Appendix D – Biological Resources:

<http://cannabis.countyofsb.org/asset.c/132>

Appendix E – Agricultural Resources:

<http://cannabis.countyofsb.org/asset.c/133>

Appendix F – Cannabis Odor Control:

<http://cannabis.countyofsb.org/asset.c/134>

Appendix G – General Waste Discharge Requirements:

<http://cannabis.countyofsb.org/asset.c/135>

**ATTACHMENT E: APPEAL APPLICATION AND LETTER, DATED FEBRUARY 8, 2022**



PLANNING & DEVELOPMENT  
APPEAL FORM

SITE ADDRESS: 5980 CASITAS PASS RD, CARPINTERIA, CA 93013

ASSESSOR PARCEL NUMBER: 001-030-022

Are there previous permits/applications? no  yes numbers: unknown  
(include permit# & lot # if tract)

Is this appeal (potentially) related to cannabis activities?  no  yes

Are there previous environmental (CEQA) documents? no yes numbers: unknown

1. **Appellant:** Charlotte Brownlee, Cate School Phone: (805) 684-4127 FAX: \_\_\_\_\_

Mailing Address: 1960 Cate Mesa Rd., Carpinteria, CA 93013 E-mail: charlotte\_brownlee@cate.org  
Street City State Zip

2. **Owner:** \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Street City State Zip

3. **Agent:** \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Street City State Zip

**Attorney:** Nicholas W. Targ. Phone: (415) 743-6926 FAX: \_\_\_\_\_

Mailing Address: 50 California St., Ste 2800, San Francisco, CA 94111 E-mail: Nicholas.Targ@hklaw.com  
Street City State Zip

COUNTY USE ONLY

Case Number: \_\_\_\_\_ Companion Case Number: \_\_\_\_\_  
Supervisorial District: \_\_\_\_\_ Submittal Date: \_\_\_\_\_  
Applicable Zoning Ordinance: \_\_\_\_\_ Receipt Number: \_\_\_\_\_  
Project Planner: \_\_\_\_\_ Accepted for Processing: \_\_\_\_\_  
Zoning Designation: \_\_\_\_\_ Comp. Plan Designation: \_\_\_\_\_

# COUNTY OF SANTA BARBARA APPEAL TO THE:

BOARD OF SUPERVISORS

PLANNING COMMISSION:  COUNTY \_\_\_\_\_ MONTECITO

RE: Project Title 5980 CASITAS PASS MIXED-LIGHT CANNABIS CULTIVATION

Case No. 19CDP-00000-00016

Date of Action: 1/28/2022

I hereby appeal the  approval  approval w/conditions  denial of the:

Board of Architectural Review – Which Board? \_\_\_\_\_

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? \_\_\_\_\_

Planning & Development Director decision

Zoning Administrator decision

### Is the appellant the applicant or an aggrieved party?

Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are an “aggrieved party” as defined on page two of this appeal form:

See Attached.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

See Attached.

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**Specific conditions imposed which I wish to appeal are (if applicable):**

- a. 

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- b. 

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- c. 

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- d. 


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**Please include any other information you feel is relevant to this application.**


**CERTIFICATION OF ACCURACY AND COMPLETENESS** Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

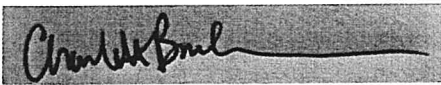
**Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.**

*I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.*

Nicholas Targ Holland and Knight		2/8/2022
<hr/>		
Print name and sign – Firm		

Nicholas Targ Holland and Knight		Date 2/8/2022
<hr/>		
Print name and sign – Preparer of this form		Date

Nicholas Targ Holland and Knight		Date 2/8/2022
<hr/>		
Print name and sign – Agent		Date

Charlotte Brownlee Assistant Head of School for External Affairs Cate School		Date 2/8/2022
<hr/>		
Print name and sign – Landowner Aggrieved Party		Date

# Holland & Knight

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Chair Larry Ferini  
Santa Barbara County Planning Commission  
123 E. Anapamu Street  
Santa Barbara, California 93101

RE: Appeal of Ceres Farm LLC, 19CDP-00000-00016

Chair Ferini and Honorable Members of the Planning Commission:

This letter accompanies the appeal of Cate School regarding Ceres Farm LLC, 19CDP-00000-00016, authorizing construction and operation of a 8.98 acre cannabis cultivation and processing facility operation within greenhouses and other structures, respectively, in north eastern Carpinteria Valley (Project). This letter, which outlines issues we intend to raise in this appeal, will be supplemented by additional submittals.

Appellant is an aggrieved party as a proximate landowner and non-profit educational organization, including a residential community and nursery school, directly impacted by the Project. Odorous emissions, night lighting, noise, and traffic have not been adequately considered or mitigated based on the expansion of non-conforming operations that have occurred without permits and as proposed in the Project application. The Project will adversely affect appellant's quality of life from the Project both to the extent of the Project's continued use of Fogco, a proprietary chemical odor deodorant for which there is no documented health risk assessment, and a wholly inadequate Odor Abatement Plan (OAP). Past Project operations, including impermissible expansions and changes to Non-Conforming Uses beyond those existing on January 19, 2016, have caused significant adverse effects on Appellant's quiet enjoyment of its property. This pattern and practice in concert with the proposed expanded operations create a likelihood of further nuisance causing activities without additional mitigation, monitoring and compliance permit terms and conditions.

The County Planning and Development Department erred in approving the Project with an inadequate Odor Abatement Plan, and the Planning Commission lacks evidence to support findings for the approval of the Project on appeal. In fact, application materials provided to the

Planning and Development Department include evidence that the required findings for approval cannot be made unless the Project is revised.

Specifically, the Planning Commission may not make findings of Project conformity with the applicable policies of the Coastal Land Use Plan, General Plan, and the requirements of the Coastal Zoning Ordinance. Coastal Zoning Ordinance § 35-169.5. For example, the Coastal Land Use Plan requires deliberate analysis of Greenhouse projects in Carpinteria, and the Project purports to legalize intensification of activities at the site without conducting CEQA analysis required by Coastal Land Use Plan 8-5. Whereas, a careful analysis of impacts and implementation of design features and mitigation measures are required, here, the Project application failed to: address the extent unpermitted modifications to Applicant's facility; identify the correct Best Available Control Technology for odor control; prepare an Odor Abatement Plan in conformance with applicable standards; perform a reasoned analysis upon which findings may be made; include community notification and engagement measures that meet minimum requirements; and address site features that create unnecessary safety risks to facility workers and impacts to the surrounding community. These issues and others, which are discussed below and may addressed through additional submittals, appropriately preclude approval of the Project, as proposed. Applicant may resubmit its Project for consideration, following its election to withdraw the Project application or following the Planning Commission's determination. In either case, the Project must conform to applicable requirements.

The Project lacks the basic prerequisites for approval. In the first instance, the Planning Commission should recognize that the Applicant has submitted to the County Planning and Development Department a depiction of the facility that is inaccurate and, at best, misleading. The County did not have an accurate basis on which to evaluate current conditions or the facility's compliance with its existing non-conforming use. Authorization of the Project should be denied on this basis alone.

Second, the accurate depiction of the facility documents that the configuration and intensity of the facility have changed, in contravention of the County's Coastal Zoning Ordinance, which requires a finding that an applicant's facility be in compliance with all applicable use designations and permit requirements. Coastal Zoning Ordinance § 35-169.5.1.c.



In essence, the Applicant is requesting an after-the-fact permit be issued at the same time as Applicant is asking for an increased intensification and expansion of its facility. Until the facility brings its operations into conformance, the Planning Commission may not issue Coastal Development Permit authorizing construction of the Project.

As a matter of policy the Applicant should not be rewarded with an after-the-fact permit, particularly, after submitting documentation to the County that fails to disclose its unpermitted modifications. Failing to require compliance with its underlying, existing permit would not only reward a violation, it would send the wrong message to those operations that are complying with their respective permits. Project approval without, first, requiring compliance would validate the practice of “competition-by-noncompliance” when it comes to cannabis, and set-off a community damaging incentive structure, as well as eroding confidence in the regulatory process. Both as a matter of law and good policy, as submitted, the Project application should be rejected.

The Project’s Odor Abatement Plan (OAP) fails to meet the minimal standards in the Coastal Zoning Ordinance and exemplifies an inadequate OAP. The inadequacies of the OAP include the following, among others: (1) it fails to adequately explain odor generation during the drying phase; (2) it relies on testing conducted in radically different climatic regimes (Pahrump, Nevada versus coastal Carpinteria) without addressing the applicability of the testing in light of temperature differentials, and differences in issues such as seasonality, humidity, and wind patterns. Therefore, the analysis, findings and conclusions of the OAP lack reliability in the context of regional, much less, local conditions; and (3) it lacks mapping and consideration of proximate land uses, including residences, schools, childcare facilities, youth athletic facilities, farms, recreational trails and roadways.

Further, the OAP’s analysis of Best Available Control Technology (BACT), is contradicted by other recent OAPs. The BACT analysis improperly contends that a chemical deodorant is BACT. This assertion is not supported by analysis, and, as noted above, no health risk assessment has been conducted with respect to Fogco. Had the OAP included an appropriate BACT analysis, it would have acknowledged that Fogco is not capable of preventing Project odors from impacting the surrounding properties. It also would have identified that several other projects recently approved by the County identified scheduled carbon scrubbers as BACT for cannabis cultivation in greenhouses, and carbon scrubbers should be required here.

The certification of the OAP requires a finding that the odor control equipment and methods are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor. Coastal Zoning Ordinance § 35-144UC.6.d. Based on the recent identification and adoption of scheduled carbon scrubbers, the subject project application fails to meet the applicable standard and may not be approved. It is noted, too, that the BACT

certification was made by the Applicant's consultant without third party review, representing a potentially significant conflict of interest.

Additionally, based on inadequate analysis included in the OAP, it is not possible to conclude that the OAP addresses site conditions or is reasonably calculated to control odors. For example, there is inadequate demonstration of the ability of the processing building to contain the strong odors generated from drying activities (e.g., no evaluation of leaks, no use of pressure tests, etc.). Further, there is no record that issues of curing were considered, including methods to reduce odors. In addition to having failed to conduct the critical BACT analysis and selected the incorrect BACT standard, the Applicant has failed to show that it has analyzed the factors that would lead to an adequate odor abatement plan. The record simply does not support a finding that the OAP will meet its goal.

The Applicant's Project is presently causing nuisance odors to surrounding land uses, but the application claims without meaningful evidence that odors are or will be controlled. Indeed, the evidence submitted by the Applicant strongly suggests that its proposed OAP will not control odors, and the odors may well be exacerbated by the Project.

Additionally, the Odor Abatement Plan includes inadequate community notification and engagement measures, incomplete odor response protocols, and no corrective actions whatsoever. As compared to other local operators in the vicinity that are complying with the Model OAP, the Project's community notification and engagement elements are inadequate.

Moreover, the Planning and Development Department notes that "[t]he Applicant has agreed to observe a set of Community Odor Guidelines that were developed through collaboration between the Cannabis Association of Responsible Producers (CARP Growers) and the Coalition for Responsible Cannabis (Coalition)." While there are certainly elements in the Community Odor Guidelines that could address some odor issues, the applicant has not agreed to make adherence part of its application. Indeed, the Department expressly states that, "[t]hese Guidelines are not part of the Project Description and are not enforceable by the County..." As a consequence the Applicant's "agreement" cannot be taken as any evidence that its project will be responsive to community concerns, much less that its OAP will meet even the measures included in the Guidelines or the obligations imposed under the Coastal Zoning Ordinance.

In light of the Applicant's failure to submit an accurate description of current conditions, failure to contain odors on site to date, failure to include a health risk assessment of Fogco, failure to conduct an adequate BACT analysis, failure to propose the correct BACT standard, and failure to include a record upon which findings can be made, and failure even to commit to the CARP Grower's Odor Guidelines the Planning Commission should not approve the Project. Any resubmittal of the Project application, should be required to comply with applicable requirements, including, among other elements, an accurate description of current site conditions, the preparation and certification of an odor mitigation analysis demonstrating the use of appropriate BACT—both now and in the future--, an analysis of the fate and effect of both existing operational odors and future Project odors on surrounding land uses, and demonstration

that the OAP will control odors. Moreover, the Planning Commission should require adequate community notification and engagement measures and an ongoing odor monitoring condition, as conditions of approval.

The project description is too general to determine additional Project impacts beyond those addressed above, and a more definitive Project description and analysis should be required, including but not limited to impacts to traffic circulation and circulation, adequacy of septic system sizing in light of the increased number of individuals working at the facility. Even without a more definitive Project statement and additional analysis, the Project description as submitted for review reveals conditions, mitigations and modifications that must be implemented to reduce Project impacts to surrounding land uses.

Appellant reserves the right to revise and supplement this appeal as additional Project information becomes available.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicholas Targ". The signature is written in a cursive, flowing style.

Nicholas Targ  
Holland & Knight

**ATTACHMENT F: PROJECT PLANS**

**DUPLICATE OF ATTACHMENT 6 OF THE BOARD AGENDA LETTER DATED SEPTEMBER 22, 2022**

**ATTACHMENT G: ODOR ABATEMENT PLAN, DATED DECEMBER 23, 2022**  
**DUPLICATE OF ATTACHMENT 7 OF THE BOARD AGENDA LETTER DATED SEPTEMBER 22, 2022**