



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: December 7, 2021
Placement: Departmental
Estimated Time: 1.5 hrs. on December 7, 2021
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Director, Planning and Development
Director: (805) 568-2086
Contact Info: Travis Seawards, Deputy Director, Development Review Division
(805) 568-2518
SUBJECT: **Claffey Appeal, Case No. 21APL-000000-00048, of the Planning Commission Approval of the Cresco California, Mixed-Light Cultivation and Processing Project, Case Nos. 21CUP-00000-00006, 21CDP-00000-00118, and 20RVP-00000-00058, First Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

Staff recommends that your Board take the following actions to deny the appeal and uphold the County Planning Commission's approval of the Project:

- a) Deny the appeal, Case No. 21APL-00000-00048;
- b) Make the required findings for approval of the Project, Case Nos. 21CUP-00000-00006, 21CDP-00000-00118, and 20RVP-00000-00058, as specified in Attachment 1, including CEQA findings;
- c) Determine that the previously certified Program EIR (17EIR-00000-00003) constitutes adequate environmental review and no subsequent Environmental Impact Report or Negative Declaration is required pursuant to CEQA Guidelines Sections 15162 and 15168 (c)(2) (Attachments 3 and 4); and

- d) Grant *de novo* approval of the Project, Case Nos. 21CUP-00000-00006, 21CDP-00000-00118, and 20RVP-00000-00058 subject to the conditions of approval (Attachment 2).

Summary Text:

On December 6, 2018, the Applicant, Cresco California, Inc., submitted an application for a cannabis operation consisting of 7.98 acres of mixed-light cannabis cultivation, nursery, and processing. Cannabis is currently being cultivated and processed onsite based on an affidavit of legal nonconforming use. On September 1, 2021, the Commission granted approval of the Proposed Project. On September 13, 2021, Maureen Claffey filed a timely appeal of the Commission's approval of the Proposed Project. The Proposed Project meets all Article II Coastal Zoning Ordinance requirements as they relate to cannabis activities.

A. Proposed Project

Since the County Planning Commission's (Commission) approval, the Applicant has proposed minor modifications to their Project description. In order to comply with Building Code and Flood Control regulations, the Applicant is required to provide more detailed, construction-level design specifications. As a result, the Proposed Project now includes an enlarged greenhouse addition to accommodate wider interior walkways, the grading amounts have been reduced, and additional retaining walls are added to better accommodate the expanded capacity of the existing storm water detention basins. The Proposed Project was also modified to include additional native riparian landscaping in the northern portion of the Proposed Project for enhanced riparian restoration. The changes to the Proposed Project were reviewed by the South Board of Architectural Review on November 5, 2021, and SBAR requested that the Proposed Project return for Preliminary and Final Approval. Finally, the Project description was also modified to reflect that the avocado trees (*Persea americana*) in the northern portion of the parcel have been removed. The modified Project description is provided below (deleted text shown in strikethrough font and new text shown in underlined font).

The Proposed Project is a request for a Coastal Development Permit, Minor Conditional Use Permit, and Revision to a Development Plan (Case No. 10DVP-00000-00010, approved on March 10, 2014) to allow for 7.98 acres of mixed-light cannabis cultivation, nursery, and processing. Mature mixed-light cultivation will take place in the existing 264,500-sq.-ft. greenhouse, and nursery mixed-light cultivation will take place in a new 17-ft.-tall, 61,840-sq.-ft. ~~58,396-sq.-ft.~~ addition to Greenhouse 1. The addition will include locker rooms, administrative offices, a walk-in cooler, and restrooms. Cultivation will utilize water conservation methods including timed drip, evaporative barriers, soil moisture monitors, recycled water, and rain capture. Harvests will take place continuously year round. Compost will be transported offsite by a licensed operator.

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

The Proposed Project will be equipped with the leading active odor neutralizing technology(s) currently available to prevent cannabis nuisance odors from drifting offsite and impacting protected receptors (i.e., residential zoning). These odor control systems are described in detail within the Proposed Project's

certified Odor Abatement Plan. Changes to the Odor Abatement Plan will be processed in coordination with the County and may require changes to this permit or a new permit depending on the nature and scope of the changes.

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

Grading for the Proposed Project will consist of expansion of the existing storm water detention basins as well as site leveling in the parking and structural development areas. Total grading for the Proposed Project will require ~~6,030~~ 9,220-cubic yards (CY) of cut, ~~3,950~~ 4,430-CY of fill, and ~~2,080~~ 5,490-CY of export. There will be 700 linear ft. of retaining walls ranging from 1-ft.-tall to 13-ft.-tall associated with the storm water detention basins. As part of the Proposed Project, 12 existing, as-built pre-fabricated storage containers will be removed from the subject parcel. The Proposed Project includes new landscaping planted around the processing building and parking area. As part of the Proposed Project, the landscaping plan includes maintenance of recently planted landscaping located offsite on the adjacent parcel to the east (APN 005-310-021) to provide additional screening from Foothill Road.

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

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

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

B. Background:

The subject parcel is currently developed with one existing 264,500-sq.-ft. greenhouse (Greenhouse 1) and three 40,700-sq.-ft. greenhouses (Greenhouses 2, 3, and 4). On March 10, 2014, the County Board of Supervisors approved the existing greenhouses under a Rezone, Development Plan, and Coastal Development Permit (Case Nos. 11RZN-00000-00001, 10DVP-00000-00010, and 11CDP-00000-00009, respectively). The Rezone removed the view corridor designation from the subject parcel, thereby allowing for over 25% of the lot area to be developed with greenhouses. The Development Plan and Coastal Development Permit included approval of the 264,500-sq.-ft. as-built greenhouse (Greenhouse 1).

Building Permits were obtained for Greenhouses 2, 3, and 4, and they are currently being used for cannabis cultivation. However, a Building Permit application for Greenhouse 1 was never submitted to the Building and Safety Division (Building and Safety). Greenhouse 1 is currently vacant and will not be allowed to be used for cultivating any crops until proper Building Permits are issued.

On December 6, 2018, the Applicant submitted an application to Planning and Development to authorize the conversion of the onsite greenhouses from cut flower cultivation to cannabis cultivation. On July 29, 2020, the Applicant submitted a revised application to expand the property's storm water management system to fulfill Public Works Flood Control District (Flood Control) and Building and Safety requirements for Greenhouse 1. On January 21, 2021, the Applicant further revised the Proposed Project to include the new processing building and new addition to Greenhouse 1. Staff reviewed the Proposed Project for compliance with the applicable policies of the County Comprehensive Plan and development standards set forth in Section 35.144U (Cannabis Regulations) of the Article II Coastal Zoning Ordinance.

On September 1, 2021, the Commission granted approval of the Proposed Project. On September 13, 2021, Maureen Claffey filed a timely appeal of the Commission's approval of the Proposed Project. The Board of Supervisor's Appeal Application is included as Attachment 5. The Appellant's appeal issues and staff's responses are discussed in further detail under Section C of this Board Agenda Letter. On October 15, 2021, the Applicant voluntarily submitted a Habitat Protection Plan as discussed in further detail under staff's response to Appeal Issue No. 1.A.

C. Appeal Issues and Staff Responses

The Appeal application (Attachment 4) contains a letter outlining the issues on appeal. The Appellant alleges that substantial evidence in the record does not support the findings for approval of the Proposed Project, because the Proposed Project does not comply with the Coastal Land Use Plan, including the Toro Canyon Plan and Coastal Zoning Ordinance. Staff reviewed the appeal issues and found they are without merit. The appeal issues and staff's responses are discussed in detail below.

Appeal Issue No. 1: Findings Are Not Supported by Substantial Evidence

The Appellant alleges that the Proposed Project does not comply with the Coastal Land Use Plan, including the Toro Canyon Plan or Coastal Zoning Ordinance. The Appellant identifies two specific sub-issues related to the Proposed Project's alleged non-compliance with the Coastal Land Use Plan, including: the Proposed Project is located in the Environmentally Sensitive Habitat (ESH) buffer and will impact ESH, and the Odor Management Plan will not prevent odors in residential areas and does not include the best available technology.

1.A ESH Buffer and ESH Impacts

The Appellant argues that there is insufficient evidence to support a finding that the Proposed Project will not impact ESH, and that the Applicant must prepare a Habitat Protection Plan. Specifically, the Appellant argues that the Proposed Project will or may already have impacts to ESH because 1) the avocado orchard located in the ESH buffer area was removed without studying or mitigating ESH impacts, 2) the Odor Management Plan includes a vapor phase system that may impact sensitive species, and 3) the detention basins will overflow into Arroyo Paredon resulting in discharge of pollutants.

Staff Response:

Substantial evidence in the record supports the findings for approval of the Proposed Project (Attachment 1 to this Board Agenda Letter), including that the Proposed Project complies with the Coastal Land Use Plan, including the Toro Canyon Plan and Coastal Zoning Ordinance. Because substantial evidence shows that the Proposed Project does not involve impacts to ESH, a Habitat Protection Plan is not required. Regardless, the Applicant voluntarily prepared a Habitat Protection Plan, which further supports the findings for approval.

A Biological Resources Assessment (BRA) was conducted by the Sage Institute on July 6, 2021, and peer-reviewed by the County's consultant. The BRA was updated on October 8, 2021, (Attachment 10) to incorporate the modified Project scope consisting of a larger greenhouse addition, reduced grading quantities, additional retaining walls, and additional native riparian landscaping. The BRA meets the requirements of the Article II Coastal Zoning Ordinance and is consistent with the mitigation measures set forth in the Cannabis Program PEIR.

The northern portion of the parcel is within the 100-ft. ESH buffer of Arroyo Paredon, however, as demonstrated by the BRA, the Proposed Project will not impact ESH. According to the BRA, there is no ESH in the buffer area, because it has historically been planted with an avocado orchard. In addition, an existing paved road and 7-ft.-tall fence separates Arroyo Paredon from the rest of the parcel and the 100-ft. ESH buffer area. The Proposed Project includes restoration of ESH in the buffer area. An existing unpaved parking area will be abandoned and native vegetation will be planted to restore and enhance the buffer area. All restoration in the ESH buffer will also take place outside of the nesting season.

As confirmed by the BRA, the Proposed Project does not include the removal of native vegetation, including the pruning or removal of native trees. The BRA analyzed removal of the avocado orchard, and no impacts to ESH were identified. Further, there is no native habitat or vegetation within the ESH buffer area, and as designed and conditioned, the Proposed Project will not result in any detrimental impacts to ESH. Approximately 600 sq. ft. of the northwest corner of Greenhouse 1 and the existing 16-ft.-wide road that runs along the northern edge of Greenhouse 1 encroach within the ESH buffer, however, Greenhouse 1 and the existing road were approved in this location in 2014 by the Board of Supervisors as part of 10DVP-00000-00010 and will not have any impacts to ESH.

Because the Proposed Project does not involve impacts to ESH, a Habitat Protection Plan is not required pursuant to Appendix G of Article II. Regardless, following the filing of this Appeal, the Applicant voluntarily prepared a Habitat Protection Plan (Attachment 13). The Proposed Project also includes implementation of a Wildlife Movement Plan (Attachment 11) and Tree Protection Plan (Attachment 12). The plans were developed by the Sage Institute and include avoidance and minimization measures such as tree protection for the single oak tree (*Quercus agrifolia*) located in the ESH buffer, education trainings for employees, pre-construction surveys, construction monitoring, landscape restoration, and detention

basin maintenance. The measures are further subject to monitoring and enforcement by Permit Compliance staff for the life of the Project in accordance with Condition Nos. 26, 27, and 28 (Attachment B).

Vapor-phase neutralizer solutions will not impact ESH or sensitive species as part of the Proposed Project. According to the Odor and Volatile Compound Sampling Study prepared by SCS Engineers dated August 9, 2021 (Study), included as Attachment 21, there is no significant emissions from the vapor phase that could constitute a health hazard or air quality pollutant. The Study states that there is no evidence that the Ecosorb vapor is capable of producing hazardous levels of VOCs. According to the Screening Health Assessment of Odor Control at Cannabis Greenhouses prepared by CPF Associates dated January 8, 2020, included as Attachment 23, the use of Ecosorb in a cannabis greenhouse in Santa Barbara County would not be expected to pose public health concerns and would be below available health-protective acute and chronic inhalation criteria¹. Further, according to the Screening Health Assessment of Byers' Waterless Vapor Phase Odor Control Technology prepared by CPF Associates on October 4, 2016, included as Attachment 24, operation of Ecosorb in a Byers-defined application scenario would not pose public health concerns and possible worst-case air concentrations calculated in the immediate vicinity of the distribution pipe were well below available health-protective inhalation criteria². The appellant has not provided evidence to support the claim that the vapor phase neutralizing solutions will have impacts on ESH or sensitive species.

Furthermore, the existing cannabis operation's use of a vapor-phase odor control system is proposed to be replaced as part of the Proposed Project. The proposed Odor Management Plan (Attachment 7) includes the use of internal greenhouse odor scrubbers/filters such as regenerative carbon scrubbing system (RCSS) or equivalent internal greenhouse scrubbers/filters as the means of primary odor control technology. If the RCSS is sufficient to prevent offsite odor observations, the Applicant will permanently decommission the vapor-phase system. If offsite odor observations occur with RCSS, the Applicant will use RCSS and vapor-phase in combination with an emphasis on the RCSS as the primary odor mitigation system and minimization of vapor-phase neutralizer. According to the Odor Management Plan, if the vapor-phase system remains onsite, efforts will be made to utilize the minimum daily-volume release of neutralizer needed to achieve effective odor control. The Proposed Project meets all odor control requirements of the Article II Coastal Zoning Ordinance.

The cannabis operation and detention basins will not degrade Arroyo Paredon. The onsite detention basins will be expanded as part of the Proposed Project in order to increase the storm water capacity to accommodate storm water run-off from the existing and proposed onsite development for significant storm events. The detention basin design and calculations were reviewed by Flood Control and are consistent with the Flood Plain Management Ordinance, and the Proposed Project is required to adhere to Flood Control's condition letter (Attachment B, Condition No. 47). In the event that rainfall exceeds basin capacity, run-off will be directed to an existing overflow drainage outlet located in the southwest corner of the subject parcel. Runoff will not be directed to Arroyo Paredon.

¹ Available criteria sources included: The US Environmental Protection Agency's (USEPA) Risk-Based Screening Levels (RSLs), USEPA's Acute Exposure Guideline Levels (AEGs), the American Industrial Hygiene Association's Emergency Response Planning Guidelines (ERPGs), Temporary Emergency Exposure Limits (TEELs) developed by the DOE Office of Emergency Management, California Environmental Protection Agency (CALEPA) Reference Exposure Levels (RELs), the US National Library of Medicine PubChem databases, European Union and European Food Safety Authority assessments on food additives, Safety Assessments prepared by Cosmetic Ingredient Review Expert Panels, and Japan Food Safety Commission reports on food additives.

² Ibid.

According to the Water Conservation Plan (Attachment 16), required per Condition No. 26 of Attachment 2, the Proposed Project will conserve water used for irrigation and will reduce agricultural runoff. Furthermore, because the growing areas will be within the greenhouse and greenhouse addition, water used for irrigation will not be discharged into or alongside Arroyo Paredon. Pursuant to the Water Quality Management Plan (Attachment 17) and Condition Nos. 7, 9, 10, and 11 of Attachment 2, which require designated construction storage and washout areas as well as best practices for erosion control, degradation of the water quality of groundwater basins and nearby streams shall not result from development of the site.

Lastly, the State Water Board, California Department of Fish and Wildlife, and U.S. Fish and Wildlife Service reviewed the Proposed Project and have no comments or conditions.

1.B Odor Management Plan Will Not Prevent Odors to Residential Areas

The Appellant argues that the required Odor Management Plan does not comply with the Coastal Zoning Ordinance because it utilizes an odor masking system, it will not prevent odors from being experienced within residential zones, and it is not consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.

Staff Response:

The Odor Management Plan (Attachment 7), which is certified by a Certified Industrial Hygienist, does not utilize an odor masking system, and it proposes the use of the best commercially-available technology to prevent odors from being experienced in residential zones. As such, it complies with the Coastal Zoning Ordinance..

The proposed Odor Management Plan, which is certified by a Certified Industrial Hygienist, explains that the primary odor-emitting activities that will occur onsite include indoor mature plant cultivation in Greenhouse 1 and processing in the new processing building. Cannabis will be harvested from Greenhouse 1 and then weighed, frozen, dried, cured, and packaged in the processing building. There is an existing vapor-phase odor control system installed on site. According to the Odor and Volatile Organic Compound Sampling Study (Study) dated August 9, 2021 (Attachment 21), the Ecosorb solution used in the vapor-phase odor control system is odor neutralizing and not odor “masking”. As part of the Study, air samples were collected from the property as well as along the eastern property line of the adjacent parcel to the east, which is under common ownership as the subject property. Those samples were evaluated for health risks by a third party. This Study would have indicated a consistent odor character of soap, citrus, pine, or some other scent if there was a masking agent. However, no consistent odor character of soap, citrus, pine, or other scent was detected, and there were no indications by the impartial third party of any masking agent incorporated into Ecosorb. The Study and its supporting data show that there is no new artificial masking scent being emitted by the existing vapor phase odor control system.

Additionally, the two Health Assessments discussed under staff’s response to Appeal Issue 1.A and included Attachments 23 and 24 found that the use of Ecosorb in a greenhouse scenario would not have any public health concerns and would be below any health-protective inhalation criteria. The criteria referenced in the Health Assessments include the US Environmental Protection Agency (USEPA) Acute Exposure Guidelines Levels and Risk-Based Screening Levels, among other national and international health-based sources and criteria.

The proposed Odor Management Plan includes the use of internal greenhouse odor scrubbers/filters such as the regenerative carbon scrubbing system (RCSS) greenhouse scrubbing technology or equivalent internal greenhouse scrubbers/filters as the primary odor control technology. While RCSS technology is currently available, it is not yet mass-produced at the scale required for the Proposed Project, and so the Odor Management Plan states that the RCSS will be implemented as soon as commercially available and no later than 12 months after the commencement of full-scale cultivation of cannabis onsite. According to the Odor Management Plan, the RCSS is intended to reduce odors within greenhouses prior to the fresh air exchange which occurs when greenhouses are deliberately roof-vented, during opening and closing of access doors, or when fugitive air emissions occur if the greenhouse roof vents are closed with black-out curtains drawn. According to the Odor Management Plan, the efficacy of traditional carbon scrubbers in greenhouses can be reduced by moisture-laden air, causing the carbon bed to become saturated in a matter of days or weeks. In contrast, the RCSS does not utilize the carbon bed as the primary means for odor molecule elimination. Instead the RCSS actively treats the odiferous chemicals within the filters using titanium oxide impregnated carbon and ultra-violet light. Additionally, the RCSS pre-filters prevent ultra-fine and larger diameter particulate matter from reaching and compromising the scrubbing media. Further details on the efficacy of the RCSS are included in the Odor Management Plan (Attachment 7).

SCS Engineers conducted pilot testing of RCSS greenhouse scrubbing technology and completed site-specific air dispersion modeling to confirm the likely effectiveness of internal greenhouse scrubbing systems, demonstrating that RCSS is a best available control technology. The deployment of the RCSS odor control technology or equivalent internal scrubbing system for the Proposed Project will require grid-like distribution of the scrubbers/filters throughout the interior of the cultivation greenhouse with approximately 36 units. The ratio of scrubbers/filters per acre will be based on factors including greenhouse volume and cubic feet per minute rating for the scrubbers/filters.

Carbon scrubbers will be located throughout the processing building, and HVAC exhaust ducts to the outside will be controlled with industrial grade carbon odor absorbers. The processing building will be constructed with vapor barriers and opening seals that will limit air and odor exfiltration at the exterior building envelope. Additionally, the air handling system in the processing building will maintain a slight negative pressure differential between the inside and outside air in order to control odor exfiltration.

The Odor Management Plan must prevent odors from being experienced within residential zones. The La Mirada Existing Development Rural Neighborhood (EDRN) and Ocean Oaks EDRN are comprised of residentially zoned parcels (E-1 Zone District) and are located on the other side of Foothill Road (State Route 192) from the Proposed Project. The EDRN property lines are approximately 575 ft. and 350 ft. from the subject parcel, respectively.

Upon installation and testing of the internal scrubber/filtration system in Greenhouse 1 and the new greenhouse addition, the Applicant will reduce or eliminate the use of the existing vapor-phase neutralizing systems to the maximum extent feasible based upon the ability to prevent fugitive odors from reaching residentially zoned receptors. If offsite odor observations occur, the Applicant will reactivate the vapor-phase system temporarily while RCSS improvements are completed. As described under staff's response to Appeal Issue 1.A, the Applicant will decommission the vapor-phase system if the RCSS is sufficient to prevent offsite odor observations. If offsite odor observations occur and no further RCSS performance improvements are viable, the Applicant will use the RCSS and vapor-phase in combination with an emphasis on the RCSS as the primary odor mitigation system and minimization of vapor-phase neutralizer.

If odor from the Proposed Project is experienced in residential zones with the use of RCSS and vapor-phase in combination, the Applicant will be required to conduct a new odor control best-available control technology analysis to examine alternative odor mitigation technologies in compliance with the Coastal Zoning Ordinance.

As part of the Odor Management Plan, the Applicant will manage a Community Outreach List as a way to provide information about the operation to interested parties. The Odor Management Plan outlines best management practices for greenhouse and processing operations that are designed to reduce odor, including employee trainings and designation of an Odor Management Specialist. The odor abatement system is subject to monitoring and enforcement by Permit Compliance staff for the life of the Project in accordance with Condition No. 22 (Attachment 2).

D. Conclusion:

For the reasons discussed above, staff finds that the appeal issues raised are without merit. Planning and Development staff recommends that the Board deny the appeal and approve the Project *de novo* based on the findings provided as Attachment 1.

Fiscal and Facilities Impacts:

Budgeted: Yes

Total costs for processing the appeal are approximately \$19,000 (75 hours of staff time). There is no appeal fee collected for developments subject to the appeals jurisdiction to the Coastal Commission under Section 35-182.6. The costs for processing cannabis project appeals that are appealable to the Coastal Commission are completely offset by cannabis tax revenues. Funding for this project is budgeted in the Planning and Development Department's Permitting Budget Program on page D-301 of the County of Santa Barbara Fiscal Year (FY) 2021-22 adopted budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on December 7, 2021. The notice shall appear in the Santa Barbara News Press. The Clerk of the Board shall also fulfill mailed noticing requirements. The Clerk of the Board shall forward a minute order of the hearing to the attention of Gwen Beyeler and return one printed copy of the Cannabis Program PEIR to the Planning and Development Department Hearing Support.

Attachments:

1. Findings
2. Conditions of Approval with Departmental Condition Letters
3. CEQA Checklist dated October 26, 2021
4. Link to Program EIR
5. Appeal Letter dated September 13, 2021
6. Project Plans dated October 1, 2021
7. Odor Management Plan dated October 8, 2021
8. Planning Commission Staff Report dated August 11, 2021 and associated Attachments

9. Planning Commission Memorandum dated September 1, 2021 and associated Attachments
10. Biological Resources Assessment dated October 8, 2021
11. Tree Protection Plan dated October 8, 2021
12. Wildlife Movement Plan dated October 8, 2021
13. Habitat Protection Plan dated October 15, 2021
14. Noise Control Plan dated October 8, 2021
15. Site Transportation Demand Management Plan dated October 11, 2021
16. Water Conservation Plan, dated October 2021
17. Water Quality Management Plan dated October 2021
18. Carpinteria Valley Water District Can and Will Serve Letter
19. South Board of Architectural Review (SBAR) Minutes
20. Central Coast Regional Water Quality Control Board Notice of Applicability, dated August 31, 2018
21. Odor and Volatile Organic Compound Sampling Study dated August 9, 2021
22. County Counsel Memorandum, Facilitation Report, dated November 19, 2021
23. Screening Health Assessment of Odor Control at Cannabis Greenhouses, dated January 8, 2020
24. Screening Health Assessment of Byers' Waterless Vapor Phase Odor Control Technology, dated October 4, 2016

Authored by:

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Development Review Division, Planning and Development Department