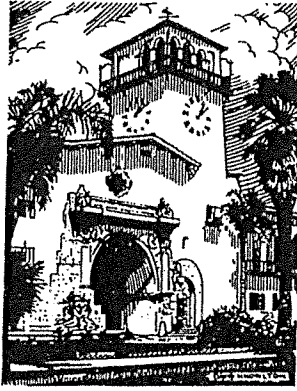


**ATTACHMENT 10: PLANNING COMMISSION ACTION LETTER,  
DATED SEPTEMBER 2, 2022, AND ASSOCIATED ATTACHMENTS**



# COUNTY OF SANTA BARBARA CALIFORNIA

## PLANNING COMMISSION

COUNTY ENGINEERING BUILDING  
123 E. ANAPAMU ST.  
SANTA BARBARA, CALIF. 93101-2058  
PHONE: (805) 568-2000  
FAX: (805) 568-2030

September 2, 2022

Gelare Macon  
201 N. Calle Cesar Chavez, Ste. 100  
Santa Barbara, CA 93103

PLANNING COMMISSION  
HEARING OF AUGUST 31, 2022

**RE: *Appeal of Ceres Farm Cannabis Cultivation; 19CDP-00000-00015, 21APL-00000-00064, 21APL-00000-00065, 21APL-00000-00066; 21APL-00000-00067***

Hearing on the request of Mimi Mauracher, Tim Bliss, Charlotte Brownlee, and Danielle Dall'Armi and William Hahn, M.D. ("Appellants") to consider Case Nos. 21APL-00000-00064, 21APL-00000-00065, 21APL-00000-00066, and 21APL-00000-00067, appeals of the Director's approval of Case No. 19CDP-00000-00015 (approved October 8, 2021). The Proposed Project is a request for a Coastal Development Permit to allow for approximately 9.5 acres of cannabis cultivation consisting of 7.86 acres of mature plant cultivation and 1.43 acres of nursery cultivation within existing, permitted greenhouses and approximately 0.21 acres of cultivation (processing and storage) within an existing, permitted storage and processing structure. The appeals were filed in compliance with Section 35-182 of the Article II Coastal Zoning Ordinance. The application involves Assessor Parcel No. 001-030-023, located at 6030 Casitas pass Road, in the Carpinteria area, First Supervisorial District.

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Dear Ms. Macon:

At the Planning Commission hearing of August 31, 2022, Commissioner Cooney moved, seconded by Commissioner Parke and carried by a vote of 3 to 2 (Bridley and Martinez no):

1. Acknowledge that the appeal, Case No. 21APL-00000-00065, was withdrawn and no further action is required on the appeal.
2. Deny the appeals, Case Nos. 21APL-00000-00064, 21APL-00000-00066, and 21APL-00000-00067.
3. Make the required findings for approval of the project specified in Attachment A of the staff report dated August 23, 2022, including CEQA findings.
4. 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 of the staff report dated August 23, 2022).

5. Grant *de novo* approval of the project, Case No. 19CDP-00000-00015, subject to the conditions included as Attachment B of the staff report dated August 23, 2022, and as amended at the hearing of August 31, 2022.

#### REVISIONS TO CONDITIONS OF APPROVAL

*Condition 37 is added as follows:*

**37. Odor Abatement Plan Revision.** Prior to issuance of the Coastal Development Permit, the Applicant shall submit an updated Odor Abatement Plan that incorporates the following language:

Given the research and development state of ventilated greenhouse scrubbers, the Applicant commits to utilizing internal greenhouse odor scrubbers/filters such as the Regenerative Carbon Scrubbing System (RCSS) or equivalent internal greenhouse scrubbers/filters as the means of primary odor control technology no later than twelve (12) months from project approval. Consequently, upon installation and testing of the internal scrubber/filtration system, the facility operator shall also reduce or eliminate the use of vapor-phase neutralizing systems to the maximum extent feasible based upon the ability to prevent fugitive odors from reaching residentially zoned receptors.

The deployment of the RCSS odor control technology, or equivalent internal scrubbing system, would require the grid-like distribution of the scrubbers throughout the interior of the cultivation greenhouse. The specific number of scrubbers will be determined by a Professional Engineer or Certified Industrial Hygienist, consistent with Article II Section 35-144U. Additionally, the ratio of scrubbers per acre will be highly variable based on facility specific design parameters including greenhouse volume, CFM rating for the scrubbers, baseline odor concentration, etc. Therefore, the Project specific design details will be based on final site specific engineering.

**PLAN REQUIREMENTS AND TIMING:** P&D shall approve the updated Odor Abatement Plan prior to issuance of Coastal Development Permit.

**MONITORING:** P&D compliance staff will inspect the Project site to confirm the odor control system is constructed pursuant to the requirements of this condition and the updated Odor Abatement Plan for the life of the permit.

***The attached findings and conditions reflect the Planning Commission's actions of August 31, 2022.***

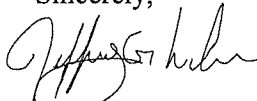
The action of the Planning Commission on this project may be appealed to the Board of Supervisors by the applicant or any aggrieved person adversely affected by such decision. To qualify as an aggrieved persons the appellant, in person or through a representative, must have informed the Planning Commission by appropriate means prior to the decision on this project of the nature of their concerns, or, for good cause, was unable to do so.

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed

appeal period. **The appeal period for this project ends on Monday, September 12, 2022 at 5:00 p.m.**

If this decision is appealed, the filing fee for both non-applicant and applicant is \$709.06 and must be delivered to the Clerk of the Board Office at 105 East Anapamu Street, Room 407, Santa Barbara, CA at the same time the appeal is filed.

Sincerely,



Jeff Wilson  
Secretary to the Planning Commission

cc: Case File: 19CDP-00000-00015, 21APL-00000-00064, 21APL-00000-00065, 21APL-00000-00066; 21APL-00000-00067  
Planning Commission File  
Owner: Van Wingerden Family Trust, 6032 Casitas Pass Road, Carpinteria, CA 93013  
Applicant: Ceres Farms, LLC, Case Van Wingerden, P.O. Box 1287, Carpinteria, CA 93013  
Appellant: Mimi, Mauracher, 6200 Casitas Pass Road, Carpinteria, CA 93013  
Appellant: Cate School, Charlotte Brownlee, 1960 Cate Mesa Road, Carpinteria, CA 93013  
Appellant: Rose Story Farm, Danielle Dall'Armi and William Hahn M.D., 5950 Casitas Pass Road, Carpinteria, CA 93013  
County Chief Appraiser  
County Surveyor  
Fire Department  
Flood Control  
Community Services Department  
Public Works  
Environmental Health Services  
APCD  
Das Williams, First District Supervisor  
Michael Cooney, First District Planning Commissioner  
Ben Singer, Planner

**Attachments: Attachment A – Findings  
Attachment B – Coastal Development Permit with Conditions**

JW/dmv

## 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 August 23, 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 August 23, 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 August 23, 2022, incorporated herein by reference, 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. A new 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 August 23, 2022, incorporated herein by reference, 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 16.77-acre parcel that is shown as Parcel C 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 August 23, 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 mobile home, an 822-square-foot addition to the pump house, a 2,139-square-foot cooler structure, a 260-square-foot accessory structure, and a 50-square-foot accessory structure, which were constructed without the permits. These five structures will be removed pursuant to the project description and Condition No. 20 of Attachment B to the staff report, dated August 23, 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.

Appeal of Ceres Farm Cannabis Cultivation; 19CDP-00000-00015, 21APL-00000-00064, 21APL-00000-00065,  
21APL-00000-00066; 21APL-00000-00067  
Attachment A - Findings  
Page A-3



COUNTY OF SANTA BARBARA

Planning and Development

www.sbcountyplanning.org

**COASTAL DEVELOPMENT PERMIT NO.: 19CDP-00000-00015**

**Project Name:** CERES FARM LLC - MIXED LIGHT CANNABIS CULTIVATION  
**Project Address:** 6030 CASITAS PASS RD, SANTA BARBARA, CA 93013  
**A.P.N.:** 001-030-023  
**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:** 8/31/2022  
**LOCAL APPEAL PERIOD BEGINS:** 9/1/2022  
**LOCAL APPEAL PERIOD ENDS:** 9/12/2022  
**DATE OF PERMIT ISSUANCE (if no appeal is filed):** 9/13/2022

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

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

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

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



existing, on-site well may serve other properties subject to approval by County Environmental Health Services. The cultivation will use a closed-loop irrigation system to conserve water.

The operation will utilize 66 employees, including managerial staff. Fifty-two parking spaces will be provided onsite. Carpool parking, bicycle parking, and a shuttle service will be provided to reduce traffic impacts. Employees will be incentivized with monthly monetary benefits to minimize vehicle trips. The Facilities Manager will monitor the trip generation and alternative transportation use, including carpooling and shuttles, and will store and make available alternative transportation records every year. The hours of operation will be 6:00 am – 5:30 pm every day of the week. Ceres Farm, LLC has agreed to observe a set of Community Odor Guidelines that were developed through collaboration between Cannabis Association for Responsible Producers (CARP Growers) and The Coalition for Responsible Cannabis (Coalition). These Guidelines are not part of the Project Description and not enforceable by the County, but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria's unique community, and are a foundation of the Coalition's decision to support this Project. The property is a 16.77-acre parcel zoned AG-I within the Carpinteria Agricultural Overlay, shown as APN 001-030-023 and addressed as 6030 Casitas Pass Road, Carpinteria, First Supervisorial District. 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:** None

**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, not shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

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**Print name** **Signature** **Date**

**Coastal Development Permit Approval By:**



for Chair, County  
Planning Commission / 8/31/2022

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

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

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

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

- 2. Proj Des-01 Project Description:** The operation will utilize 66 employees, including managerial staff. Fifty-two parking spaces will be provided onsite. Carpool parking, bicycle parking, and a shuttle service will be provided to reduce traffic impacts. Employees will be incentivized with monthly monetary benefits to minimize vehicle trips. The Facilities Manager will monitor the trip generation and alternative transportation use, including carpooling and shuttles, and will store and make available alternative transportation records every year. The hours of operation will be 6:00 am – 5:30 pm every day of the week. Ceres Farm, LLC has agreed to observe a set of Community Odor Guidelines that were developed through collaboration between Cannabis Association for Responsible Producers

(CARP Growers) and The Coalition for Responsible Cannabis (Coalition). These Guidelines are not part of the Project Description and not enforceable by the County, but reflect a collaborative effort to ensure that cannabis cultivation can be a sustainable element of Carpinteria's unique community, and are a foundation of the Coalition's decision to support this Project. The property is a 16.77-acre parcel zoned AG-I within the Carpinteria Agricultural Overlay, shown as APN 001-030-023 and addressed as 6030 Casitas Pass Road, Carpinteria, First Supervisorial District.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

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

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

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

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

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

5. **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**

6. **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.
7. **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.

8. **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.

9. **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 [remove if retail, i.e. delivery, storefront]
- 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:** Planning & Development Compliance Staff or designee shall conduct initial and regular compliance inspections as identified above in accordance with this condition, and as determined to be necessary.

- 10. 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.

- 11. 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.

- 12. 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.

- 13. 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.

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

**PLAN REQUIREMENTS:** The Odor Abatement system shall be graphically depicted on project plans and comply with Article II, Section 35-144U.C.6 as that section reads as of the date of project

approval. The depicted Odor Abatement system shall conform to the Odor Abatement Plan as reviewed and certified by a Professional Engineer or a Certified Industrial Hygienist.

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

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

- 15. 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. 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.

- 16. 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.j) 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 onsite) that all components of the approved Site Transportation Demand Management Plan are implemented.

- 17. 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.

- 18. 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: timed-drip irrigation, use of recycled water, and recirculated irrigation water.

**PLAN REQUIREMENTS:** Water conserving features must comply with the requirements of the Land Use Development Code (§ 35.42.075.D.1.j) or 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.

- 19. Greenhouse Blackout Curtains:** The owner/applicant/operator shall install 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.

- 20. Unpermitted Development Removal:** The Owner/Applicant shall demolish or remove the following existing unpermitted structures: an approximately 990 sq. ft. mobile home, an 822 sq. ft. addition to the pump house, and a 2,139 sq. ft. cooler structure. 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 mobile home, pump house addition, and cooler structure 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.

- 21. EM-02 Elapsed Time Meter:** The Owner shall install, operate and properly maintain a dedicated, non-resettable elapsed-time meter on the emergency generator engine. A written record detailing the hours of operation, corresponding meter readings from the hours meter, and reason for each operation, shall be maintained and submitted to the APCD upon request.

**TIMING:** The time meter and particulate filter shall be installed prior to Final Building Inspection Clearance.

- 22. Emergency Generator:** In the event of a power failure, a generator may be used on the site to provide backup power. A generator is allowed for emergency backup electrical purposes only and shall only be continuously operated during an event of interruption of standard electrical service as provided by the local electrical utility company to the subject parcel. For diesel generators, engines shall be certified to meet EPA Tier 4 Final emissions standards. Pursuant to the manufacturer's routine maintenance recommendations, the generator may be exercised on a monthly basis for a period not to exceed 30 minutes.

**Timing:** The exercise period shall be limited to the hours between 7:30 a.m. and 4:30 p.m., Monday–Friday only & shall not occur on State holidays (e.g., Thanksgiving, Labor Day, etc.). Non-emergency operation beyond 30 minutes per month shall be prohibited. Additionally, Air Pollution Control District (APCD) permits are required for emergency standby generator engines rated at 50 BHP (brake-horsepower) or greater unless the equipment qualifies for an exemption based on low usage.

**PLAN REQUIREMENTS:** The Permittee shall restate the provisions for compliance on all building plans.

**TIMING:** If required, Permittee shall obtain an APCD Permit to Operate (PTO) prior to engine operation. All necessary APCD permits, if required, shall be obtained prior to Final Building Inspection Clearance.

### **County Rules and Regulations**

- 23. 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

- 24. 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.

25. **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.
26. **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.
27. **Rules-09 Signs:** Signs. No signs of any type are approved with this action unless otherwise specified. All signs shall be permitted in compliance with the County Land Use and Development Code.
28. **Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changes to approved Coastal Development Plans plans. Substantial conformity shall be determined by the Director of P&D.
29. **Rules-22 Leased Facilities:** The Operator and Owner are responsible for complying with all conditions of approval contained in this Conditional Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
30. **Rules-23 Processing Fees Required:** Prior to issuance of Coastal Development Permit, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
31. **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 & irrigation have been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved landscape and irrigation, P&D may use the security to complete the work.
32. **Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:
  1. Carpinteria-Summerland Fire Protection District Letter, dated December 17, 2019.
33. **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.
34. **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.

- 35. 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.
- 36. 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.

#### Other

- 37. Odor Abatement Plan Revision:** Prior to issuance of the Coastal Development Permit, the Applicant shall submit an updated Odor Abatement Plan that incorporates the following language:

Given the research and development state of ventilated greenhouse scrubbers, the Applicant commits to utilizing internal greenhouse odor scrubbers/filters such as the Regenerative Carbon Scrubbing System (RCSS) or equivalent internal greenhouse scrubbers/filters as the means of primary odor control technology no later than twelve (12) months from project approval. Consequently, upon installation and testing of the internal scrubber/filtration system, the facility operator shall also reduce or eliminate the use of vapor-phase neutralizing systems to the maximum extent feasible based upon the ability to prevent fugitive odors from reaching residentially zoned receptors.

The deployment of the RCSS odor control technology, or equivalent internal scrubbing system, would require the grid-like distribution of the scrubbers throughout the interior of the cultivation greenhouse. The specific number of scrubbers will be determined by a Professional Engineer or Certified Industrial Hygienist, consistent with Article II Section 35-144U. Additionally, the ratio of scrubbers per acre will be highly variable based on facility specific design parameters including greenhouse volume, CFM rating for the scrubbers, baseline odor concentration, etc. Therefore, the Project specific design details will be based on final site specific engineering.

**PLAN REQUIREMENTS AND TIMING:** P&D shall approve the updated Odor Abatement Plan prior to issuance of Coastal Development Permit.

**MONITORING:** P&D compliance staff will inspect the Project site to confirm the odor control system is constructed pursuant to the requirements of this condition and the updated Odor Abatement Plan for the life of the permit.