#### CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST DISTRICT OFFICE 89 SOUTH CALIFORNIA STREET, SUITE 200 VENTURA, CA 93001-2801 VOICE (805) 585-1800 FAX (805) 641-1732



## A-4-STB-22-0028 (Van Wingerden)

## **FEBRUARY 8, 2023**

## **EXHIBITS**

- Exhibit 1 Vicinity Map
- Exhibit 2 Aerial View
- Exhibit 3 Project Plans
- Exhibit 4 Final Local Action Notice for County CDP No. 19CDP-00000-00027
- Exhibit 5 Appeal by Jill Stassinos

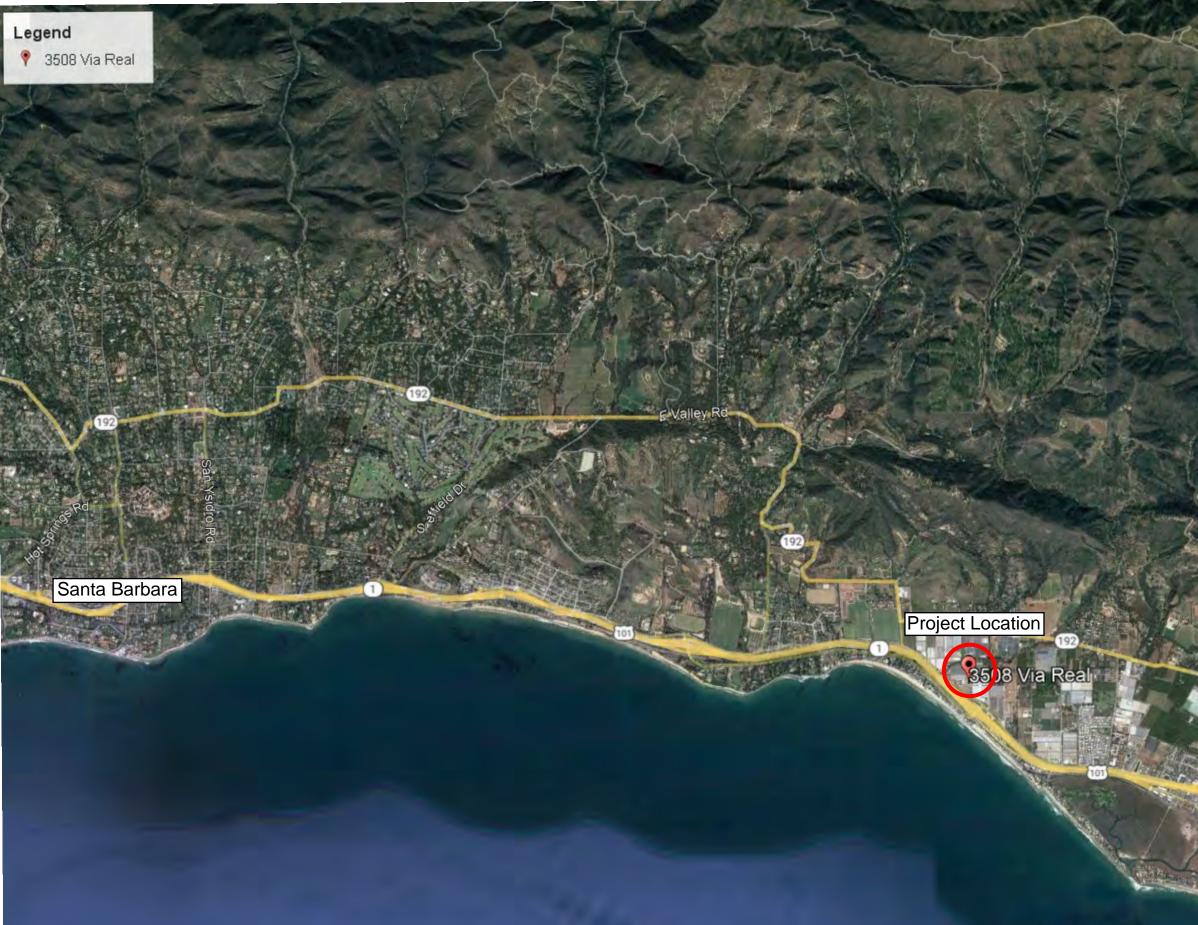


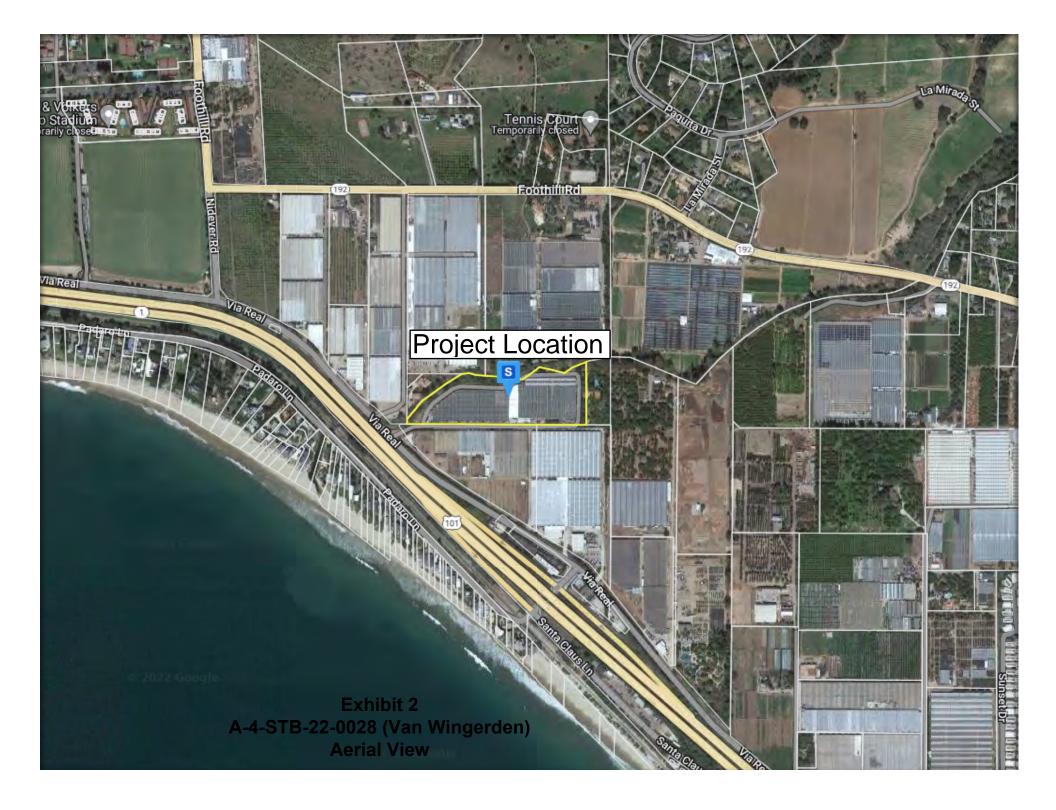
Exhibit 1 A-4-STB-22-0028 (Van Wingerden) Vicinity Map

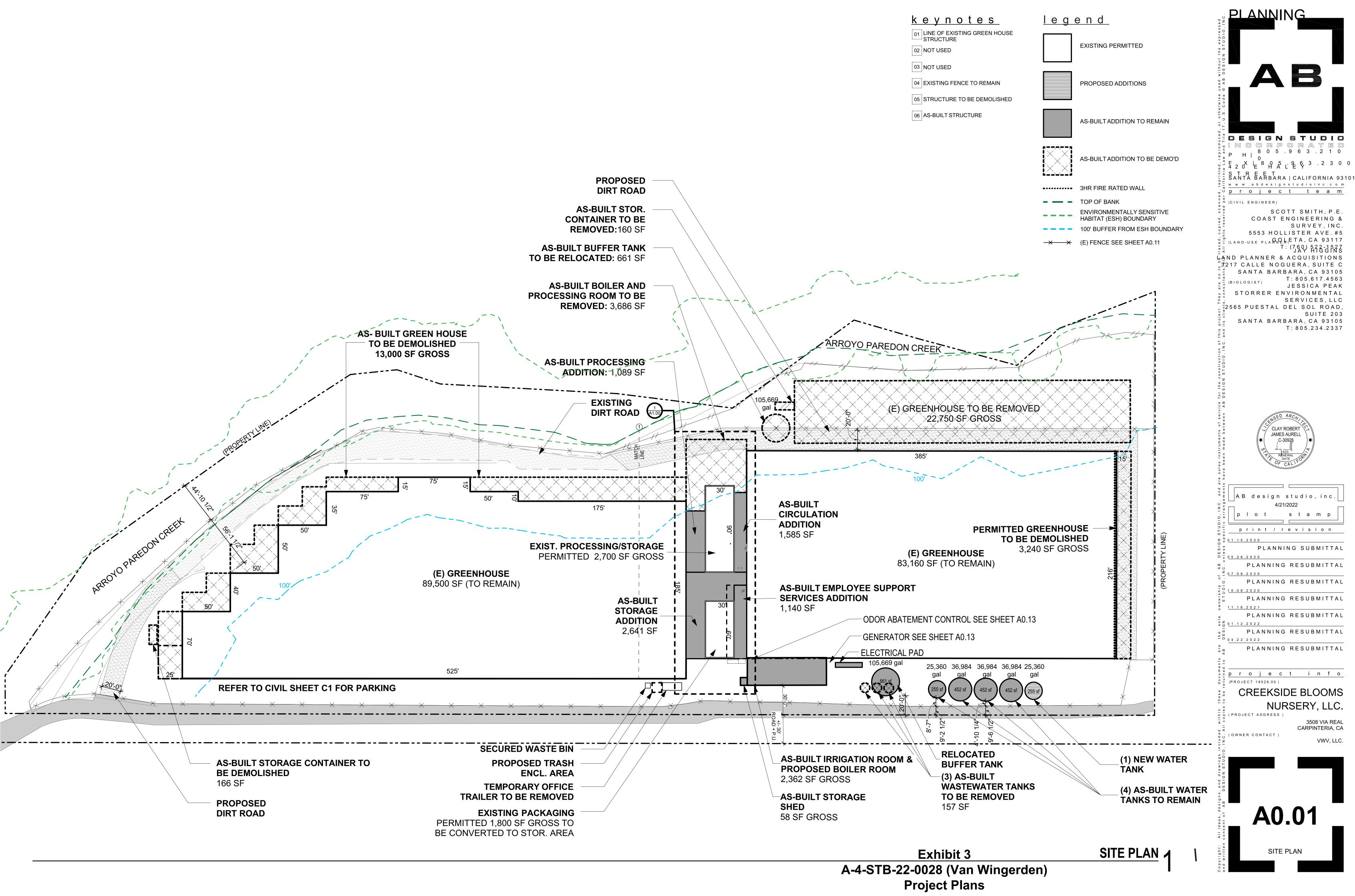
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Data CSUMB SFML, CA OPC Data SIO, NOAA, U.S. Navy, NGA, GEBCO





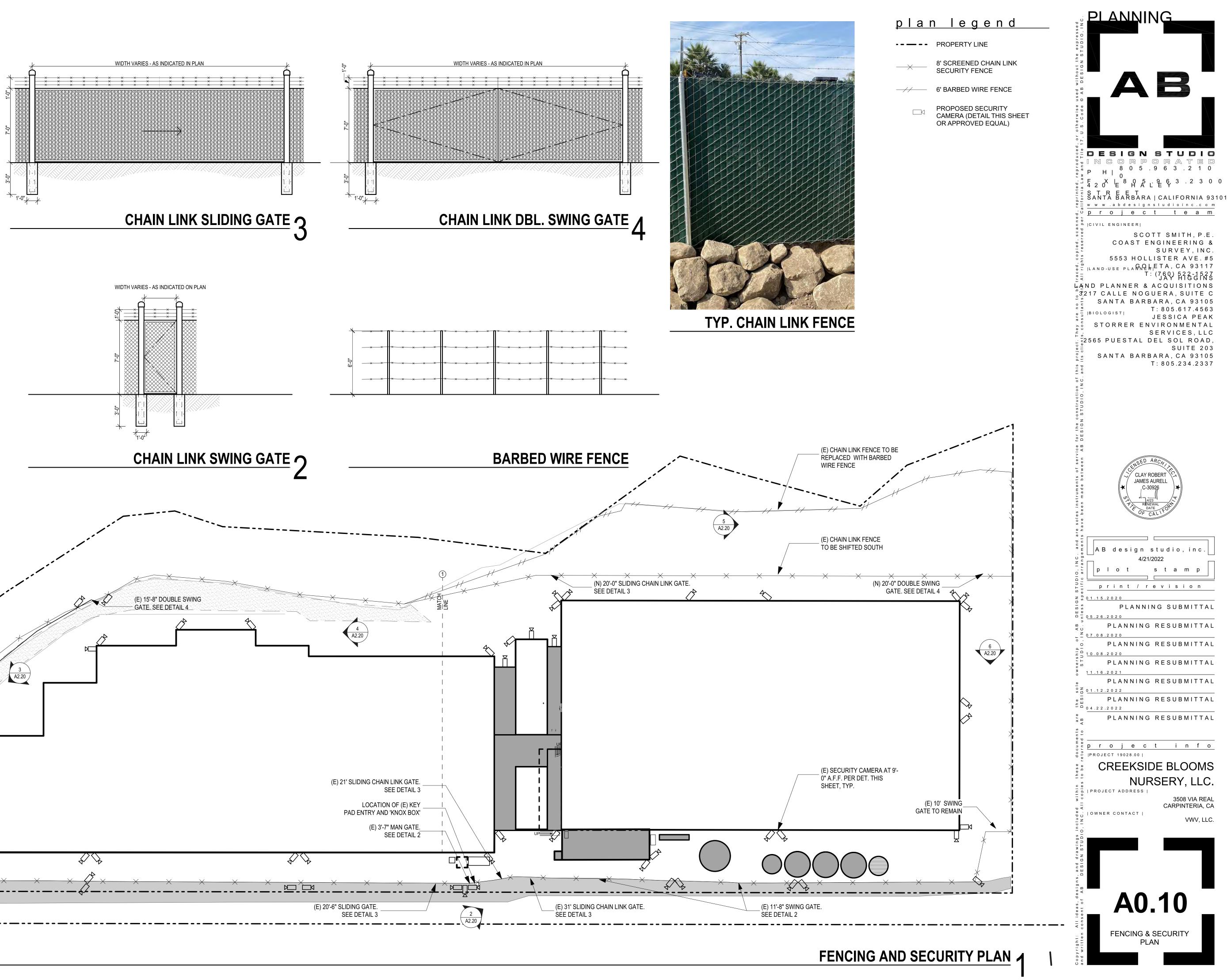


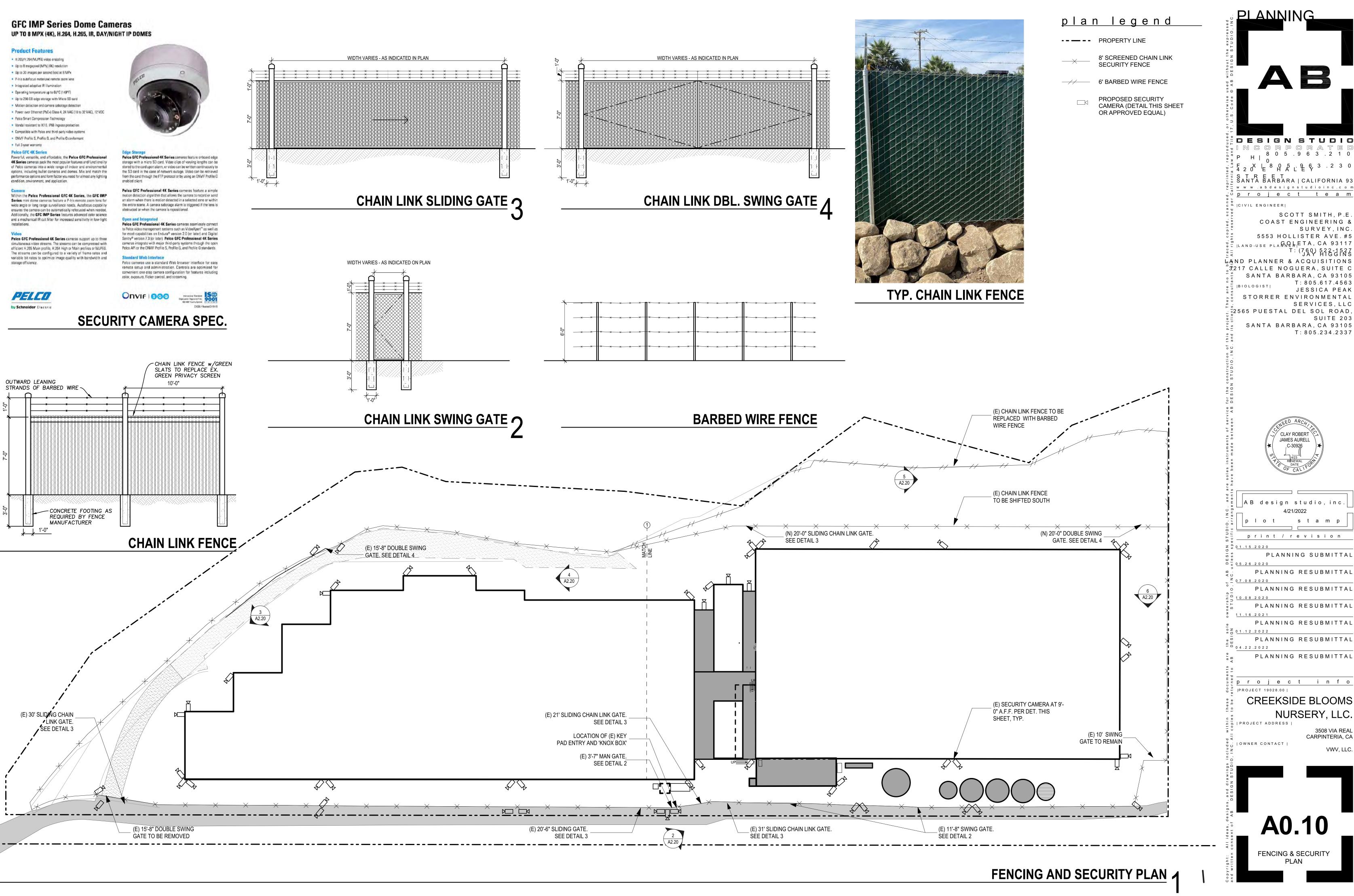
## **Product Features**

installations.

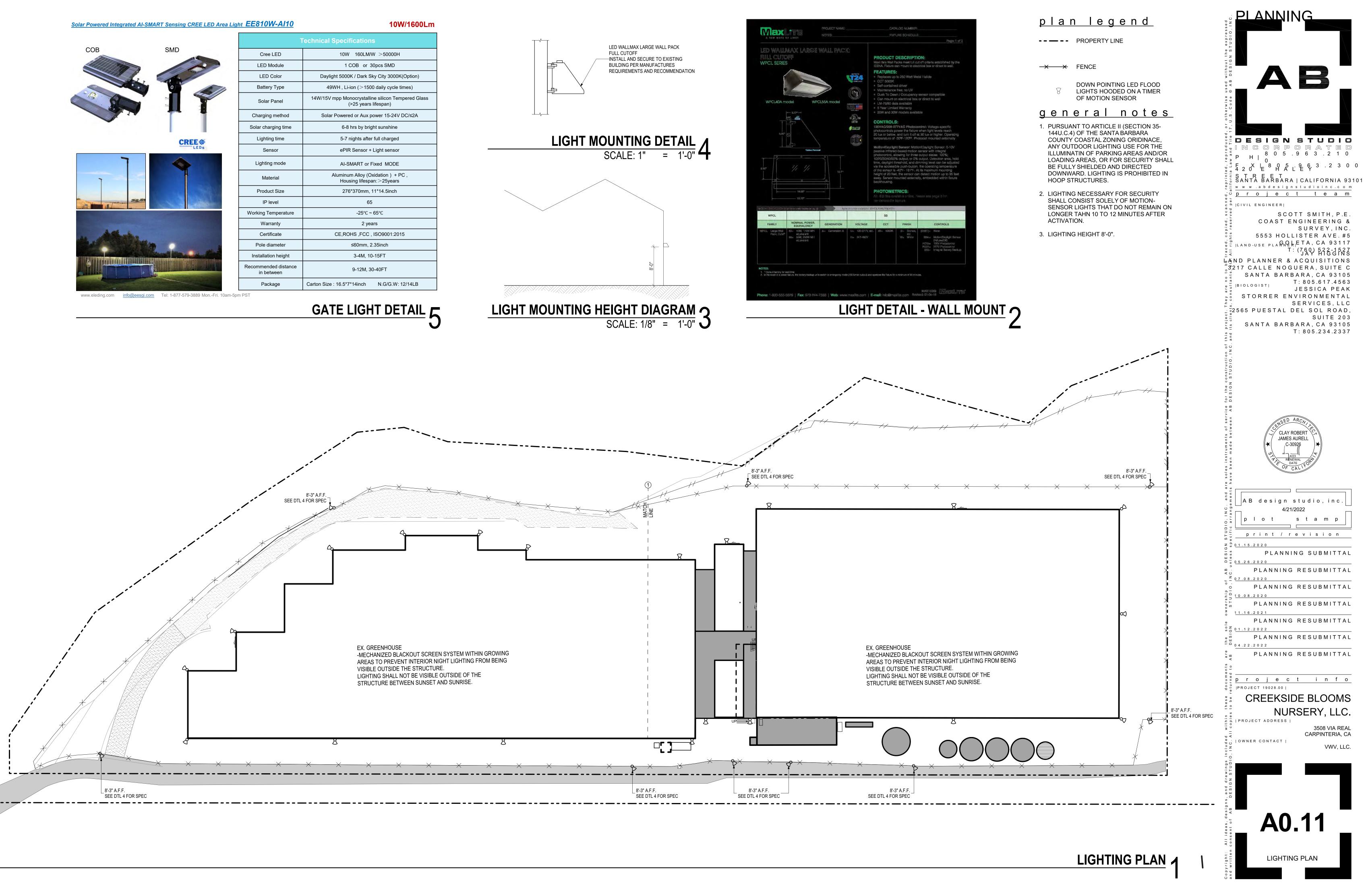
the entire scene. A camera sabotage alarm is triggered if the lens is obstructed or when the camera is repositioned.

to Pelco video management systems such as VideoXpert<sup>®</sup> as well as or most capabilities on Endura® version 2.0 (or later) and Digital cameras integrate with major third-party systems through the open





	Technical Specifications					
COB SMD	Cree LED	10W 160LM/W >50000H				
	LED Module	1 COB or 30pcs SMD				
	LED Color	Daylight 5000K / Dark Sky City 3000K(Option)				
	Battery Type	49WH , Li-ion (>1500 daily cycle times)				
	Solar Panel	14W/15V mpp Monocrystalline silicon Tempered Glass (>25 years lifespan)				
	Charging method	Solar Powered or Aux power 15-24V DC/≤2A				
	Solar charging time	6-8 hrs by bright sunshine				
CREE	Lighting time	5-7 nights after full charged				
LEDS	Sensor	ePIR Sensor + Light sensor				
7	Lighting mode	AI-SMART or Fixed MODE				
	Material	Aluminum Alloy (Oxidation) + PC , Housing lifespan:>25years				
	Product Size	276*370mm, 11*14.5inch				
	IP level	65				
	Working Temperature	-25°C ~ 65°C				
	Warranty	2 years				
An Alleria	Certificate	CE,ROHS ,FCC , ISO9001:2015				
	Pole diameter	≤60mm, 2.35inch				
	Installation height	3-4M, 10-15FT				
	Recommended distance in between	9-12M, 30-40FT				
	Package	Carton Size : 16.5*7*14inch N.G/G.W: 12/14LB				
www.eleding.com info@eesgi.com Tel: 1-877-579-3889 MonFri. 10am-5pn	n PST					

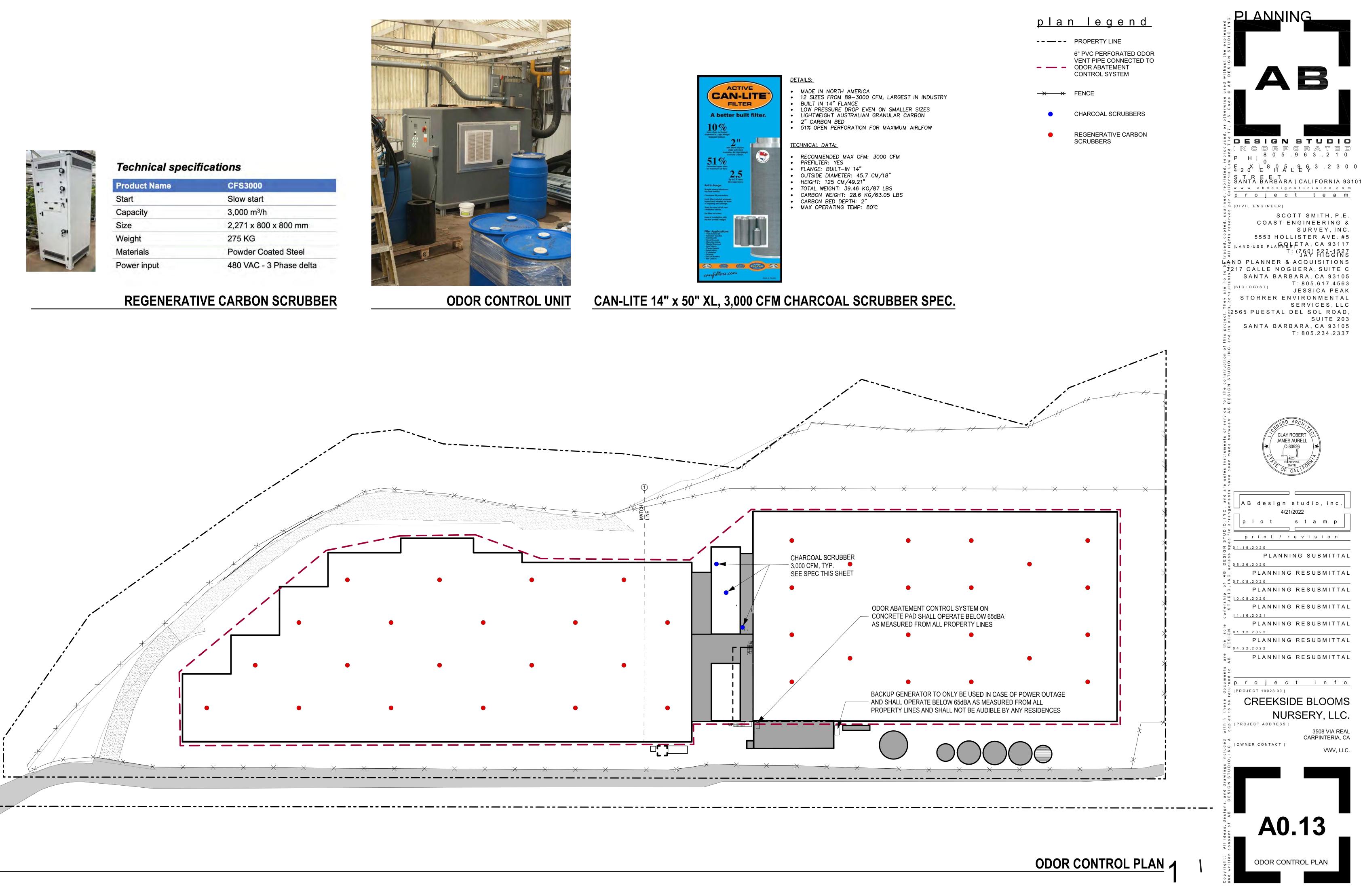






Slow start		
3,000 m <sup>3</sup> /h		
2,271 x 800 x 800 mm		
275 KG		
Powder Coated Steel		
480 VAC - 3 Phase delta		







Beyers Scientific Odor Control:

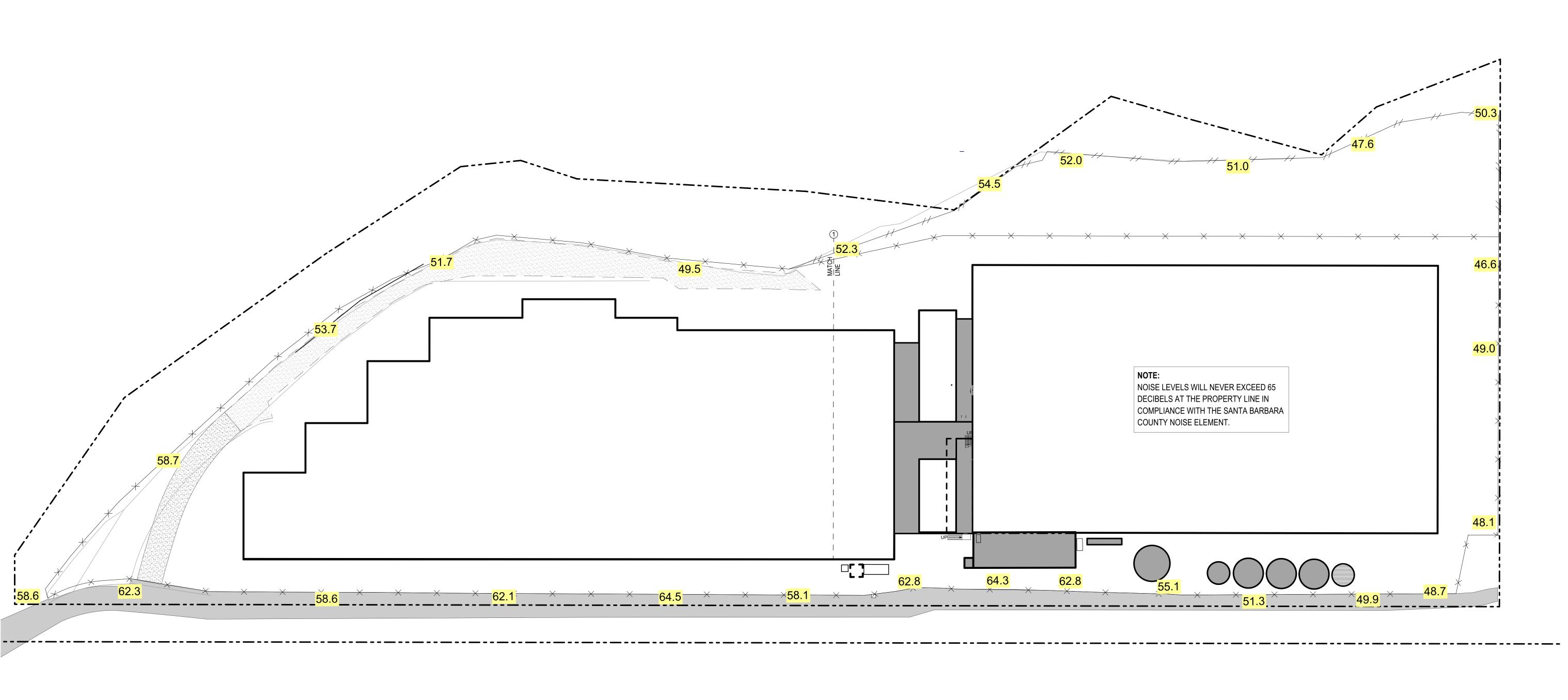


Emergency Generator:







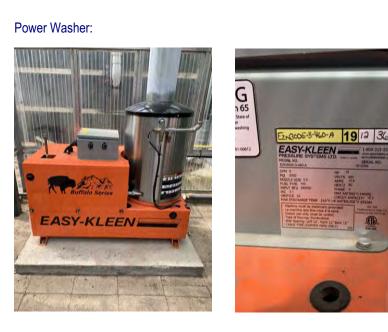


Cooler Condensers:









## Creekside Blooms Noise Plan

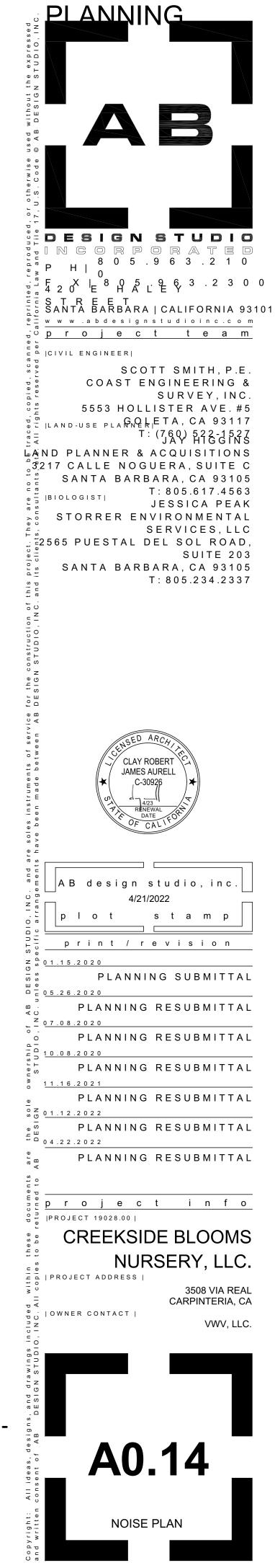
Creekside Blooms operates at 3508 Via Real, all in existing structures where noise levels never exceed 65 decibels at the property line in compliance with the Santa Barbara County Noise Element. Creekside Blooms utilizes 33 small fans per acre of cannabis cultivation to promote air circulation throughout the greenhouse. There is a Byers Scientific odor control machine, a boiler, an emergency backup generator, a power washer and three cooler condensers on the parcel. A noise survey was conducted along the perimeter of the parcel, combined decibel level for all noise sources never exceed 65 dBA.

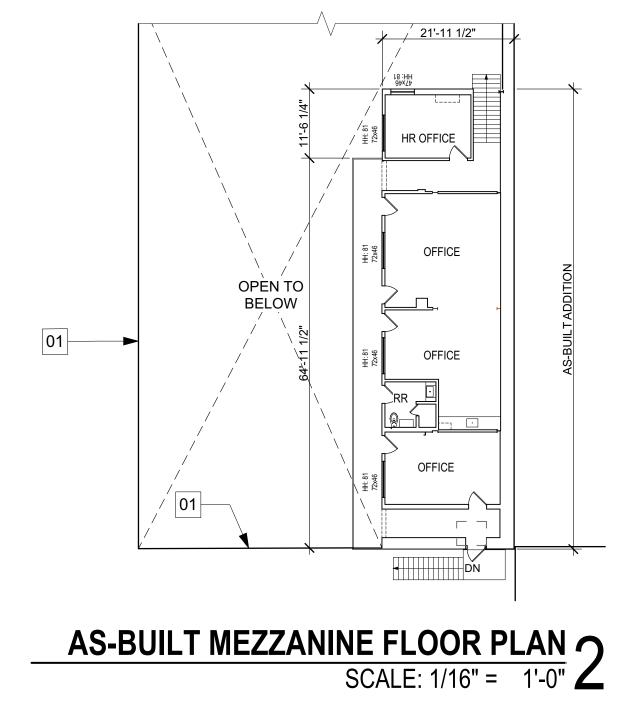
Below are images of all the noise making equipment on the property.



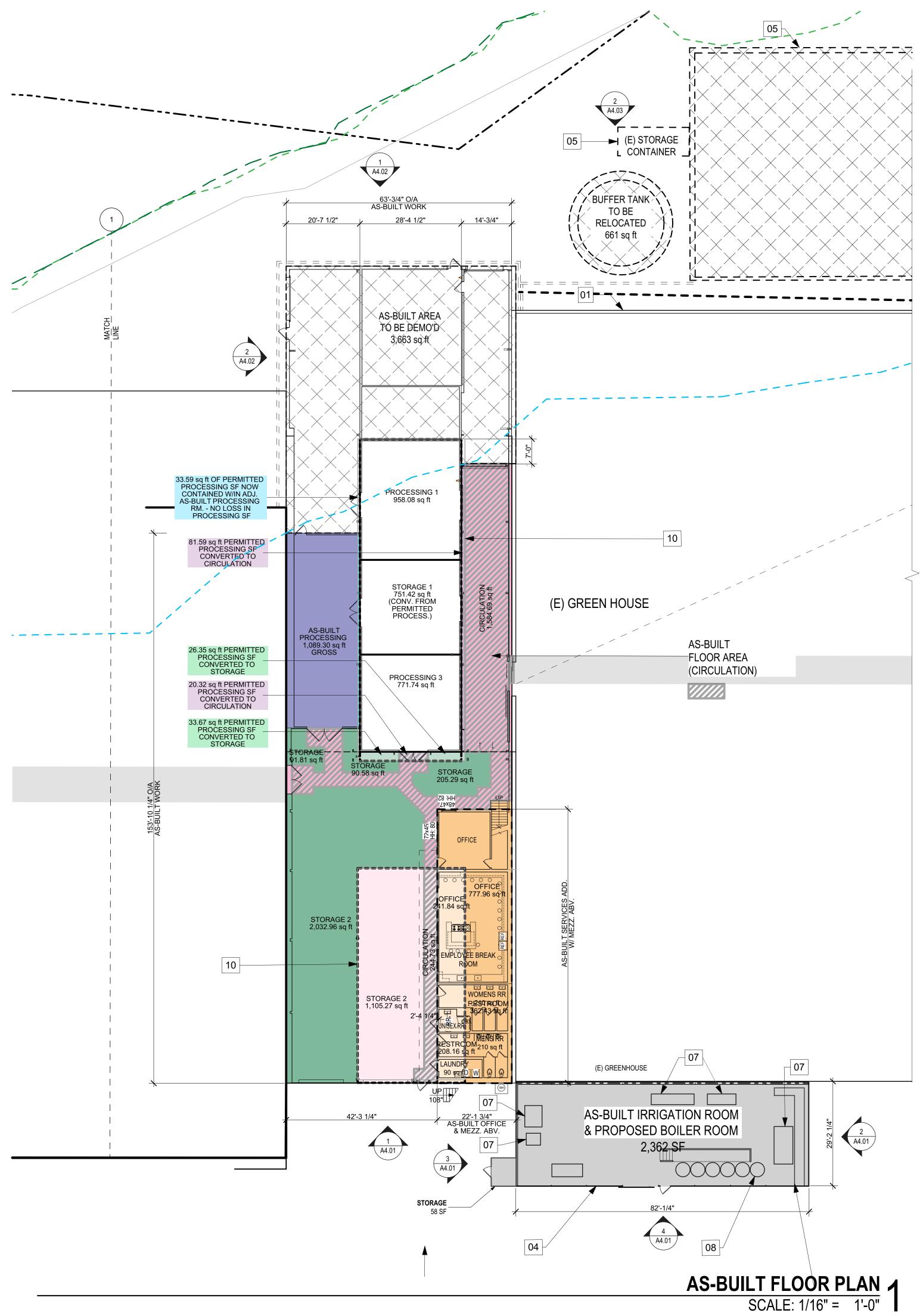


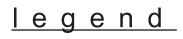
NOISE PLAN





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EXISTING PERMITTED



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PROPOSED ADDITIONS

AS-BUILT ADDITION TO REMAIN

AS-BUILT ADDITION TO BE DEMO'D

••••••••••• 3HR FIRE RATED WALL

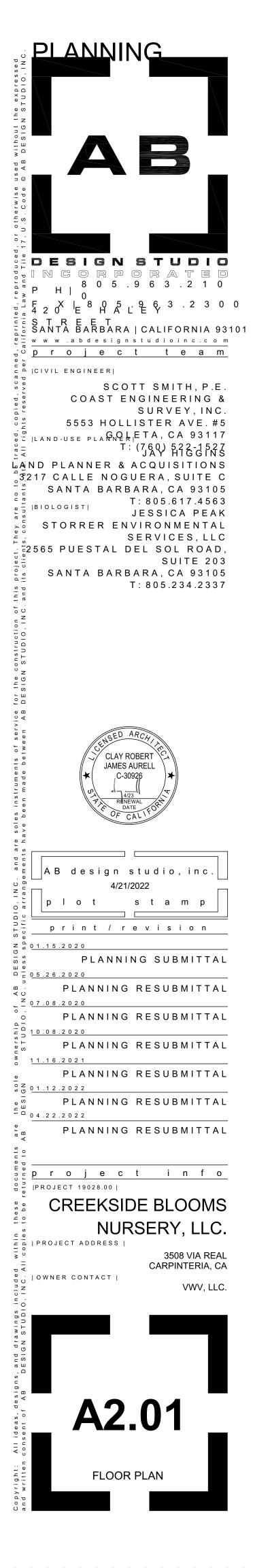


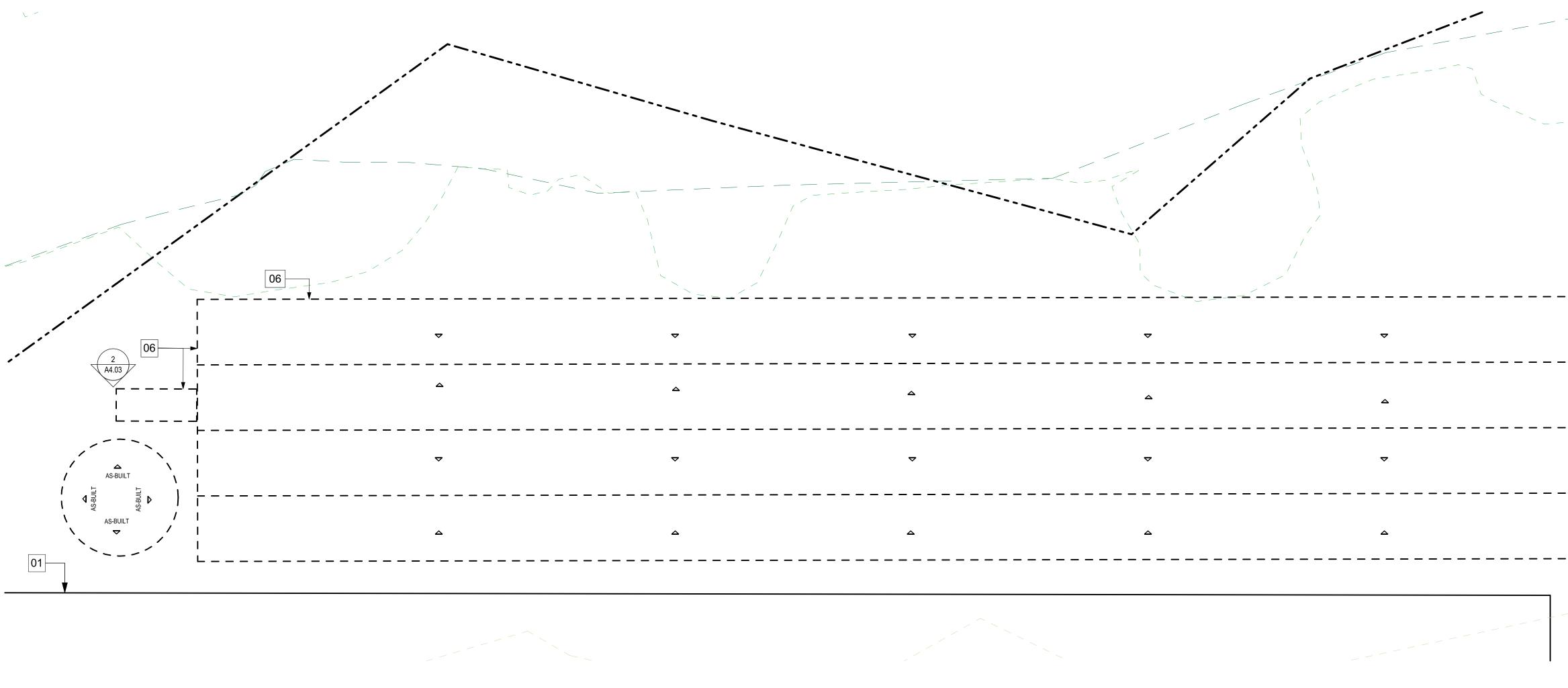
TOP OF BANK

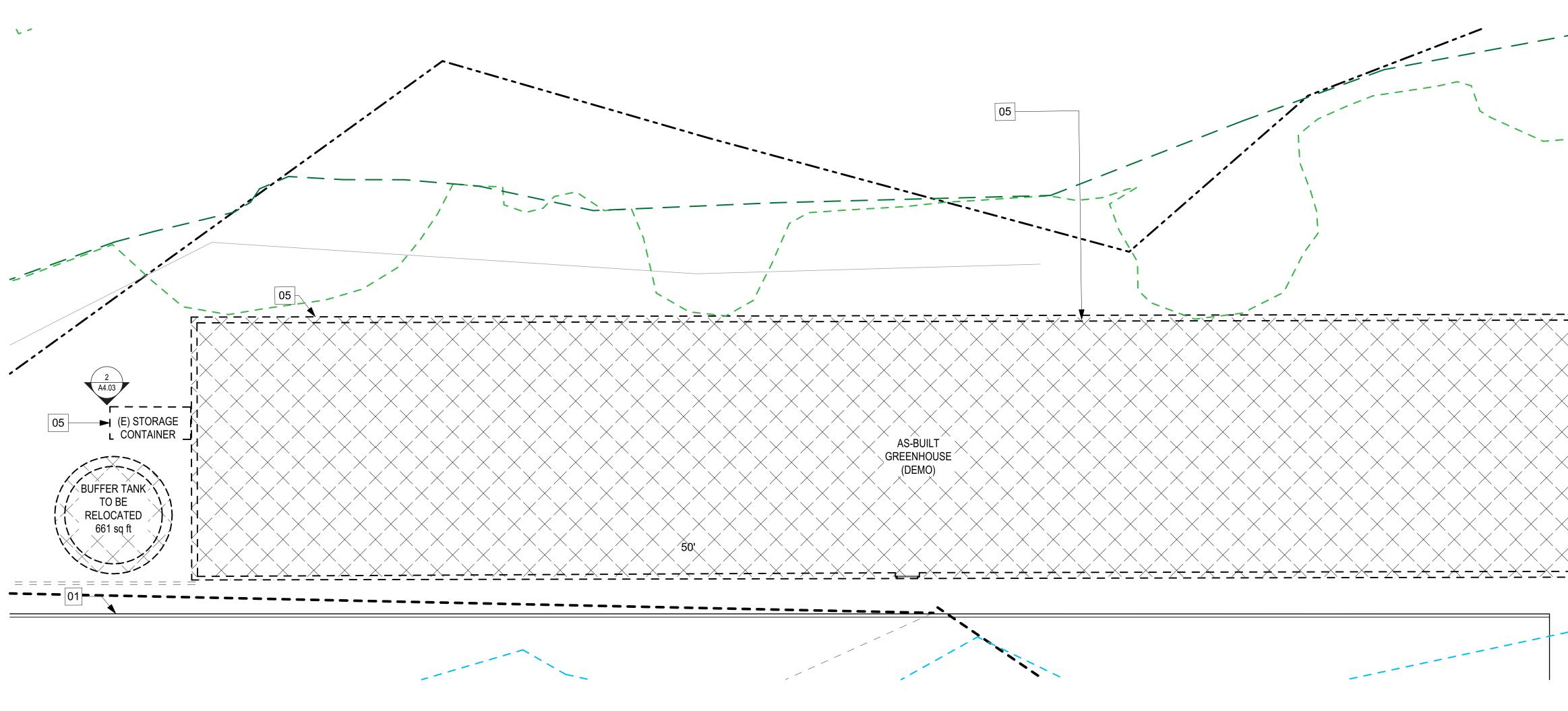
ENVIRONMENTALLY SENSITIVE HABITAT (ESH) BOUNDARY 100' BUFFER FROM ESH BOUNDARY

# <u>keynotes</u>

- 01 LINE OF EXISTING GREEN HOUSE STRUCTURE
- 02 EXISTING HARDSCAPE TO REMAIN
- 03 AS-BUILT STRUCT. LOC. W.N. FOOTPRINT AND ROOFLINE OF STRUCTURE
- 04 AS-BUILT ADDITION
- 05 STRUCTURE TO BE DEMOLISHED
- 06 AS-BUILT STRUCTURE
- 07 EQUIPMENT CONTAINERS
- 08 ROTOPLAS STORAGE CONTAINERS
- 09 AS-BUILT STRUCTURE TO BE DEMO'D
- 10 EXISTING PERMITTED SF.







# GREENHOUSE ROOF PLAN 🤈

SCALE: 1/16" = 1'-0"

**AS-BUILT FLOOR PLAN** SCALE: 1/16" = 1'-0"

# legend

EXISTING PERMITTED



PROPOSED ADDITIONS

AS-BUILT ADDITION TO REMAIN

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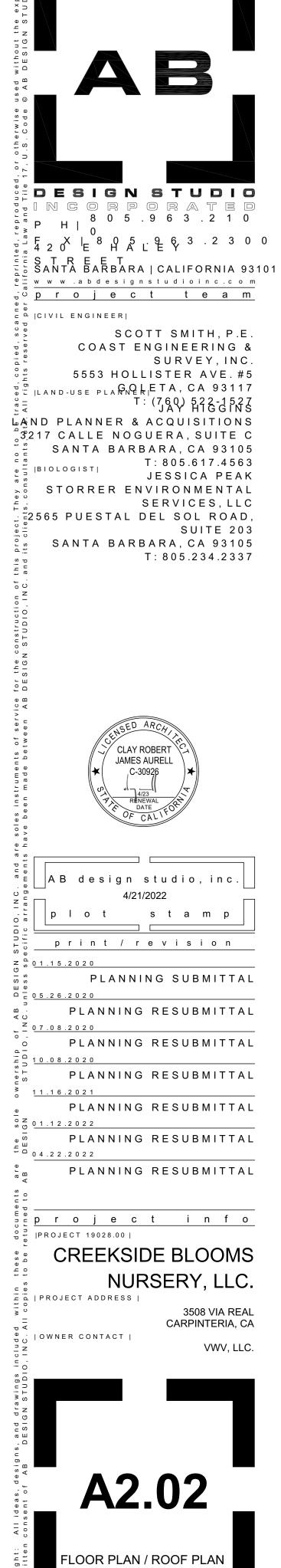
- - TOP OF BANK

ENVIRONMENTALLY SENSITIVE HABITAT (ESH) BOUNDARY ----

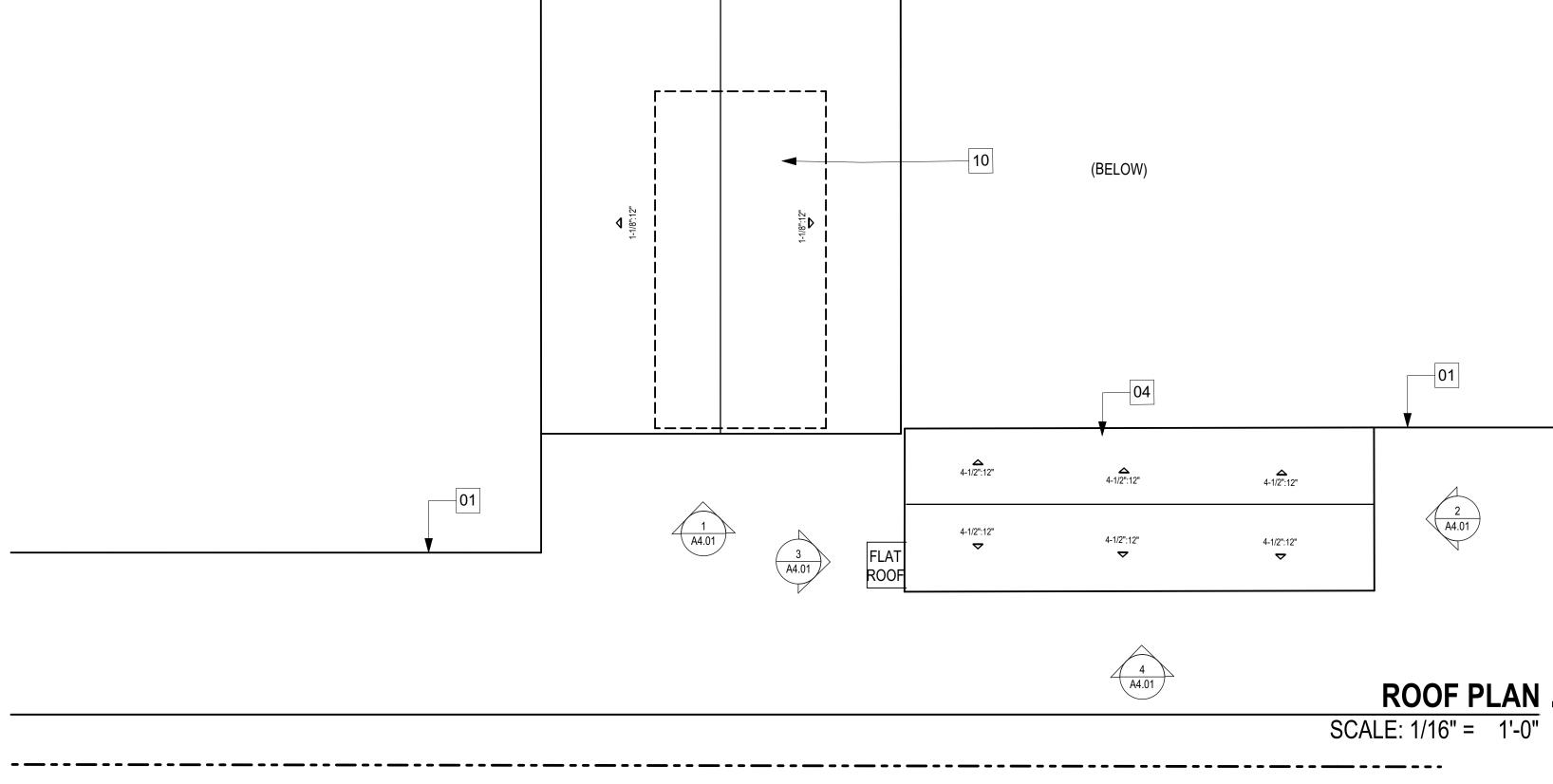
# <u>keynotes</u>

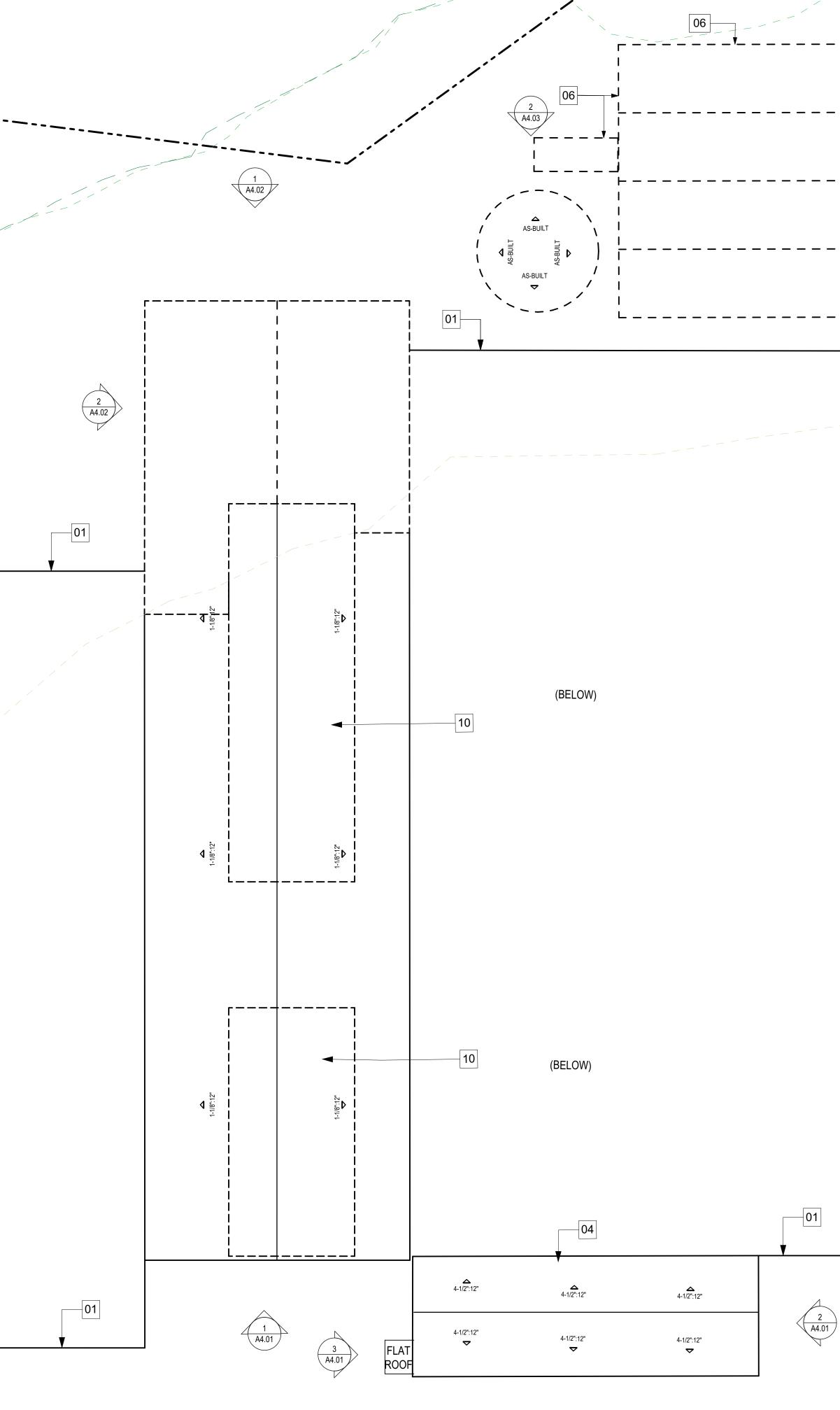
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- 10 EXISTING PERMITTED SF.

AS-BUILT ADDITION TO BE DEMO'D ••••••••••• 3HR FIRE RATED WALL - - - 100' BUFFER FROM ESH BOUNDARY -X X (E) FENCE SEE SHEET A0.11

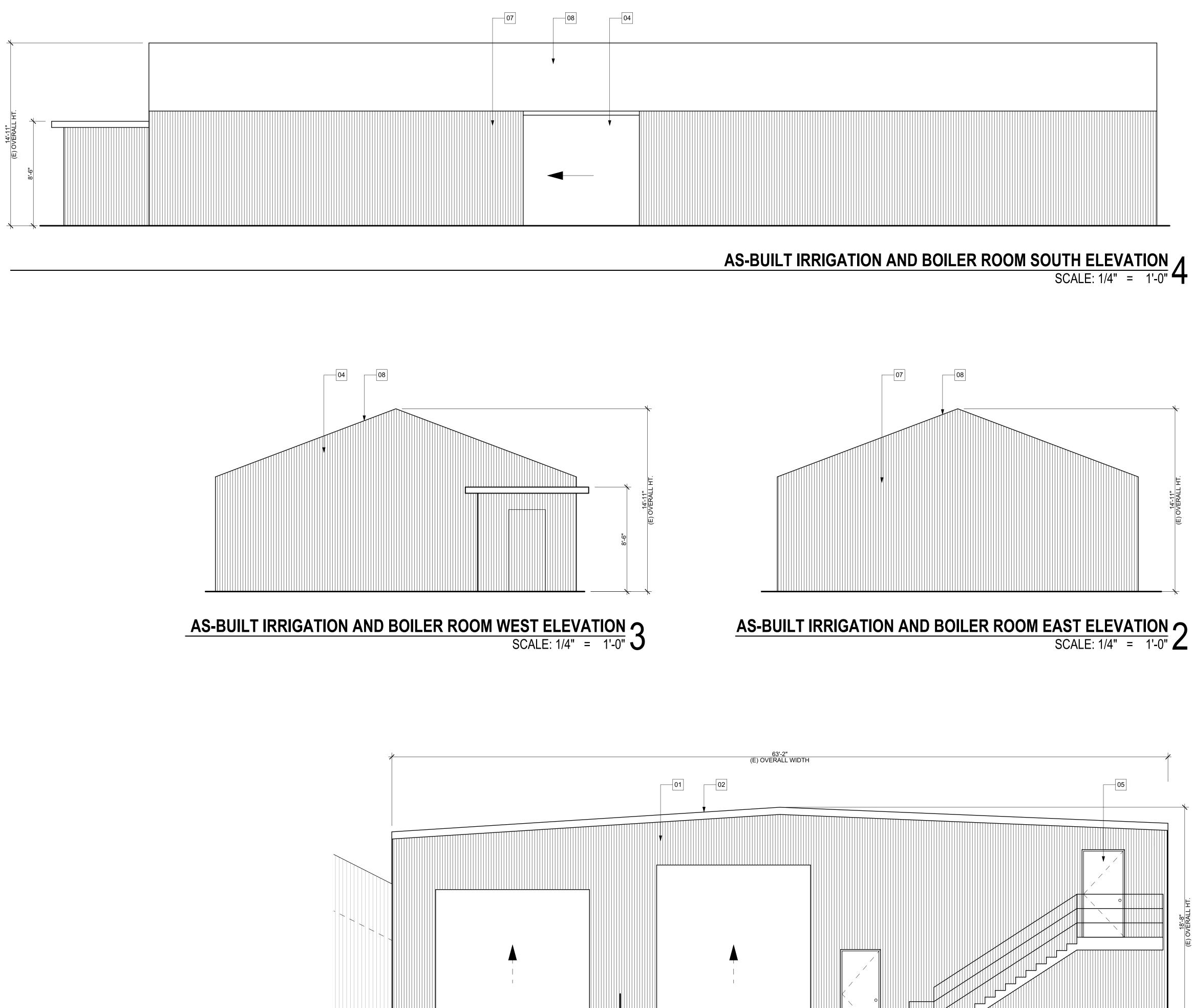


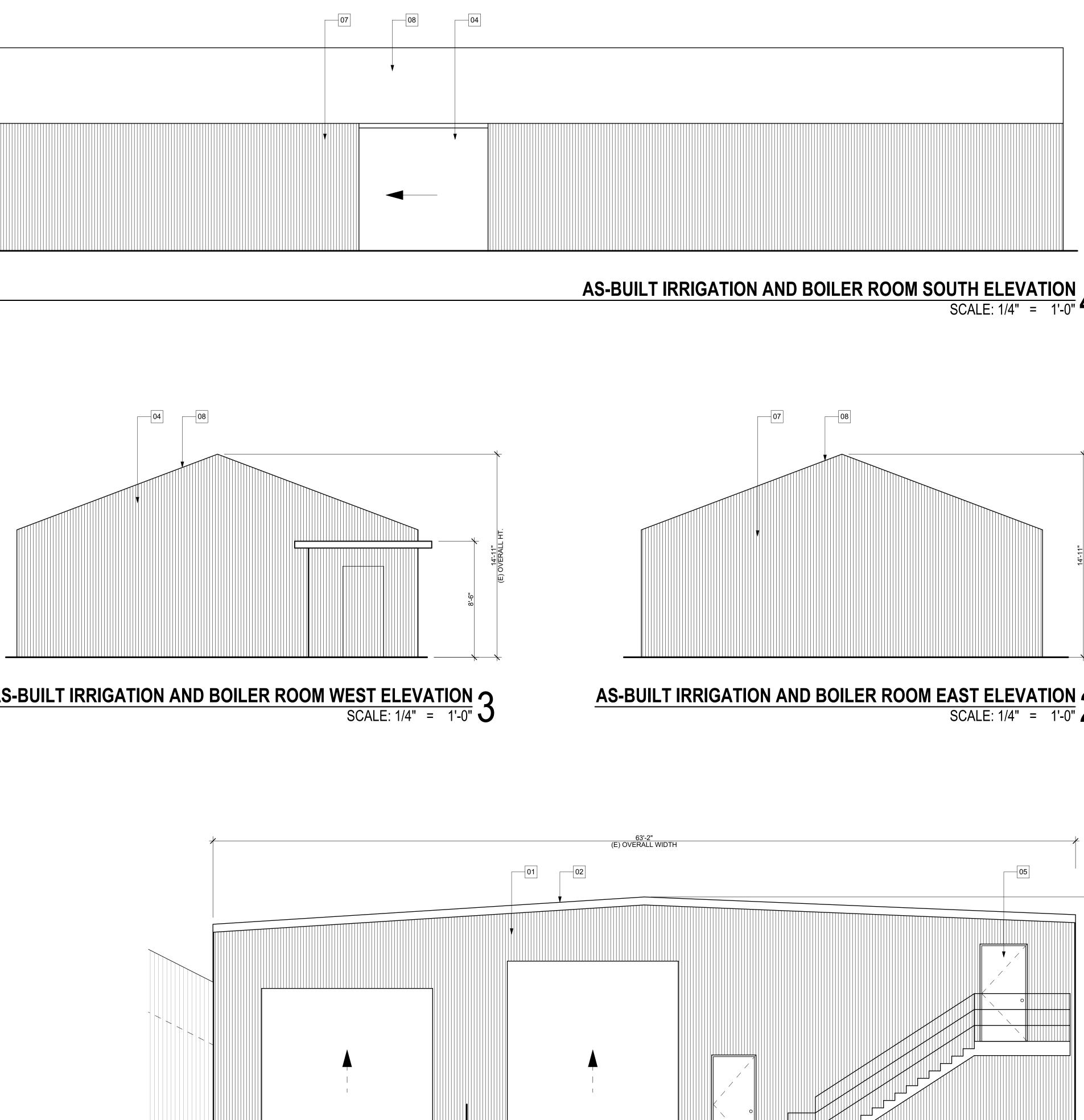
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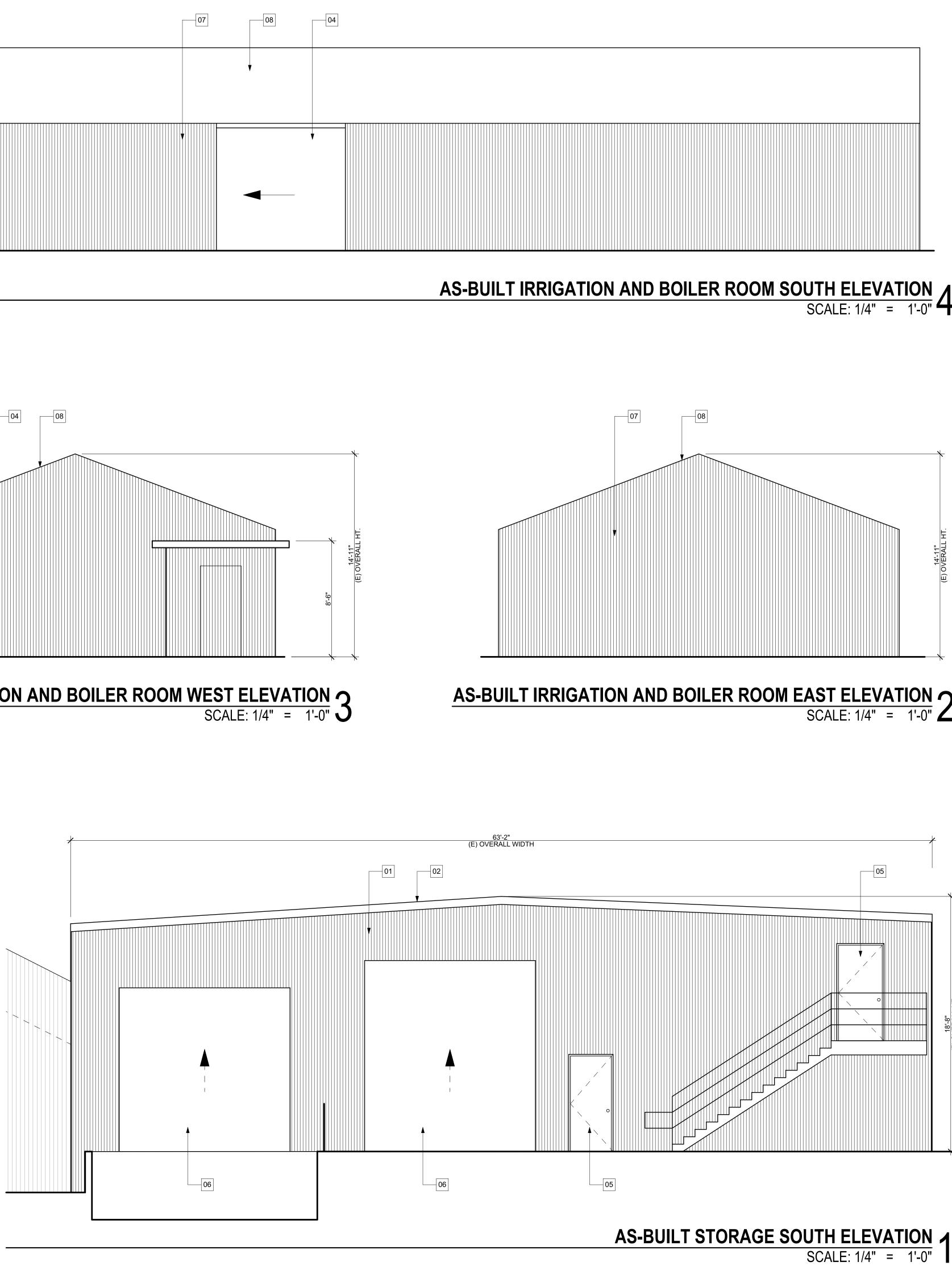




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	– – – TOP OF BANK	SCOTT SMITH, P.E.
	ENVIRONMENTALLY SENSITIVE HABITAT (ESH) BOUNDARY	COAST ENGINEERING & SURVEY, INC.
	<ul> <li> 100' BUFFER FROM ESH BOUNDARY</li> <li></li></ul>	5553 HOLLISTER AVE. #5 5553 HOLLISTER AVE. #5 LAND-USE PLANNELETA, CA 93117 T: (760) 522-1527 JAY HIGGINS
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	<u>keynotes</u>	SANTA BARBARA, CA 93105           T: 805.617.4563
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	02 EXISTING HARDSCAPE TO REMAIN	2565 PUESTAL DEL SOL ROAD, SUITE 203
	03 AS-BUILT STRUCT. LOC. W.N. FOOTPRINT AND ROOFLINE OF STRUCTURE	SANTA BARBARA, CA 93105 T: 805.234.2337
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	10 EXISTING PERMITTED SF.	
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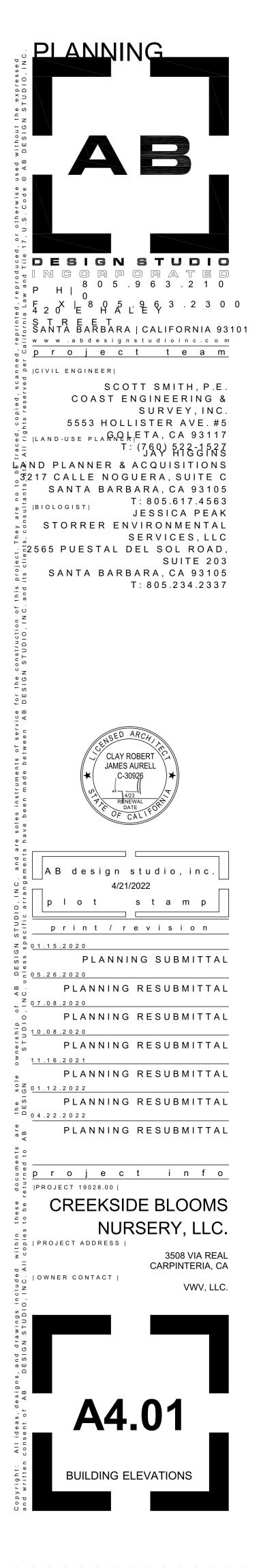


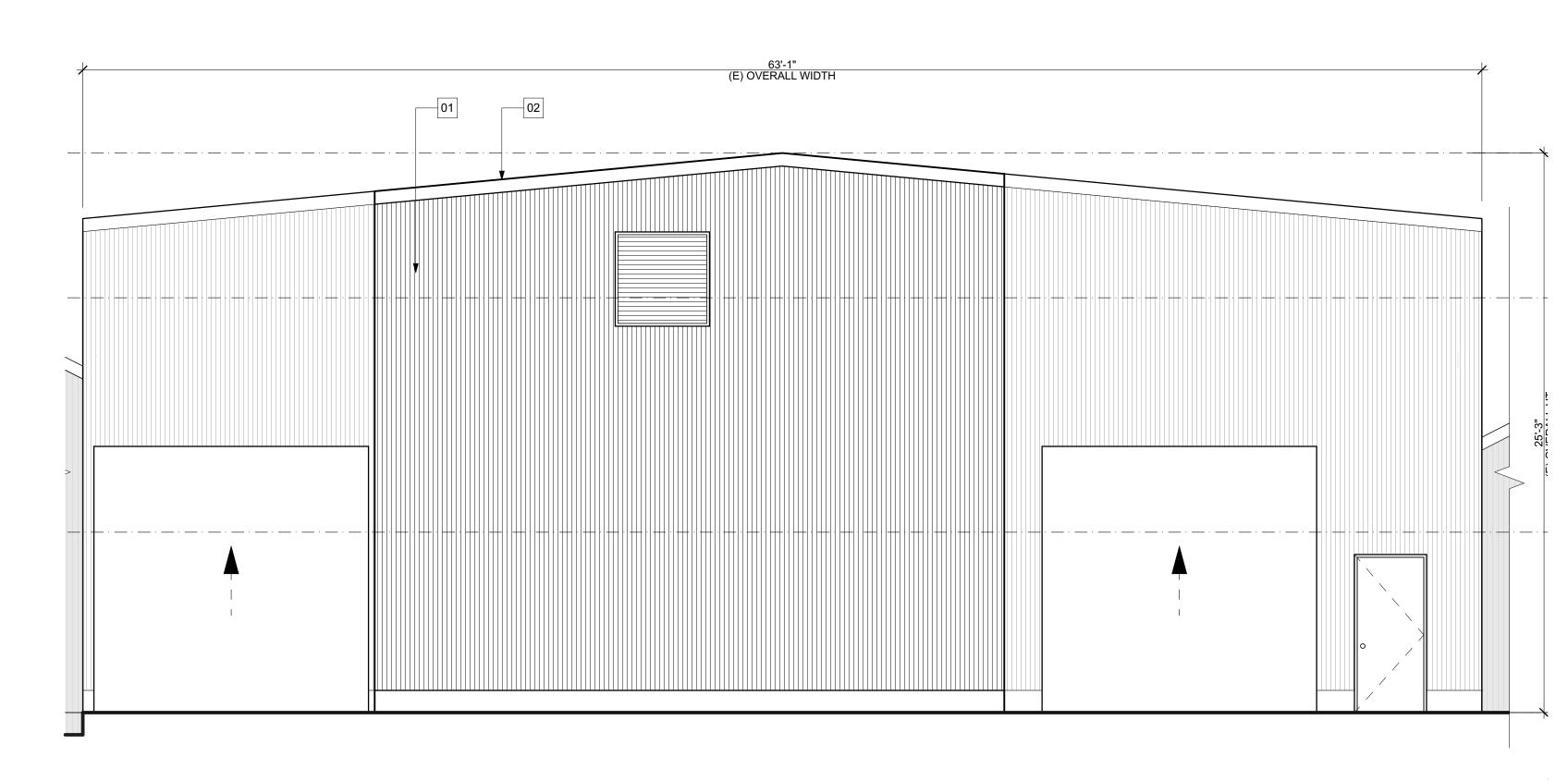


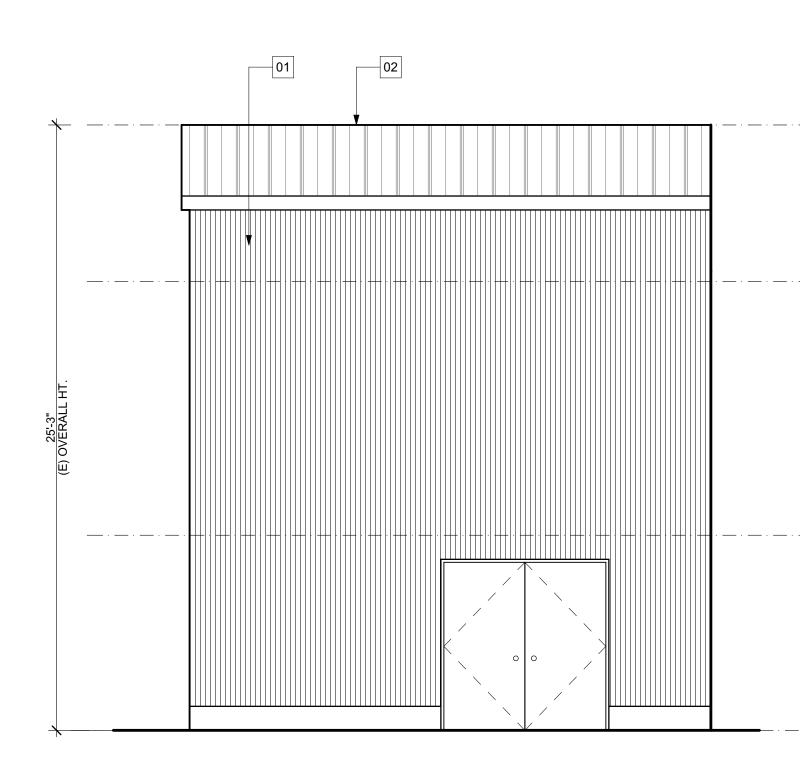
# <u>keynotes</u>

01 PAINTED CORRUGATED METAL SIDING TO MATCH EXISTING

- 02 METAL ROOF TO MATCH EXISTING
- 03 METAL LOUVER
- 04 SLIDING METAL DOOR
- 05 PAINTED METAL DOOR
- 06 PAINTED METAL ROOL-UP DOOR
- 07 CORRUGATED PVC. SIDING PAINTED WHITE TO MATCH EXT. BODY COLOR OF GREENHOUSE
- 08 CLEAR CORRUGATED ROOF PANELS
- 09 AS-BUILT STRUCTURE TO BE DEMO'D
- 10 AS-BUILT WATER TANK TO REMAIN
- 11 AS-BUILT WATER TANK TO BE RELOCATED
- 12 EXISTING POLYCARBONATE SIDING TO REMAIN
- 13 NEW WATER TANK







# AS-BUILT PROCESSING ROOM WEST ELEVATION $\gamma$

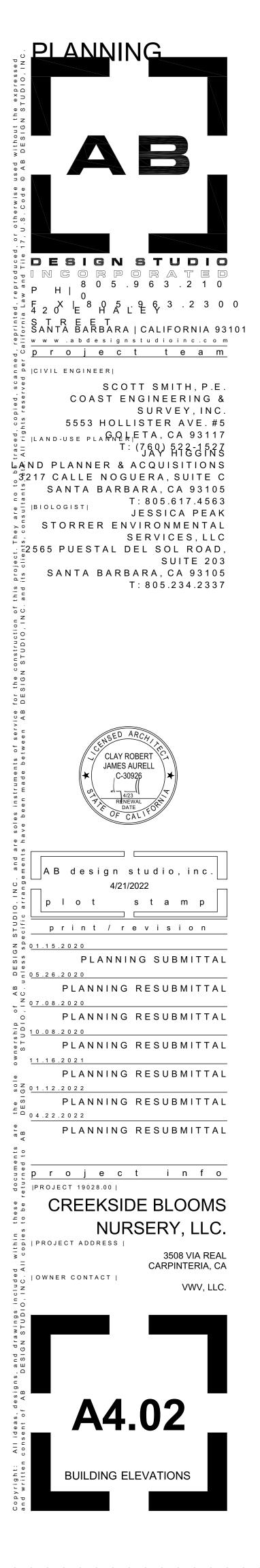
SCALE: 1/4" = 1'-0"

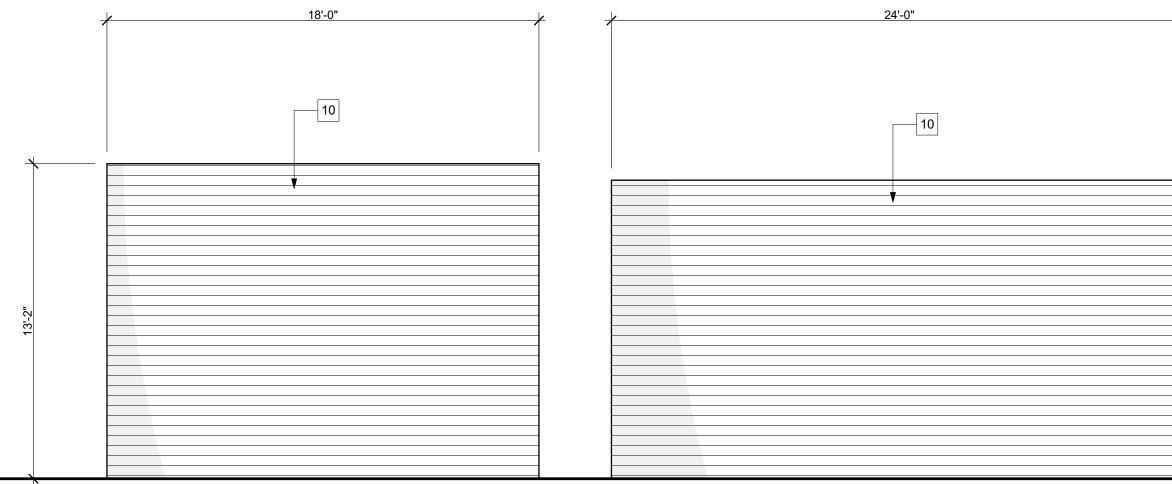
# AS-BUILT PROCESSING ROOM NORTH ELEVATION SCALE: 1/4" = 1'-0"

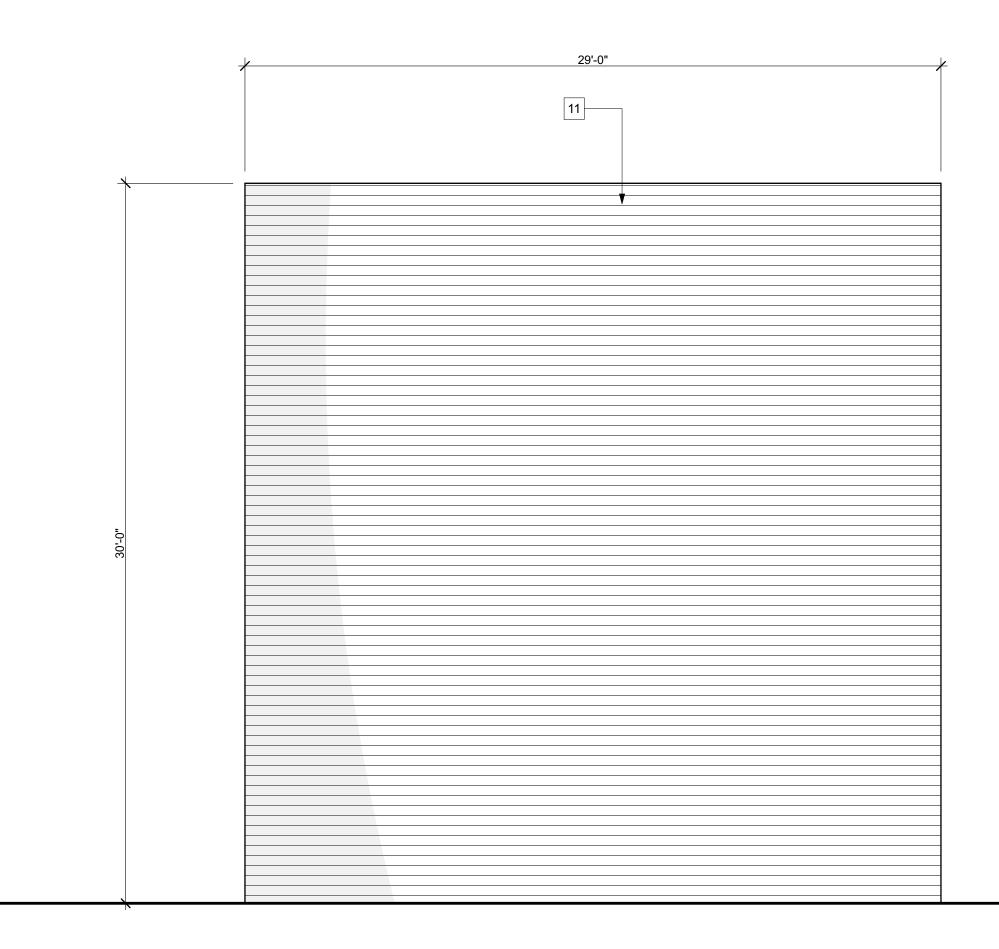
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# BUFFER TANK NORTH ELEVATION SCALE: 1/4" = 1'-0" 2

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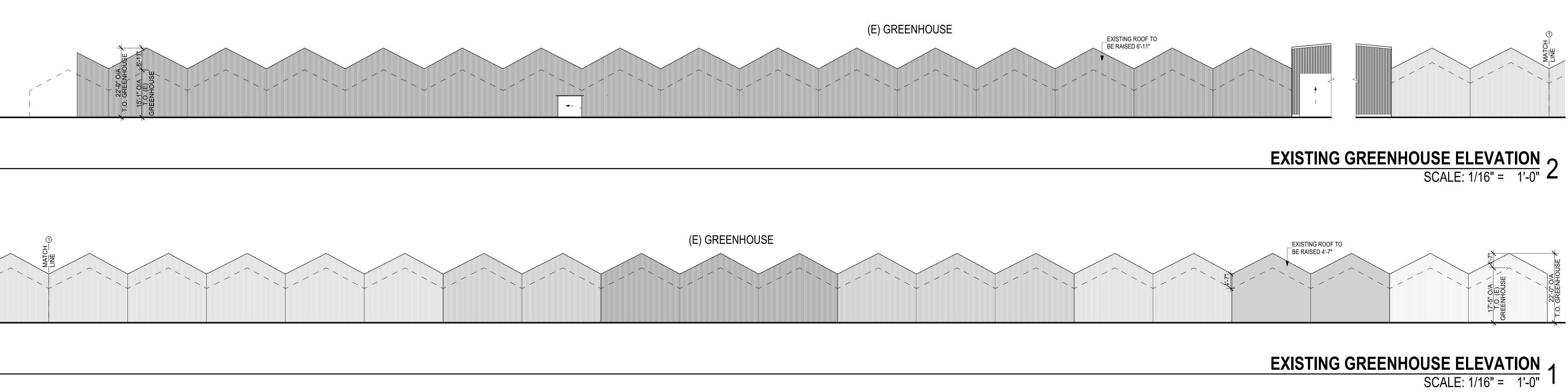
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- 13 NEW WATER TANK

# AS-BUILT & NEW WATER TANKS SOUTH ELEVATION SCALE: 1/4" = 1'-0" 1

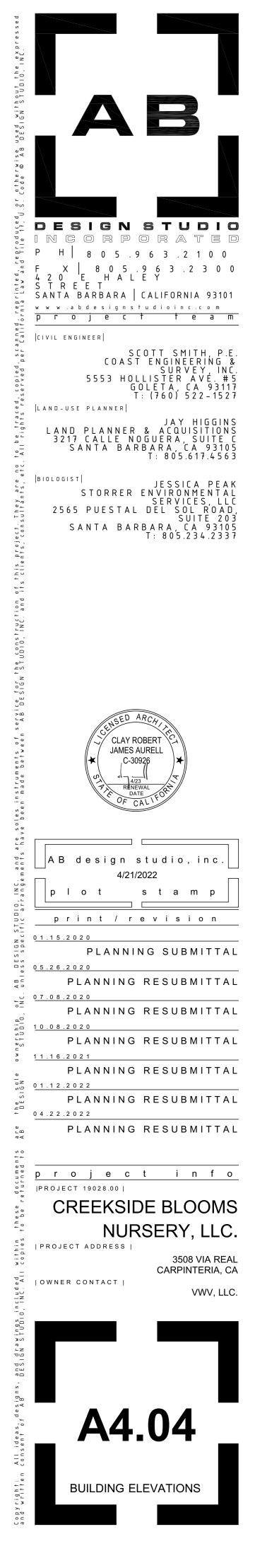
AB EDESIGN STUDIO S T R E E T SANTA BARBARA | CALIFORNIA 93101 \_\_\_\_www.abdesignstudioinc.com <sub>ə</sub>ö<u>project team</u> c º |CIVIL ENGINEER| sca ved SCOTT SMITH, P.E. COAST ENGINEERING & pied, rese SURVEY, INC. co hts 5553 HOLLISTER AVE. #5 E ILAND-USE PLANNELETA, CA 93117 E ILAND-USE PLANNELETA, CA 93117 T: (760) 522-1527 JAY HIGGINS LANNER & ACQUISITIONS ູ້ 3<u>,</u>217 CALLE NOGUERA, SUITE C SANTA BARBARA, CA 93105 T:805.617.4563 |BIOLOGIST| JESSICA PEAK STORRER ENVIRONMENTAL SERVICES, LLC 2565 PUESTAL DEL SOL ROAD, SUITE 203 SANTA BARBARA, CA 93105 T:805.234.2337 for the DESIG i c e A B t of CLAY ROBERT ts be JAMES AURELL C-30926 AB design studio, inc. 4/21/2022 plot stamp print/revision Z <sup>Q</sup><sub>0</sub> 0 1 . 1 5 . 2 0 2 0 PLANNING SUBMITTAL S -S s PLANNING RESUBMITTAL 2 0 7 .0 8 .2 0 2 0 PLANNING RESUBMITTAL STS PLANNING RESUBMITTAL <sup>≥</sup> <u>11.16.2021</u> PLANNING RESUBMITTAL ° C 0 1.12.2022 PLANNING RESUBMITTAL PLANNING RESUBMITTAL a r ∕ B t o to e<mark>project inf</mark>o ☐ |PROJECT 19028.00 | CREEKSIDE BLOOMS t h t o NURSERY, LLC. E A | PROJECT ADDRESS | 3508 VIA REAL CARPINTERIA, CA ; |OWNER CONTACT | VWV, LLC. A4.03 BUILDING ELEVATIONS



# <u>keynotes</u>

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## Planting Notes:

Set out all plant materials as shown on plan. Final locations must be approved by the Landscape Architect and project Biologist prior to planting.

Take one soil sample from the project site. Send soil sample to Wallace Labs Soil Testing Laboratory (310-615-0116) for testing of suitability for California native plantings. Request from soils lab that only only organic amendments and fertilizers are included in the recommendations. Make adjustments to the rate and analysis of fertilizer & amendments as recommended to provide a suitable backfill mix for planting. Notify the Landscape Architect of any potential problems which may result due to harmful substances found in the soil. Failure to act as specified may result in contractor assuming financial responsibility for any damage to plants.

Contractor shall provide and install 3" min. depth shredded bark mulch (ES-2 mulch from Agromin). Contractor shall provide mulch samples for review and approval by Landscape Architect prior to ordering.

Any new or existing tree shown on plan to be installed in less than 8' (eight feet) clear distance from any curb, walkway, foundation, domestic water line, fire line, storm drain, or sewer line, or any underground utility is to be installed with root control barriers UB 24-2 by Deep Root Corp: 800-458-7668. Install a minimum of 16 linear feet of root barrier centered on the tree adjacent to any underground utility. Install per manufacturer's instructions.

Existing drainage patterns must be maintained during irrigation and planting operations. Contractor may not alter established grade and flow lines without the knowledge and permission of the Landscape Architect. Contractor shall be responsible for fine grading required for surface drainage to the satisfaction of the Landscape Architect. advise Landscape Architect of drainage problems and make recommendations for solution.

Plant material may have to be contract grown to ensure plant availability for the project. Contact Landscape Architect if any plant sourcing difficulties arise.

Contractor shall verify planting installation date with Landscape Architect a minimum of (2) weeks prior to installation.

Contractor shall supply replacement plant material for any substandard or unhealthy plants at no additional cost to owner.

Contractor shall verify quantity of plants listed on the plan. If discrepancies exist, consult Landscape Architect for clarification.

Contractor shall guarantee all plant material for a period of (5) years from date of final acceptance. Contractor shall replace dead and unhealthy plants without additional cost to Owner, as determined by Landscape Architect at the end of the (5) year period.

Contractor shall maintain all installed plants (on a monthly basis) for a period of (5) years from date of completion of installation. This period shall begin after installation and extend continuously for 5 years until final acceptance. Failure to eradicate weeds and maintain areas may result in an extension of the maintenance period.

In the event of discrepancies in plant count, quantities indicated by plant symbols on the plan prevail.

The Landscape Architect reserves the right to review all plant material at the nursery prior to delivery to job site. In lieu of nursery review the Landscape Architect may request photos and/or specifications of plant material to be provided prior to delivery.

Landscape Architect reserves the right to refuse plants delivered to site that are substandard. Replacement plants are to be supplied by contractor at no additional cost to owner.

Stake trees according to industry standards.

Plant backfill per agronomic soils report recommendations.

Preserve and protect all existing trees unless otherwise noted.

Completely eradicate all bermuda, kikuyu grass, other weed growth, and invasive weeds from areas within project limits prior to installing planting. DO NOT REMOVE

## Irrigation Notes:

The irrigation system is temporary for California native plant establishment period only. The irrigation system will be turned off after the five (5) year landscape maintenance period.

Provide allowance in bid for up to (10) drip valves to irrigate all new plantings indicated on sheets L3.1 and L3.2.

Install irrigation system per manufacturer's specifications, irrigation details, and local codes.

The irrigation system shall be zoned according to microclimatic setting and plant requirements.

Contractor to provide irrigation to ALL new plants. The contractor shall be responsible for making any and all adjustments to the irrigation system necessary to ensure 100% irrigation coverage of all planting areas.

All piping installed under pathways or paved areas, through walls or footings shall be placed inside schedule 40 PVC sleeves of adequate size to allow free movement of the pipe in the sleeve.

Do not trench within driplines of existing trees.

Adjust controller run times and emitters to eliminate all runoff.

Turn over all irrigation product manuals, irrigation product tools, and installation instructions to Owner at completion of project.

Contractor shall guarantee to the Owner that the irrigation system is free from defects in materials and workmanship for a period of (1) year from completion of project.

Test all pressure mainline under hydrostatic pressure of 150 pounds per square inch and prove watertight. Use Teflon tape for all threaded connections.

Irrigation controller run times shall be adjusted to not allow any irrigation water overspray onto paved surfaces.

State Model Water Efficient Landscape Ordinance Notes: The irrigation system is for temporary irrigation only for native plant establishment, therefore the requirements of section 492.7 of the Model Water Efficient Landscape Ordinance do not apply to this project.

I have complied with the criteria of the State of California Water Conservation in Landscaping (AB 1881) and applied them accordingly for the efficient use of water in the irrigation design plan.

I have complied with the criteria of the MWELO and applied them accordingly for the efficient use of water in the irrigation design plan.

> Erin O Canoll Erin O Carroll 2021.11.10 Signature

All irrigation emission devices will meet the criteria as set forth in MWELO Section 492.7(a)(1)(M) and shall be installed and operated according to the manufacturer's instructions and recommendations.

Pressure regulating devices shall be installed where necessary to ensure that the dynamic pressure at each emission device is within manufacturer's recommended pressure range for optimal performance.

Slopes greater than 25% shall not be irrigated with an irrigation system with application rate exceeding 0.75 inches per hour unless an alternate technology is utilized and approved by the authority having jurisdiction.

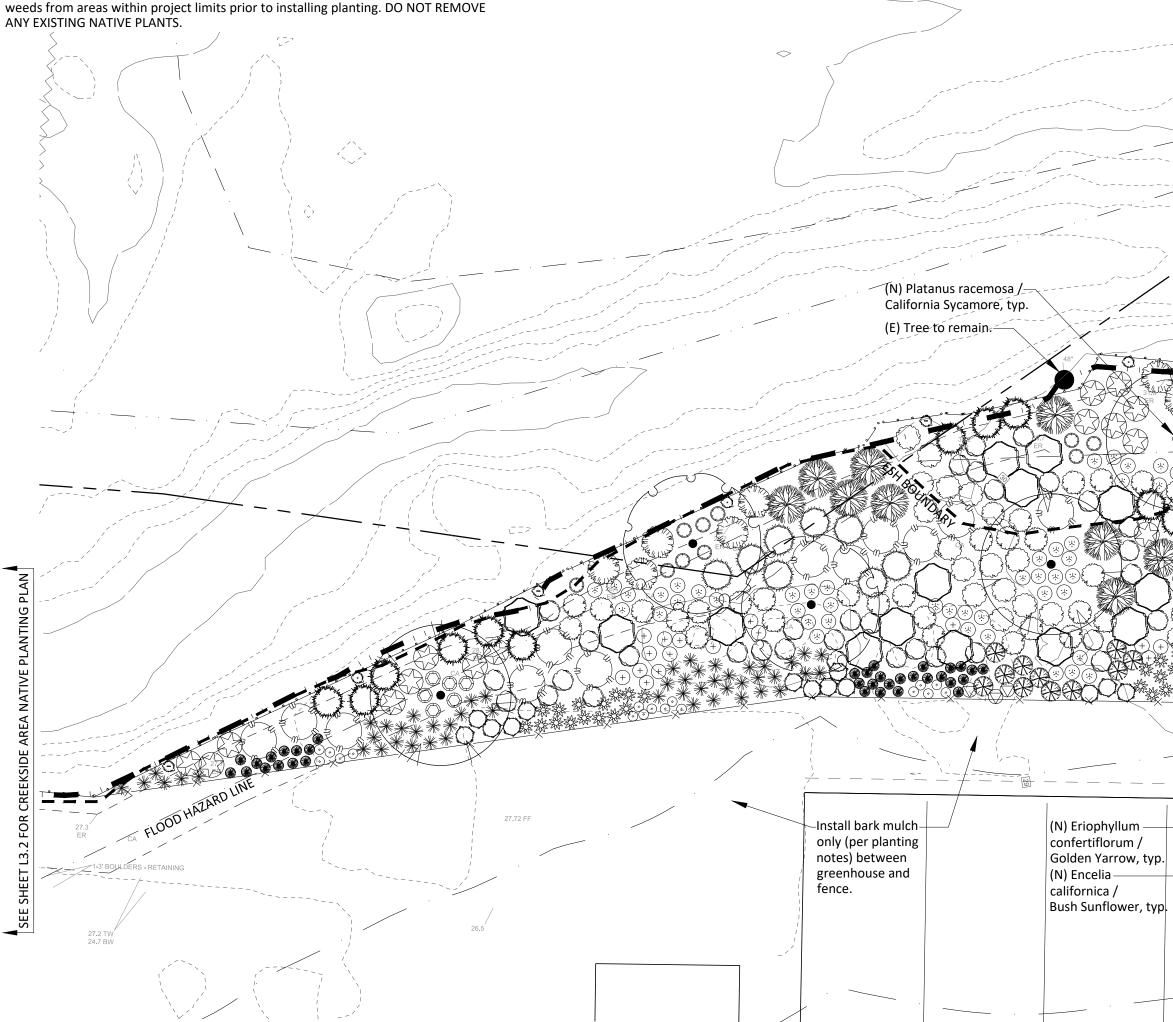
A certificate of Completion Requirements in accordance with MWELO Section 492.9 will be submitted for review/approval by the Building and Safety Division prior to final occupancy of the project. The Certificate of Completion shall contain, at a minimum, the following: Project Information

Certification by either the signer of the landscape design plan, the singer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package (Notes: Where significant changes have been made in the field during installation, an "as-built" plan shall be included with the certification. A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes).

• Irrigation scheduling parameters used to set the controller (see MWELO Section 492.10) Landscape and irrigation maintenance schedule (see MWELO Section 492.11)

Irrigation audit report (see MWELO Section 492.12) •

Soil analysis report (if not previously submitted with Landscape Documentation Package)



## Native Habitat Enhancement Area Plant Schedule: Trees

Common Name

Coast Live Oak

California Sycamore

Quant. Size

Notes

Natural form

Natural form

Botanical Name

– Platanus racemosa

Quercus agrifolia

Irrigation Equipment

Native
Shrubs,



👌 Artemisia ca Artemisia do (\*) Asclepias fas Baccharis sal 💥 Bromus carir

 Calystegia m cyclostegia

Heteromeles

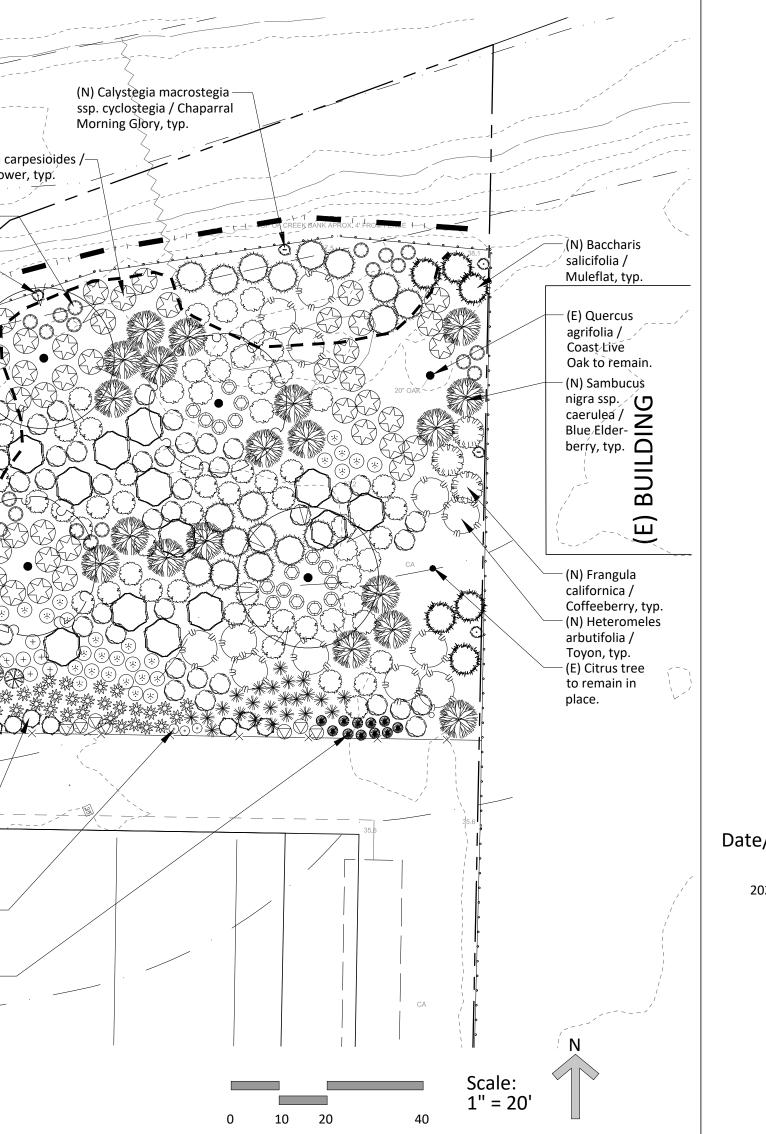
ltem Manufacturer Model Notes Clematis ligu Backflow Device Install per manufacturer (install 1 at each point of Wilkins 975XL, 1-1/4" size specifications. 🔹 Elymus tritico connection) Match mainline size. True Union I-2000, ( ) Encelia califo Ball Valve Spear Install in locking rectangular 1-1/4" size. valve box with gravel fill. LEIT1-ILV-100 with PRF-25-100 + Eriophyllum Irrigation Valve and Solar D.I.G. filter pressure regulator Powered Controller. combination. Frangula cali Install below bark mulch and 17mm TLCV blank tubing. Netafim Dripline stake every 6'. Install (1) per 1 gallon plant. Techflow WPC 20-250, 2.0 Isocoma mer Drip Emitters (pressure Netafim Install (2) per 5 gallon plant. GPH, Green color. compensating) Install (4) per 15 gallon plant. 🔿 Lotus scopari Install in locking 6" round **TI AVRV** Drip Air Vacuum Relief Valve Netafim valve box at the high point Malosma lau of each planter. Muhlenbergi Install in locking 6" round Automatic Drip Flush Valve Netafim TLFV-1 valve box with gravel fill. 🔄 🁌 Rosa californ Schedule 40 PVC UV Install on finish grade with Above Ground Lateral Line Resistant Brownline  $\frac{3}{4}$ " size, Lasco or equal Rubus ursinu rebar stakes. tvp. Schedule 40 PVC UV Install on finish grade with Sambucus ni Above Ground Mainline Resistant Brownline, Lasco or equal rebar stakes. 1-1/4" size, typ. Adapted from Model Water Scrophularia Water Efficient Landscape Workshee Efficient Landscape Ordinance July 9, 2015 Draft to Sisyrinchium State Model Water Efficient Landscape Ordinance Water Use Calculations: California Water Commissior Stipa pulchra te Informatio Site Name → 3508 Via Real Site Type → Commercial Venegasia ca Annual Eto (inches/yr) → Irrigation Hydrozone 1. Total square feet of proposed landscaping shown on sheets L3.1 and L3.2 is 54,563 square feet. Hydrozone or Planting Description Plant Factor (PF) ETAF (PF/IE) ETAF x Area Water Use Area (sqft.) Efficiency (IE) (gal./yr.) 2. All plants are California native plants and are either low or very low water use. ative Habitat Enhancement Area (Sheet L3.1 Low and Very Low Drip eekside Native Plantings (Sheet L3.2) 18,845 Low and Very Low Drip 3. All plants shall be planted in gopher baskets constructed from gopher wire. 13,472 SUBTOTAL → 54,563 375,043 pecial Landscape Areas (Not Applicable) SUBTOTAL → Estimated Total Water Use (ETWU) → 375,043 Maximum Allowed Water Allowance (MAWA) → 683,516 ETAF Calculations egular Landscape Areas Total ETAF x Area 13.472 ETWU meets MAWA requirement. Total Area 54,563 verage ETAF meets requirement for this site type. 0.25 Average ETAF ndscape Area (N) Calystegia macrostegia -Total ETAF x Area 54,56 Total Area ssp. cyclostegia / Chaparral Morning Glory, typ. (N) Venegasia carpesioides Canyon Sunflower, typ. (N) Artemisia douglasiana / Mugwort, typ (N) Clematis ligusticifolia / Creek Clematis, typ. ARROYO PAREDON CREEK (E) Platanus racemosa / (N) Rubus ursinus /-California Sycamore to California Blackberry, typ. (E) Quercus agrifolia / remair Coast Live Oak to remain (N) Rosa californica / (N) Quercus agrifolia / California Wild Rose, typ. Coast Live Oak, typ (N) Lotus scoparius / (N) Muhlenbergia (N) Bromus– (N) Scrophularia – carinatus / californica / (N) Elymus – Deer Weed, typ. rigens / Deer Grass, typ. California Figwort, triticoides / California (N) Artemisia Alkali Rye, typ. Brome, typ. (N) Asclepias – californica (N) Isocoma -(N) Sisyrinchium fascicularis / California menziessi / California bellum / (N) Malosma – Sagebrush, typ. Coastal Milkweed, typ. Blue Eyed Grass, laurina / Laurel Goldenbush, typ Sumac, typ. (E) GREEN HOUSES (N) Stipa pulchra

Purple Needle Grass, typ.

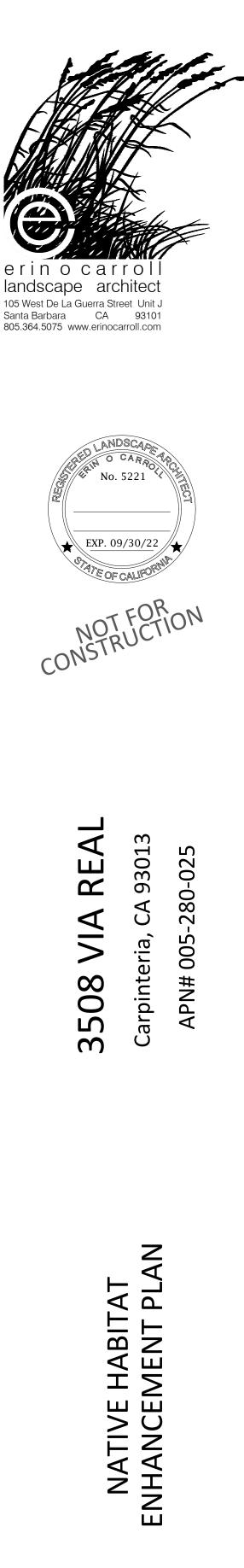
## Habitat Enhancement Area Plant Schedule Continued

## . Grasses. Groundcovers and Vines

, Grasses, Gr	oundcovers and V	lines		
ame	Common Name	Quant.	Size	Notes
alifornica	California Sagebrush	127	1 Gal	-
ouglasiana	Mugwort	61	1 Gal	-
scicularis	Narrow Leaf Milkweed	159	1 Gal	-
alicifolia	Muleflat	32	1 Gal	-
inatus	California Brome	114	1 Gal	-
nacrostegia ssp.	Chaparral Morning Glory	8	1 Gal	Train to existing fence with nursery tape.
usticifolia	Creek Clematis	8	1 Gal	Train to existing fence with nursery tape.
coides	Alkali Rye	68	1 Gal	-
ornica	Bush Sunflower	124	1 Gal	-
confertiflorum	Golden Yarrow	56	1 Gal	-
lifornica	Coffeeberry	17	5 Gal	-
s arbutifolia	Toyon	41	5 Gal	-
enziessi	Coastal Goldenbush	42	1 Gal	-
rius	Deer Weed	33	1 Gal	-
urina	Laurel Sumac	52	1 Gal	-
gia rigens	Deer Grass	44	1 Gal	-
nica	California Wild Rose	81	1 Gal	-
us	California Blackberry	55	1 Gal	-
nigra ssp. caerulea	Blue Elderberry	57	1 Gal	-
a californica	California Figwort	56	1 Gal	-
n bellum	Blue Eyed Grass	28	1 Gal	-
a	Purple Needle Grass	90	1 Gal	-
arpesioides	Canyon Sunflower	93	1 Gal	-



THIS IS A COPYRIGHTED DOCUMENT AND MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT WRITTEN PERMISSION OF ERIN O CARROLL LANDSCAPE ARCHITECT COPYRIGHT 2019

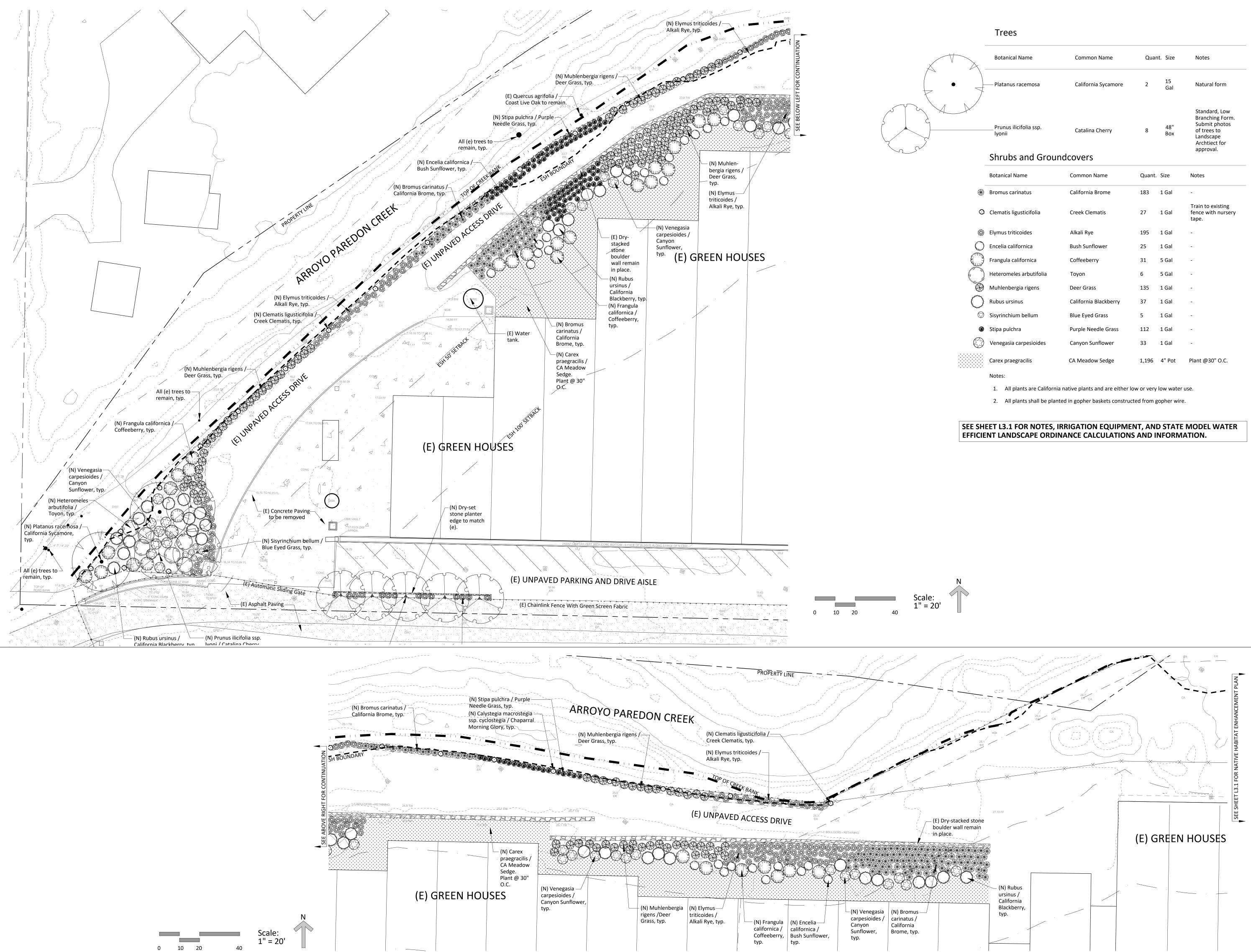


Date/ Issue

2021.11.10

Sheet

L3.1



Botanical Name	Common Name	Quant.	Size	Notes
 - Platanus racemosa	California Sycamore	2	15 Gal	Natural form
Prunus ilicifolia ssp. Iyonii	Catalina Cherry	8	48" Box	Standard, Low Branching Form Submit photos of trees to Landscape Archtiect for

Botanical Name	Common Name	Quant.	Size	Notes
Bromus carinatus	California Brome	183	1 Gal	-
Clematis ligusticifolia	Creek Clematis	27	1 Gal	Train to existing fence with nursery tape.
Elymus triticoides	Alkali Rye	195	1 Gal	-
Encelia californica	Bush Sunflower	25	1 Gal	-
Frangula californica	Coffeeberry	31	5 Gal	-
Heteromeles arbutifolia	Toyon	6	5 Gal	-
Muhlenbergia rigens	Deer Grass	135	1 Gal	-
Rubus ursinus	California Blackberry	37	1 Gal	-
Sisyrinchium bellum	Blue Eyed Grass	5	1 Gal	-
Stipa pulchra	Purple Needle Grass	112	1 Gal	-
Venegasia carpesioides	Canyon Sunflower	33	1 Gal	-
Carex praegracilis	CA Meadow Sedge	1,196	4" Pot	Plant @30" O.C.
Notes:				

erın o carrol landscape architect 105 West De La Guerra Street Unit J Santa Barbara CA 93101 805.364.5075 www.erinocarroll.com

EXP. 09/30/22 ATE OF CALIF





Date/ Issue

2020.11.10

Sheet 2 of 3

L3.2

## 4-STB-22-0411

Received MAY 31, 2022

California Ceastal Commision

South Central Coast District

#### NOTICE OF FINAL ACTION

May 27, 2022

California Coastal Commission Steve Hudson, District Manager 89 South California Street, Suite 200 Ventura, California 93001

Dear Mr. Hudson,

On May 24, 2022 Santa Barbara County took final action on the development described below:

- Appealable Coastal Development Permit [19CDP-00000-00027, 19DVP-00000-00020, 22CUP-Х 00000-000051
- Non-appealable Coastal Development Permit

#### **Project Applicant and Owner:**

Ivan Van Wingerden 3508 Via Real Carpinteria, CA 93013

Project Description: The Proposed Project includes a request to allow 4.15 acres of cannabis cultivation, consisting of 3.96 acres (172,660 sq. ft.) of mixed-light mature cannabis planting, growing, and harvesting in two existing 3.96-acre permitted greenhouses and 0.19 acres (8,276 sq. ft.) of processing within 0.28 acres of processing, packing, and shipping buildings consisting of permitted and as-built development located between the two greenhouses. There will be up to 50 full-time, yearround line or contract employees, Monday through Saturday. Planting and harvesting will take place continually throughout the year. Hours of operation will be from 6:30 a.m. to 3:30 p.m. Monday through Friday, and 6:30 a.m. to 11:00 a.m. on Saturday. There will continue to be 39 parking spaces located onsite. The premises will be fenced by 8-ft.-tall fencing consisting of 7-ft.-tall chain link fence with privacy slats topped with one foot of outward leaning strands of barbed wire. Existing chain link fencing located within the environmentally sensitive habitat (ESH) buffer area will be replaced with barbed wire wildlife-friendly fencing where the ESH buffer area is being restored.

Exterior lighting will be downward facing, fully shielded, and mounted at a maximum height of 8 ft. The greenhouses have a mechanized blackout screen system within the growing area to prevent interior night lighting (between sunset and sunrise) from being visible outside of the structure.

The cannabis operation will be equipped with the leading active odor control technology(s) currently available to prevent cannabis nuisance odors from drifting offsite and impacting protected receptors (i.e. residential zoning). These odor control systems are described in detail within the Proposed Project's certified Odor Abatement Plan. Changes to the Odor Abatement Plan will be processed in coordination with the County and may require changes to this permit or a new permit. The Applicant has agreed to observe a set of Community Odor Guidelines that were developed through collaboration between the 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

> Exhibit 4 A-4-STB-22-0028 (Van Wingerden) **Final Local Action Notice**

a sustainable element of Carpinteria's unique community, and are a foundation of the Coalition's decision to support this Project.

The Proposed Project includes a request to increase the height of one permitted 87,120-sq.-ft. (2-acre) greenhouse from 15-ft.-1-in. to 22-ft. and one permitted 85,378-sq.-ft. (1.96-acre) greenhouse from 17-ft.-5-in. to 22-ft., install one new 105,669-gallon buffer water tank for use with the boiler, install one new 25,360-gallon water tank, legalize existing as-built development, demolish portions of existing development.

The following development will be legalized:

- One 1,585-sq.-ft. as-built addition used for walkways and hallways connected to the processing building
- 2,784 sq. ft. of as-built employee support services areas consisting of a 362-sq.-ft. bathroom, a 778-sq.-ft. break room on the ground level and a 1,644-sq.-ft. office on the mezzanine level of the processing building
- One 58-sq.-ft. as-built equipment storage shed
- One 2,362-sq.-ft. as-built irrigation room proposed to also be used as a boiler room
- One 1,089-sq.-ft. as-built processing building
- One 2,421-sq.-ft. as-built cannabis storage structure
- One 25,360-gallon water tank
- Three 36,984-gallon water tanks

The following development will be demolished:

- One 105,669-gallon as-built water tank
- One 3,663-sq.-ft. as-built boiler and processing room
- 35,750 sq. ft. of as-built greenhouse
- 3,240 sq. ft. of permitted greenhouse
- 326 sq. ft. of as-built storage containers
- Three 5,283-gallon wastewater tanks

The Proposed Project includes a request for a setback modification to reduce the 100-ft. setback from the Arroyo Paredon top-of-bank and the 20-ft. setback from the southern property line required by the Carpinteria Agricultural Overlay in order to allow the following development:

- Portions of two existing and permitted nonconforming greenhouses within the 100-ft setback to be increased in height to 22-ft.-tall
- One as-built 25,360-gallon water tank located 16 ft. from the southern property line
- Three as-built 36,984-gallon water tanks located 13 ft. from the southern property line
- One new 25,360-gallon water tank located 16 ft. from the southern property line

The septic system will be upgraded and a new 715 sq. ft. underground detention system will be constructed for storm water purposes. These activities will require approximately 120 cubic yards of

grading. No native trees or vegetation will be removed. New landscaping will be planted to further screen the property and enhance native riparian vegetation in the ESH buffer.

Access to the site will continue to be provided from Via Real via an existing 28-ft.-wide paved driveway across neighboring parcels to the southwest. Wastewater treatment will be provided by an upgraded septic system located in the southern portion of the parcel. Restrooms are located in the processing/central building. Water will continue to be provided by an existing Carpinteria Valley Water District connection. Fire protection will be provided by the Carpinteria/Summerland Fire District, and law enforcement will be provided by the County Sheriff's Office.

**Location:** The property is an 8.96-acre parcel zoned Agricultural I (AG-I-10), shown as Assessor's Parcel Number 005-280-025, located at 3508 Via Real in the Toro Canyon Community Plan in the Carpinteria area, First Supervisorial District.

#### **Coastal Commission Appeal Procedure:**

The receipt of this letter and the attached materials start the 10 working day Coastal Commission appeal period during which the County's final action on this Coastal Development Permit may be appealed to the Coastal Commission. Appeals must be in writing and must be submitted to the appropriate Coastal Commission district office on the appropriate form and with the required filing fee. See the following for further information: <u>http://www.coastal.ca.gov/cdp/cdp-forms.html</u>

Please contact Gwen Beyeler at (805) 934-6269 or <u>gbeyeler@countyofsb.org</u> if you have any questions regarding the County's action or this notice.

Shen Bugeler

Gwen Beyeler, Project Planner

May 27, 2022

Attachments:

Signed Final Action Letter (including Findings) Coastal Development Permit including conditions of approval BOS Staff Report: <u>https://santabarbara.legistar.com/LegislationDetail.aspx?ID=5657098&GUID=4C499CC3-C11B-466A-A685-C578074538C4&Options=&Search=</u>

xc: 21CUP-00000-00006, 21CDP-00000-00118, 20RVP-00000-00058
 Jay Higgins 3217 Calle Noguera Santa Barbara, CA 93105
 Jill Stassinos, Concerned Carpinterians, PO Box 464, Carpinteria, 93014

G:\GROUP\PERMITTING\Case Files\APL\2020s\22 cases\22APL-00000-00006 Concerned Carp Appeal of Creekside Blooms\600 Decision Maker\NOTICE OF FINAL ACTION.docx



## **County of Santa Barbara** Planning and Development

**Lisa Plowman, Director** Jeff Wilson, Assistant Director Elise Dale, Assistant Director

May 26, 2022

Jill Stassinos Concerned Carpinterians P.O. Box 464 Carpinteria, CA 93014

BOARD OF SUPERVISORS HEARING OF MAY 24, 2022

## RE: 3508 Via Real Cannabis Cultivation, Case Nos. 22APL-00000-00006, 19DVP-00000-00020, 19CDP-00000-00027, 22CUP-00000-00005 3508 Via Real, APN 004-003-008 and 004-005-002

The Proposed Project includes a request to allow 4.15 acres of cannabis cultivation, consisting of 3.96 acres (172,660 sq. ft.) of mixed-light mature cannabis planting, growing, and harvesting in two existing 3.96-acre permitted greenhouses and 0.19 acres (8,276 sq. ft.) of processing within 0.28 acres of processing, packing, and shipping buildings consisting of permitted and as-built development located between the two greenhouses. Processing will consist of drying, trimming, storage, and packaging. Other activities occurring in the central building will be cannabis and equipment storage, employee breakroom, bathrooms and administrative offices. Cannabis will be taken offsite by a licensed third-party distributor.

There will be up to 50 full-time, year-round line or contract employees, Monday through Saturday. Planting and harvesting will take place continually throughout the year. Hours of operation will be from 6:30 a.m. to 3:30 p.m. Monday through Friday, and 6:30 a.m. to 11:00 a.m. on Saturday. There will continue to be 39 parking spaces located onsite. The premises will be fenced by 8-ft.-tall fencing consisting of 7-ft.-tall chain link fence with privacy slats topped with one foot of outward leaning strands of barbed wire. Existing chain link fencing located within the environmentally sensitive habitat (ESH) buffer area will be replaced with barbed wire wildlife-friendly fencing where the ESH buffer area is being restored.

Exterior lighting will be downward facing, fully shielded, and mounted at a maximum height of 8 ft. The greenhouses have a mechanized blackout screen system within the growing area to prevent interior night lighting (between sunset and sunrise) from being visible outside of the structure.

123 E Anapamu Street, Santa Barbara, CA 93101 • Phone: (805) 568-2000 • FAX: (805) 568-2030 624 W. Foster Road, Santa Maria, CA 93455 • Phone: (805) 934-6250 • FAX: (805) 934-6258 www.sbcountyplanning org

The cannabis operation will be equipped with the leading active odor control technology(s) currently available to prevent cannabis nuisance odors from drifting offsite and impacting protected receptors (i.e. residential zoning). These odor control systems are described in detail within the Proposed Project's certified Odor Abatement Plan. Changes to the Odor Abatement Plan will be processed in coordination with the County and may require changes to this permit or a new permit. The Applicant has agreed to observe a set of Community Odor Guidelines that were developed through collaboration between the 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 Proposed Project includes a request to increase the height of one permitted 87,120-sq.-ft. (2-acre) greenhouse from 15-ft.-1-in. to 22-ft. and one permitted 85,378-sq.-ft. (1.96-acre) greenhouse from 17-ft.-5-in. to 22-ft., install one new 105,669-gallon buffer water tank for use with the boiler, install one new 25,360-gallon water tank, legalize existing as-built development, demolish portions of existing development.

The following development will be legalized:

- One 1,585-sq.-ft. as-built addition used for walkways and hallways connected to the processing building
- 2,784 sq. ft. of as-built employee support services areas consisting of a 362-sq.-ft. bathroom, a 778-sq.-ft. break room on the ground level and a 1,644-sq.-ft. office on the mezzanine level of the processing building
- One 58-sq.-ft. as-built equipment storage shed
- One 2,362-sq.-ft. as-built irrigation room proposed to also be used as a boiler room
- One 1,089-sq.-ft. as-built processing building
- One 2,421-sq.-ft. as-built cannabis storage structure
- One 25,360-gallon water tank
- Three 36,984-gallon water tanks

The following development will be demolished:

- One 105,669-gallon as-built water tank
- One 3,663-sq.-ft. as-built boiler and processing room
- 35,750 sq. ft. of as-built greenhouse
- 3,240 sq. ft. of permitted greenhouse
- 326 sq. ft. of as-built storage containers
- Three 5,283-gallon wastewater tanks

The Proposed Project includes a request for a setback modification to reduce the 100-ft. setback from the Arroyo Paredon top-of-bank and the 20-ft. setback from the southern property line required by the Carpinteria Agricultural Overlay in order to allow the following development:

- Portions of two existing and permitted nonconforming greenhouses within the 100-ft setback to be increased in height to 22-ft.-tall
- One as-built 25,360-gallon water tank located 16 ft. from the southern property line
- Three as-built 36,984-gallon water tanks located 13 ft. from the southern property line
- One new 25,360-gallon water tank located 16 ft. from the southern property line

The septic system will be upgraded and a new 715 sq. ft. underground detention system will be constructed for storm water purposes. These activities will require approximately 120 cubic yards of grading. No native trees or vegetation will be removed. New landscaping will be planted to further screen the property and enhance native riparian vegetation in the ESH buffer.

The Proposed Project also includes a request to allow a 12,379 sq. ft. packing and shipping facility located between the two existing permitted greenhouses. The facility consists of two permitted structures totaling 4,500 sq. ft. in size as well as 7,879 sq. ft. of as-built additions that will be legalized with approval of the Development Plan. Uses within the packing and shipping facility will include packing, shipping, processing, packaging, storage, office, restrooms, and employee break areas.

Access to the site will continue to be provided from Via Real via an existing 28-ft.-wide paved driveway across neighboring parcels to the southwest. Wastewater treatment will be provided by an upgraded septic system located in the southern portion of the parcel. Restrooms are located in the processing/central building. Water will continue to be provided by an existing Carpinteria Valley Water District connection. Fire protection will be provided by the Carpinteria/Summerland Fire District, and law enforcement will be provided by the County Sheriff's Office. The property is an 8.96-acre parcel zoned Agricultural I (AG-I-10), shown as Assessor's Parcel Number 005-280-025, located at 3508 Via Real in the Toro Canyon Community Plan in the Carpinteria area, First Supervisorial District.

Dear Ms. Singer:

At the Board of Supervisors Hearing of May 24, 2022, Supervisor Hartmann moved, seconded by Supervisor Williams and carried by a vote of 5 to 0 to:

a) Deny the appeal, Case No. 22APL-00000-00006;

- b) Make the required findings for approval of the Project, Case Nos. 19CDP-00000-00027, 22CUP-00000-00005, and 19DVP-00000-00020, 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 to the Board Agenda Letter dated May 24, 2022); and
- d) Grant *de novo* approval of the Project, Case Nos. 19CDP-00000-00027, 22CUP-00000-00005, and 19DVP-00000-00020 subject to the conditions of approval (included as Attachment 2).

## The attached findings and conditions reflect the Board of Supervisors actions of May 24, 2022.

Sincerely,

Gum Bugeler

GWEN BEYELER, PLANNER, ON BEHALF OF LISA PLOWMAN DIRECTOR

xc:

Case File: Gwen Beyeler, Planner Owner/Applicant: Ivan Van Wingerden 4701 Foothill Road Carpinteria, CA 93013 Agent: Jay Higgins 3217 Calle Noguera Santa Barbara, CA 93105 County Chief Appraiser Fire Department Flood Control Public Works Environmental Health Services APCD Project Clean Water Deputy County Counsel Das Williams, First District Supervisor

#### Attachments: Attachment 1 – Findings Attachment 2 – Conditions of Approval Attachment 3 – Board Minute Order

G:\GROUP\PERMITTING\Case Files\APL\2020s\22 cases\22APL-00000-00006 Concerned Carp Appeal of Creekside Blooms\600 Decision Maker\BOS Action Letter.docx

#### ATTACHMENT 1: FINDINGS

### 1.0 CEQA FINDINGS

# SUBSEQUENT ACTIVITIES WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15162 AND 15168:

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

The Board of Supervisors considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Link to the PEIR provided in Attachment 4 to the Board Agenda Letter, dated May 24, 2022, and incorporated herein by reference) along with the Proposed Project, which is an activity within the scope of the PEIR. Staff prepared a written checklist in compliance with CEQA 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 3 to the Board Agenda Letter, dated May 24, 2022, and incorporated herein by reference).

As shown in the written checklist and other information provided in the administrative record (e.g., Proposed Project plans and Development Plan application), 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 pursuant to State CEQA Guidelines Section 15162, thereby 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 located online at:

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 Cannabis FEIR-Volume%202.pdf

## 2.0 ADMINISTRATIVE FINDINGS

## 2.1 COASTAL DEVELOPMENT PERMIT FINDINGS

A. Findings required for all Coastal Development Permits. 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 Board of Supervisors finds that the Proposed Project is adequately served by public or private services and resources. As discussed in the Planning Commission staff report, dated February 22, 2022 included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference, adequate services are available to serve the proposed development. Water will continue to be served by the Carpinteria Valley Water District. An upgraded septic system will provide wastewater treatment. Access will be provided by an existing paved driveway off Via Real. The Carpinteria-Summerland Fire Protection District and Santa Barbara County Sheriff's Department will serve the Proposed Project. Storm water detention will be provided by existing facilities and a new underground detention basin.

- B. Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may not be appealed to the Coastal Commission. [CDPs that are processed in conjunction with a discretionary permit but are not appealable to the CCC] In compliance with Section 35-169.5.3 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development subject to Section 35-169.4.3 for development that may not be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:
- 2.1.1 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 Board of Supervisors finds that as discussed in the Planning Commission staff report, dated February 22, 2022 included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference, the development conforms to the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan and the Toro Canyon Community Plan. In addition, the proposed development is consistent with the Article II requirements for the AG-I-10 Zone District as they relate to permitted uses, building heights, setbacks, and parking with approval of the setback modification to comply with the Carpinteria Agricultural Overlay. The request for a modification to the 100-ft. top-of-bank setback and 20-ft. southern property line setback is justified. In order to improve circulation and ventilation, the height of the permitted 1.96-acre greenhouse is proposed to be increased from 17-ft.-5-in. to 22-ft. These greenhouses were approved in 1973 and 1980, prior to adoption of the Carpinteria Agricultural Overlay in 2004 under Ordinance Amendment 4529 to the Article II Coastal Zoning Ordinance.

Portions of these greenhouses are located within the 100-ft. setback from the Arroyo Paredon top-of-bank. The BRA (Attachment 9 to the Board Agenda Letter, dated May 24, 2022, and incorporated herein by reference) analyzed the proposed height increase. As described in the Board Agenda Letter, the BRA concluded that with implementation of the proposed HPP, TPP, and WMP (Attachment 9 to the Board Agenda Letter, dated May 24, 2022, and incorporated herein by reference), impacts of the Proposed Project on Arroyo Paredon and biological resources will be less than significant. As required by the Conditions of Approval (Attachment 2-A, Condition No. 9, Attachment 2-B, Condition No. 10 to the Board Agenda Letter, dated May 24, 2022, and incorporated herein by reference), during construction activities, the Applicant will be required to properly store construction equipment away from the Arroyo Paredon top-of-bank and provide a designated equipment parking/storage area. A designated equipment washout area for materials such as paint and concrete will be used in order to avoid pollution of Arroyo Paredon (Attachment 2-A, Condition No. 10, and Attachment 2-B, Condition No. 11 to the Board Agenda Letter, dated May 24, 2022, and incorporated herein by reference).

The as-built and new water tanks in the 20-ft. setback from the southern property line support the operation and conform to the rural character of the area. The subject parcel is largely built out with the permitted greenhouses and processing building area, landscaping, ESH buffer area, parking, and upgraded septic system, and as a result, there are limited areas to allow additional development needed for the cannabis operation. Additionally, placing the water tanks elsewhere onsite could encroach in the ESH buffer area. Further, moving the as-built structures would disrupt the operation and onsite infrastructure, because all irrigation is currently connected to the water tank area.

The CDFW, USFWS, and RWQCB reviewed the Proposed Project and have no further comments regarding the requested modifications or any impacts to Arroyo Paredon and biological resources. The operation and modifications have been reviewed by the Carpinteria Summerland Fire District for accessibility and emergency access. The SBAR conceptually reviewed the lighting, landscaping, new water tanks, height increase of the greenhouses, and as-built structures associated with the Proposed Project. The Proposed Project is conditioned to obtain final approval from the SBAR prior to Coastal Development Permit issuance (Attachment 2-A, Condition No. 3 and Attachment 2-B, Condition No. 4 to the Board Agenda Letter, dated May 24, 2022, incorporated herein by reference).

2.1.2

#### The proposed development is located on a legally created lot.

The Board of Supervisors finds that the subject parcel was created in 1914 and recorded in Book 7 Page 91 of the County of Santa Barbara recorded maps, and therefore the proposed development is located on a legally created lot.

2.1.3

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 Board of Supervisors finds that as conditioned, the Proposed Project and subject property will be 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, for the AG-I Zone District, and Carpinteria Agricultural Overlay with approval of the requested modification as described in detail under Section 6.3 of the Planning Commission staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference. With approval of the requested modification to the Carpinteria Agricultural Overlay 100-ft. setback from the Arroyo Paredon top-of-bank and 20-ft. setback from the southern property line, the following development will be consistent with the Article II Coastal Zoning Ordinance:

- Portions of the two permitted greenhouses within the 100-ft. setback, totaling 41,000 sq. ft., to be increased in height to 22-ft.-tall;
- One as-built 25,360-gallon water tank located 16 ft. from the southern property line;

- Three as-built 36,984-gallon water tanks located 13 ft. from the southern property line;
- One new 25,360-gallon water tank located 16 ft. from the southern property line;

## 2.1.4

2.1.5

Additionally, all processing fees have been paid to date.

# The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.

The Board of Supervisors finds that, as discussed under Section 6.2 of the Planning Commission staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference, the Proposed Project will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast since the subject parcel is minimally visible to travelers on Via Real and Highway 101 due to distance, topography, and existing vegetation. Additionally, the Proposed Project includes the implementation of a Landscaping and Screening Plan that will further screen the greenhouses that will have an increased height of 22 ft.

The proposed development will be compatible with the established physical scale of the area.

The Board of Supervisors finds that, as discussed under Section 6.2 of the staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and herein incorporated by reference, the Proposed Project is compatible with the established physical scale of the area. The surrounding area is made up of agricultural uses and properties developed with greenhouses. The Proposed Project will consist of cannabis cultivation located within existing greenhouses and processing within an existing processing building. The Proposed Project will result in a net reduction of greenhouse area, with all as-built development in the ESH buffer proposed to be demolished and new development consisting of two new water tanks. The Proposed Project also includes installation of a new underground storm water detention basin. The greenhouse, processing building, landscaping, fencing, lighting, and water tanks are compatible in character to development in the Toro Canyon and Carpinteria areas. There are dozens of similar agricultural properties consisting of greenhouses, water tanks, and processing buildings near Via Real within half of a mile radius of the subject parcel. All exterior lighting will be fully shielded and directed downward in keeping with the character of surrounding agricultural development. The development conforms to the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan and the Toro Canyon Community Plan. In addition,

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the proposed development is consistent with the Article II requirements for the AG-I-10 Zone District and Cannabis Regulations.

# The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.

The Board of Supervisors finds, as discussed under Section 6.2 of the Planning Commission staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter, dated May 24, 2022 and incorporated herein by reference, that the Proposed Project complies with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan. There are no

public access or recreation facilities on the subject property. County Community
 A. Services Parks Division reviewed the Proposed Project and had no comments or conditions.

Additional findings required for sites within the Toro Canyon Plan area.

In compliance with Section 35-194.6.3 of the Article II Coastal Zoning Ordinance, upon recommendation by the Board of Architectural Review, the decision-maker may approve or conditionally approve an application for a Coastal Development Permit on sites within the Toro Canyon Plan area that includes an exemption to architectural review standards h. or i. of Section 35-194.6.3. if written findings are made that the exemptions would allow a project that: 1) furthers the intent of protecting hillsides and watersheds, 2) enhances and promote better structural and/or architectural design, and 3) minimizes visual or aesthetic impacts.

**2.2.1** The Board of Supervisors finds that the Proposed Project does not require exemptions to the architectural review standards h. or i. of Section 35-194.6.3, and therefore, this finding is not applicable to the Proposed Project.

In compliance with Section 35-194.9 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit on sites within the Toro Canyon Plan that allows a deviation from a policy or standard of the Local Coastal Program to provide a reasonable use the decision-maker shall first make all of the following findings:

- a. Based on the economic information provided by the Applicant, as well as any other relevant evidence, each use allowed by the Local Coastal Program policies and/or standards would not provide an economically viable use of the Applicant's property.
- b. Application of the Local Coastal Program policies and/or standards would unreasonably interfere with the Applicant's investment-backed expectations.

- c. The use proposed by the Applicant is consistent with the applicable zoning.
- d. The use and project design, siting, and size are the minimum necessary to avoid a taking.
- e. The project is the least environmentally damaging alternative and is consistent with all provisions of the certified Local Coastal Program other than the provisions for which the exception is requested.
- f. The development will not be a public nuisance. If it would be a public nuisance, the development shall be denied.

The Board of Supervisors finds that the Proposed Project does not allow a deviation from a policy or standard of the Local Coastal Program, and therefore, this finding is not applicable to the Proposed Project. A Biological Resources Assessment (BRA) was conducted by Storrer Environmental Services, LLC on November 23, 2021 (Attachment 9 to the Board Agenda Letter dated May 24, 2022, incorporated herein by reference) and peer-reviewed by the County. The BRA delineates the extent of the ESH associated with Arroyo Paredon Creek located in the northern portion of the subject parcel. As explained in detail in Sections 6.2 and 6.3.7 of the Planning Commission Staff Report dated February 22, 2022 and incorporated herein by reference, the Proposed Project includes demolition of all as-built structures within the ESH buffer. Only permitted development will remain in the ESH buffer, consisting of structures that were permitted and constructed prior to the adoption of the Coastal Act and establishment of ESH with the certification of the County's Local Coastal Program. As part of the proposed Native Habitat Enhancement Planting Plan (Attachment 6 to the Board Agenda Letter dated May 24, 2022, incorporated herein by reference), 54,053 sq. ft. of native riparian vegetation will be planted along the northern portion of the parcel within the ESH buffer area. The BRA analyzed the Proposed Project and concluded that no native vegetation or habitat will be removed.

2.3

Α.

## **DEVELOPMENT PLAN FINDINGS**

Findings required for all Preliminary and Final Development Plans. In compliance with Section 35-174.7.1 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the decision-maker shall first make all of the following findings:

## 2.3.1

That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.

The Board of Supervisors finds that, as discussed under Sections 6.2 and 6.3 of the Planning Commission staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference, the site for the Proposed Project is adequate in size, shape, location, and physical

characteristics to accommodate the density and level of development proposed. The subject property is an 8.96-acre parcel located within Area A of the Carpinteria Agricultural Overlay District. Permitted greenhouse development has been onsite since the 1970s and has been used for flower cultivation activities. Adjacent, surrounding parcels are similarly used for agriculture. The subject parcel is currently being used for cannabis cultivation. Project activities will take place within the permitted greenhouse and processing building. As-built development in support of cultivation and processing will be legalized as part of the Proposed Project.

The Proposed Project was reviewed by Caltrans, CDFW, RWQCB, and none of these agencies have further comments. The Proposed Project is required to comply with RWQCB regulations in order to maintain the CDP, County Business License, and State licensing. The Proposed Project was reviewed by other County departments and is required to comply with all condition letters provided as Attachment 2 to the Board Agenda Letter dated May 24, 2022, incorporated herein by reference.

The Proposed Project provides adequate parking as employees will use 39 parking spaces located onsite and the Project includes a Site Transportation Demand Management Plan included as Attachment 6 to the Board Agenda Letter dated May 24, 2022. As detailed in the evidence to support Coastal Development Permit Finding 2.3.1 (above), there will be adequate services to serve the Proposed Project. As detailed in the evidence to support Coastal Development Finding 2.1.3 (above), the Proposed Project meets all zoning requirements. Additionally, the cannabis cultivation operation is in compliance with the cannabis regulations set forth in 35-144U of Article II related to screening, odor abatement, traffic, noise, security, lighting, and water efficiency.

#### 2.3.2

#### That adverse impacts are mitigated to the maximum extent feasible.

The Board of Supervisors finds that, as discussed under Section 6.1 of the Planning Commission staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter, dated May 24, 2022 and incorporated herein by reference, adverse impacts are mitigated to the maximum extent feasible. Standard conditions of approval have been imposed on the Proposed Project. Additionally, the Proposed Project will not have any new impacts that were not discussed in the PEIR, and potentially significant environmental impacts identified in the PEIR will be mitigated to the maximum extent feasible. On February 6, 2018, the Santa Barbara County Board of Supervisors (herein after Board of Supervisors) certified a PEIR, Case No. 17EIR-00000-00003, for a Cannabis Land Use Ordinance and Licensing Program. The PEIR was

prepared in accordance with the State CEQA Guidelines Section 15168 and evaluated the Program's direct, indirect, and cumulative impacts based on Appendix G of the 2017 State CEQA Guidelines and thresholds in the County's Environmental Thresholds and Guidelines Manual (County of Santa Barbara 2008, revised July 2015). 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. 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 without a new environmental document, if the County finds pursuant to Section 15162 that no new effects could occur or no new mitigation measures will be required and the later activity would not have effects that were not examined in the programmatic environmental impact report.

On January 10, 2022, staff completed the written checklist pursuant to State CEQA Guidelines Section 15168(c)(4), which evaluated the Proposed Project pursuant to the requirements of Section 15162 of the State CEQA Guidelines (Attachment 3 to the Board Agenda Letter dated May 24, 2022, incorporated herein by reference) and determined that all of the environmental impacts of the cannabis operation will be within the scope of the Proposed 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 is required. Mitigation measures that were discussed in the PEIR have been incorporated into the Conditions of Approval (Attachment 2 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference). The mitigation measures incorporated from the PEIR will mitigate significant environmental impacts to the maximum extent feasible.

# 2.3.3 That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

The Board of Supervisors finds that, as discussed under Section 6.2 of the Planning Commission staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference, streets and highways are adequate and properly designed to carry the vehicles related to operations, deliveries, and employees of the Proposed Project. Traffic to the subject parcel will utilize an existing driveway off Via Real. Via Real is a public road. All nearby

> roadways are able to support the trips that will be generated as part of the Proposed Project according to Caltrans and Santa Barbara County Public Works Department.

> Per the Traffic Study dated November 30, 2021 (Attachment 10 to the Board Agenda Letter, dated May 24 2022, incorporated herein by reference), the Proposed Project is anticipated to generate a total of 90 Average Daily Trips with four a.m. and four p.m. peak hours trips. This will result in a net increase of 60 ADT and two a.m. and two p.m. peak hour trip compared to the previous cut flower operation. The Santa Barbara County Public Works Department Transportation Division reviewed the Proposed Project and had no comments or conditions. The Carpinteria-Summerland Fire District reviewed the Proposed Project and issued a condition letter (Attachment 2-A, Condition No. 26 and Attachment 2-B, Condition No. 44 to the Board Agenda Letter, dated May 24, 2022, incorporated herein by reference).

# 2.3.4 That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

The Board of Supervisors finds that there are adequate public services to serve the Proposed Project. As discussed in Section 6.2 of the Planning Commission staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference, and as detailed under the Coastal Development Permit Findings and herein incorporated by reference, there will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the Proposed Project.

# 2.3.5 That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

The Board of Supervisors finds that the Proposed Project, as conditioned, will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area. The Proposed Project is a change of use from cultivating cut flowers to cultivating cannabis and is a continuation of agricultural use on an agriculturally-zoned property. Project activities will take place within an existing greenhouses and processing and packaging building, totaling 4.15 acres of growing, trimming, and harvesting. As part of the Proposed Project, various as-built accessory structures and portions of previously permitted structures including a portion of each greenhouse will be demolished. Total grading associated with the upgrading of the septic tank, installation of the underground detention basin, and replacement of existing impervious asphalt to pervious will be up to 120 cubic yards.

> The Proposed Project meets all requirements with respect to zoning, Cannabis Regulations, the Carpinteria Agricultural Overlay District, and the Comprehensive Plan, including the Toro Canyon Community Plan. As detailed in Sections 6.2 and 6.3 of the staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter, dated May 24, 2022 and herein incorporated by reference, the proposed Landscape and Screening Plan (Attachment 6 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference), includes new landscaping (screening) in the area abutting Via Real. The proposed Lighting Plan (Attachment 6 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference) includes proposed fixtures that will be fully shielded and directed downward. The South Board of Architectural Review (SBAR) conceptually reviewed the Proposed Project, including the landscaping, lighting, and fencing on two occasions (October 2, 2020 and October 16, 2020) and requested the Applicant return once zoning approval is obtained from the decision maker. Approval of the landscape and screening plan by the SBAR is required prior to Coastal Development Permit issuance (Attachment 2-A, Condition No. 3 and Attachment 2-B, Condition No. 4 to the Planning Commission staff report dated February 22, 2022, incorporated herein by reference).

> The Odor Abatement Plan (Attachment 7 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference) includes the use of a regenerative carbon scrubber system (RCSS) as the primary method of odor control within the greenhouses. A carbon adsorption-based system will be used in the processing building. These methods of odor control will ensure that odor is not experienced in residential zones. The Applicant submitted a Site Transportation Demand Management Plan (STDMP) (Attachment 6 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference), which describes carpooling, vanpools, and non-peak hour trips as mechanisms to reduce trips and the number of parked vehicles onsite. The County Public Works Roads Division and Caltrans reviewed the Proposed Project, determined that there will be no significant impacts to the public road system, and did not have any comments or conditions. Additionally, the Carpinteria-Summerland Fire Department reviewed the Proposed Project, including access, for compliance with fire safety regulations, and issued a condition letter (Attachment 2-A, Condition No. 26 and Attachment 2-B, Condition No. 44 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference).

> The APCD reviewed the Proposed Project for compliance with air quality regulations and issued a condition letter (Attachment 2-A, Condition No. 26 and Attachment 2-B, Condition No. 44 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference).

2.3.6 That the project is in conformance with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article II and/or the project falls with the limited exception allowed under Section 35-161.7.

The Board of Supervisors finds that the Proposed Project is in conformance with the Comprehensive Plan, including the Coastal Land Use Plan. As discussed in Section 6.3 of the Planning Commission staff report, dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference, the development conforms to the applicable provisions of Article II, including:

- Section 35-68.1 Purpose and Intent [of the AG-I Zone]
- Section 35-68.7 Setbacks for Buildings and Structures [in the AG-I Zone]
- Section 35-68.9 Height Limit [in the AG-I Zone]
- 35-102F.8.2 Height [in the Carpinteria Agricultural Overlay District]
- 35-102F.8.3 Setbacks [in the Carpinteria Agricultural Overlay District]
- 35-102F.8.5 Prime Agricultural Soils [in the Carpinteria Agricultural Overlay District]
- 35-102F.9 Development Standards for Greenhouses and Related Development [in the Carpinteria Agricultural Overlay District]
- Section 35-113 Required Number of Spaces: Agriculture
- Section 35-114.3 Construction and Design [of All Parking]
- Section 35-144U.C General Commercial Cannabis Activities Development Standards
- Section 35-144U.C Specific Use Development Standards for Cultivation [of Cannabis]

As discussed in Section 6.2 of the Planning Commission staff report, dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 incorporated herein by reference, the Proposed Project meets all applicable requirements of the Comprehensive Plan, including the Coastal Land Use Plan.

# That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.

The Board of Supervisors finds that the Proposed Project is compatible with and subordinate to the scenic, agricultural, and rural character of the area. The site is an 8.96-acre, AG-zoned parcel located within Carpinteria Agriculture Overlay. The subject property is surrounded by agriculture. The subject parcel is currently used for commercial cannabis cultivation and has historically been used for cut flower cultivation. The Proposed Project will continue the cultivation of crops and agricultural activities on the site.

> As described in Sections 6.2 and 6.3 of the Planning Commission staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022, herein incorporated by reference, the parcel abuts Via Real where there will be landscaping planted to screen the Proposed Project. There are dozens of similar greenhouses within half a mile radius of the subject parcel and the project proposed is similar to those greenhouses in the surrounding area. The Proposed Project includes greenhouse and processing development in support of cultivation of crops. All development conforms to Article II and Comprehensive Plan standards and policies with approval of the requested modification to the Carpinteria Agricultural Overlay setbacks described in detail in Section 6.3 of the Planning Commission staff report dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 incorporated herein by reference. All exterior lighting will be motion-activated, fully shielded, and directed downward in keeping with the scale of surrounding agricultural and residential development. Additionally, the as-built additions to the greenhouses and the processing building are compatible with the permitted development onsite and the rural character of the area.

## That the project will not conflict with any easements required for public access2.3.8 through, or public use of a portion of the property.

The Board of Supervisors finds that the Proposed Project will not conflict with any easements required for public access through or public use of a portion of the property. There are no easements for public access through the subject property, nor are there easements for public use of a portion of the subject property. County Community Services Department Parks Division reviewed the subject parcel and Proposed Project and has no comments or conditions.

In compliance with Section 35-174.8 of the Article II Coastal Zoning Ordinance, at the 2.3.9 time the Preliminary or Final Development Plan is approved, the decision-maker may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, or screening requirements specific in the applicable zone district when the decision-maker finds the project justifies such modifications.

The Board of Supervisors finds that the modification to the 100-ft. setback from the Arroyo Paredon top-of-bank and 20-ft. interior lot setback required by the Carpinteria Agricultural Overlay is justified. The request for a setback modification applies to the following structures:

• Portions of the two permitted greenhouses located in the 100-ft. setback totaling 41,000 sq. ft., to be increased in height to 22-ft.-tall;

- One as-built 25,360-gallon water tank located 16 ft. from the southern property line;
- Three as-built 36,984-gallon water tanks located 13 ft. from the southern property line; and
- One new 25,360-gallon water tank located 16 ft. from the southern property line.

In order to improve circulation and ventilation, the height of the permitted 2-acre greenhouse is proposed to be increased from 15-ft.-1-in. to 22-ft., and the permitted 1.96-acre greenhouse is proposed to be increased from 17-ft.-5-in. to 22-ft. These greenhouses were approved in 1973 and 1980, prior to adoption of the Carpinteria Agricultural Overlay in 2004 under Ordinance Amendment 4529 to the Article II Coastal Zoning Ordinance. Portions of these greenhouses are located within the 100-ft. setback from the Arroyo Paredon top-of-bank. The BRA (Attachment 9 to the Board Agenda Letter dated May 24, 2022 incorporated by reference) analyzed the proposed height increase, and as described in Section 6.2 of this Staff Report, the BRA concluded that with implementation of the proposed HPP, TPP, and WMP (Attachment 9 to the Board Agenda Letter dated May 24, 2022 incorporated by reference), impacts of the Proposed Project on Arroyo Paredon and biological resources will be less than significant. As required by the Conditions of Approval (Attachment 2-A, Condition No. 9, Attachment B-2, Condition No. 10), during construction activities, the Applicant will be required to properly store construction equipment away from the Arroyo Paredon top-of-bank and provide a designated equipment parking/storage area. A designated equipment washout area for materials such as paint and concrete will be used in order to avoid pollution of Arroyo Paredon (Attachment 2-A, Condition No. 10, and Attachment 2-B, Condition No. 11).

The as-built and proposed water tanks within the 20-ft. setback from the southern property line area support the operation and conform with the rural character of the area. The subject parcel is largely built out with the permitted greenhouses and processing building area, landscaping, ESH buffer area, parking, and upgraded septic system, and as a result, there are limited areas to allow additional development needed for the cannabis operation. Additionally, placing the water tanks elsewhere onsite could require encroachment of development in the ESH buffer area. Further, moving the asbuilt structures would disrupt the operation and onsite infrastructure, because all irrigation is currently connected to the water tank area. The as-built structures will not be visible from public viewing areas.

The CDFW, USFWS, and RWQCB reviewed the Proposed Project and have no further comments regarding any impacts to Arroyo Paredon or biological resources. The SBAR conceptually reviewed the Proposed Project and requested that it return to SBAR for preliminary and final approval. The Proposed Project is conditioned to obtain final

approval from the SBAR prior to Coastal Development Permit issuance (Attachment 2-A, Condition No. 3 and Attachment 2-B, Condition No. 4 to the Board Agenda Letter dated May 24, 2022, incorporated herein by reference). Lastly, the Carpinteria Summerland Fire District reviewed the Proposed Project for accessibility and emergency access. The Proposed Project is conditioned to comply with the Fire Protection District letter (Attachment 2-A, 2-B, and 2-C to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference).

#### 2.4 CONDITIONAL USE PERMIT FINDINGS

A. Findings required for all Conditional Use Permits. In compliance with Section 35-172.8 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Conditional Use Permit, the decision-maker shall first make all of the following findings:

## 2.4.1 That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.

The Board of Supervisors finds that the site for the Proposed Project is adequate to accommodate the Proposed Project. As discussed in the evidence to support Development Plan Finding 2.3.1 (above), the Project site is adequate in terms of location, physical characteristics, shape, and size to accommodate the packing and shipping facility associated with the Proposed Project.

#### 2.4.2 That adverse impacts are mitigated to the maximum extent feasible.

The Board of Supervisors finds that adverse impacts are mitigated to the maximum extent feasible. Standard conditions have been imposed on the Proposed Project. Additionally, the Proposed Project will not have any new impacts that were not discussed in the PEIR, and the Proposed Project's significant environmental impacts will be mitigated to the maximum extent feasible. As discussed in the evidence to support Development Plan Finding 2.3.2 (above), the mitigation measures incorporated from the PEIR will mitigate significant environmental impacts to the maximum extent feasible for the packing and shipping facility.

## 2.4.3 That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

The Board of Supervisors finds that streets and highways are adequate and properly designed to carry the vehicles related to operations, deliveries, and employees of the Proposed Project. As discussed in the evidence to support Development Plan Finding 2.3.3 (above) Via Real is able to support the trips that will be generated as part of the Proposed Project, including the packing and shipping facility.

# 2.4.4 That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

The Board of Supervisors finds that there are adequate public services to serve the Proposed Project. As discussed in the evidence to support Development Plan Finding 2.3.4 (above), water supply, sewage disposal, fire protection, police protection, and adequate access will be provided for the packing and shipping facility.

# 2.4.5 That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.

The Board of Supervisors finds that the Proposed Project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood. As discussed in the evidence to support Development Plan Finding 2.3.5 (above), the Proposed Project will be compatible with the surrounding area. The packing and shipping facility is located between two existing greenhouses will not be visible from any public viewing areas.

# 2.4.6 That the project is in conformance with the applicable provisions of Article II and the Coastal Land Use Plan.

The Board of Supervisors finds that the Proposed Project is in conformance with the Comprehensive Plan, including Article II, the Coastal Land Use Plan, and the Toro Canyon Community Plan. As discussed in the evidence to support Development Plan Finding 2.3.6 (above), the Proposed Project meets all zoning requirements for packing and shipping facilities.

# 2.4.7 That in designated rural areas, the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.

The Board of Supervisors finds that the Proposed Project is compatible with and subordinate to the scenic, agricultural, and rural character of the area. As discussed in the evidence to support Development Plan Finding 2.3.7 (above), the packing and shipping facility will continue the agricultural use of the parcel and will be in keeping with the surrounding area.

# 2.4.8 That the project will not conflict with any easements required for public access through, or public use of a portion of the property.

The Board of Supervisors finds that the Proposed Project will not conflict with any easements required for public access through or public use of a portion of the property. As discussed in the evidence to support Development Plan Finding 2.3.8 (above), there are no easements for public access through the subject property, nor are there easements for public use of a portion of the subject property. County Community Services Department Parks Division reviewed the subject parcel and Proposed Project and has no comments or conditions.

#### 2.4.9

#### That the proposed use is not inconsistent with the intent of the zone district.

The Board of Supervisors finds that the Proposed Project is consistent with the intent of the AG-I zone district. As discussed in Section 6.3 of the staff report, dated February 22, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022, incorporated herein by reference, the Proposed Project is consistent with the intent of the AG-I zone district, which is to ensure well-designed greenhouse development and limit the loss of open field agricultural areas from piecemeal greenhouse expansion by protecting the water quality, visual resources, and rural character of the Carpinteria Valley. The subject parcel is currently developed with two greenhouses and greenhouse-related development including packing, shipping, and processing buildings, and the Proposed Project will not result in the loss of any open field agricultural areas.

### ATTACHMENT 2-A: CONDITIONS OF APPROVAL

#### **Project Description**

1. **Proj Des-01 Project Description:** This Development Plan is based upon and limited to compliance with the project description, the hearing exhibits marked 1-14, dated May 24, 2022, 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 includes the following new development on the parcel containing cannabis activities (Parcel -008):

- Two 35,663-gallon water tanks
- Three 13,208-gallon water tanks

The following development will be demolished located on the parcel containing cannabis activities (Parcel -008):

- 4,115-sq.-ft. portion of the permitted greenhouse used for cannabis
- One 523-sq.-ft. two-car garage
- One 321-sq.-ft. reverse osmosis room
- One 897-sq.-ft. storage room
- One 13,208-gallon waste water tank
- One 35,663-gallon water tank

The following as-built development associated with the cannabis operation on the parcel containing cannabis activities (Parcel -008) will be legalized:

- 4,299 sq. ft. of additions to the office
- 433 sq. ft. of additions to the boiler rooms
- One 335-sq.-ft. restroom facility
- One 821-sq.-ft. loading dock
- One 807-sq.-ft. utility/storage enclosure space
- Two 35,663-gallon water tanks
- Two 13,208-gallon water tanks
- One 145,295-gallon water tank
- 32,180 sq. ft. of greenhouse
- 1,412-sq.-ft. irrigation room
- 1,571 sq. ft. of covered storage racks

On the neighboring parcel containing no cannabis activities (Parcel -002), the following as-built development will be legalized as part of the Proposed Project:

- Two 16,134-gallon water tanks
- Two 1,165-gallon water tanks
- One 3,215-gallon water tank

• One 864-sq.-ft. accessory storage structure for fertigation and mechanical equipment

• One 1,020-sq.-ft. open lean-to storage shed used to store agricultural equipment and materials

The Proposed Project also includes a request for a setback modification to reduce the 20-ft. interior lot setback from the eastern property line to 18 ft. and the 100-ft. residential zone setback from the southern property line required by the Carpinteria Agricultural Overlay as outlined below in order to allow the following existing development located on the parcel containing cannabis activities (Parcel -008):

- One as-built 354-sq.-ft. utility shed located 18 ft. from the eastern property line
- One as-built 1,412-sq.-ft. irrigation room 68 ft. form the southern property line

• Three new 13,208-gallon water tanks located 19.5 ft., 19.5 ft., and 65 ft. from the southern property line

• Two new 35,663-gallon water tanks located 73 ft. and 85 ft. from the southern property line

• Two as-built 13,208-gallon water tanks located 20 ft. and 33 ft. from the southern property line

• Two as-built 35,663-gallon water tanks located 20 ft. and 36 ft. from the southern property line

Existing permitted development includes one 492,251-sq.-ft. greenhouse on the parcel containing cannabis activities (Parcel -008) and a 74,052-sq.-ft. (1.7-acre) greenhouse on the parcel containing no existing or proposed cannabis activities (Parcel -002). The south and east sides of a permitted detention basin that is located on the parcel containing cannabis activities (Parcel -008) will be re-contoured requiring 1,300 cubic yards of cut and 300 cubic yards of fill. Additionally, the detention basin outlet and spillway will be replaced like-for-like consistent with current standards. No trees or vegetation will be removed. New landscaping will be planted on both parcels to further screen the Proposed Project and existing development from public viewing areas.

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.** Aest-04 BAR Required: The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g.,

design, scale, character, colors, materials and landscaping shall be compatible with vicinity development AND SHALL CONFORM IN ALL RESPECTS TO PREVIOUS BAR APPROVAL of 19BAR-00000-00125.

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

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

4. Air-01 Dust Control: The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:

a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.

b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.

c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.

d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.

e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.

f. Order increased watering as necessary to prevent transport of dust off-site.

g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.

h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:

i. Seed and water to re-vegetate graded areas; and/or

ii. Spread soil binders; and/or

iii. Employ any other method(s) deemed appropriate by P&D or APCD.

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

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

a. Assure all dust control requirements are complied with including those covering weekends and holidays.

b. Order increased watering as necessary to prevent transport of dust offsite.

c. Attend the pre-construction meeting.

TIMING: The dust monitor shall be designated prior to 1ST GRADING permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued.

MONITORING: P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

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

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

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

Geo-02 Erosion and Sediment Control Plan: Where required by the latest **6**. edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the Ordinance Chapter 14 Grading County web site re: (http://sbcountyplanning.org/building/grading.cfm) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements.

PLAN REQUIREMENTS: The grading and SWPPP, SWMP and/or ESCP shall be

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

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

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

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

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

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

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

8. SolidW-03 Solid Waste-Construction Site: The Owner/Applicant shall provide an adequate number of covered receptacles for construction and employee trash to prevent trash & debris from blowing offsite, shall ensure waste is picked up weekly or more frequently as needed, and shall ensure site is free of trash and debris when construction is complete.

PLAN REQUIREMENTS: All plans shall contain notes that the site is to remain trash-free throughout construction.

TIMING: Prior to building permit issuance, the Owner/Applicant shall designate and provide P&D with the name and phone number of a contact person(s)

responsible for trash prevention and site clean-up. Additional covered receptacles shall be provided as determined necessary by P&D.

MONITORING: Permit compliance monitoring staff shall inspect periodically throughout grading and construction activities and prior to Final Building Inspection Clearance to ensure the construction site is free of all trash and debris.

**9.** Voluntary Merger: The Owner/Applicant shall merge the two separate lots shown as Assessor's Parcel Number 004-005-002 and 004-003-008. The voluntary mergers are to be completed as directed by the County Surveyor.

TIMING: The Owner/Applicant shall submit to Planning and Development copies of these mergers prior to Coastal Development Permit issuance.

10. WatConv-04 Equipment Storage-Construction: The Owner/Applicant shall designate a construction equipment filling and storage area(s) to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all GRADING and BUILDING plans.

TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

11. WatConv-05 Equipment Washout-Construction: The Owner/Applicant shall designate a washout area(s) for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in this area and removed from the site. The area shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all GRADING and BUILDING plans.

TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

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### **Project Specific Conditions**

12. EM-01 Emergency Generator: In the event of a power failure, a generator may be used on the site to provide backup power. A generator is allowed for emergency backup electrical purposes only and shall only be continuously operated during an event of interruption of standard electrical service as provided by the local electrical utility company to the subject parcel. For diesel generators, engines shall be certified to meet EPA Tier 4 Final emissions standards. Pursuant to the manufacturer's routine maintenance recommendations, the generator may be exercised on a monthly basis for a period not to exceed 30 minutes. Timing: The exercise period shall be limited to the hours between 7:30 a.m. and 4:30 p.m., Monday–Friday only & shall not occur on State holidays (e.g., Thanksgiving, Labor Day, etc.). Non-emergency operation beyond 30 minutes per month shall be prohibited. Additionally, Air Pollution Control District (APCD) permits are required for emergency standby generator engines rated at 50 BHP (brake-horsepower) or greater unless the equipment qualifies for an exemption based on low usage.

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

TIMING: If required, Permittee shall obtain an APCD Authority to Construct permit prior to engine installation, and an APCD Permit to Operate prior to engine operation. All necessary APCD permits, if required, shall be obtained prior to Final Building Inspection Clearance.

**13. 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.

### **County Rules and Regulation**

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14. DIMF-24d DIMF Fees-Fire: In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the Fire Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid.

The total Fire DIMF amount is estimated based on a project type of as-built commercial agricultural structures.

TIMING: Fire DIMFs shall be paid to the County Fire Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when

paid, which may increase at the beginning of each fiscal year (July 1st).

**15. DIMF-24g DIMF Fees-Transportation:** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for transportation. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid.

The total DIMF amount for Transportation is estimated based on a project type of as-built commercial agricultural structures.

TIMING: Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

- 16. Rules-01 Effective Date-Not Appealable to CCC: This Coastal Development Permit and Development Plan 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.
- 17. 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.
- **18. 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.
- **19. Rules-07 DP Conformance:** No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of structures, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan stamped zoning approved.
- **20.** 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.
- 21. Rules-09 Signs: Signs. No signs of any type are approved with this action

unless otherwise specified. All signs shall be permitted in compliance with Article II.

- 22. Rules-14 Final DVP Expiration: Final Development Plans shall expire five years after the effective date unless substantial physical construction has been completed on the development or unless a time extension is approved in compliance with County rules and regulations.
- **23. Rules-16 Modification Expiration:** This Modification shall expire 12 months from the effective date if the Owner/Applicant fails to obtain a Zoning Clearance unless otherwise specified in these conditions of project approval or unless a time extension is approved in compliance with County rules and regulations. Once the Zoning Clearance for the structures has been issued, the Modification shall have the same expiration date as the issued Zoning Clearance. Any use authorized by this Modification shall immediately cease if this Modification expires.
- 24. Rules-18 CUP and DVP Revisions: The approval by the Planning Commission of a revised DEVELOPMENT PLAN shall automatically supersede any previously approved FINAL DEVELOPMENT PLAN upon the effective date of the revised permit.
- **25. Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changes to approved plans. Substantial conformity shall be determined by the Director of P&D.
- **26. 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.
- **27. Rules-23 Processing Fees Required:** Prior to issuance of ZONING CLEARANCE, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 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(s) for TWO years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed of all approved landscape & irrigation, plans per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape & irrigation have been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved landscape and irrigation, P&D may use the security to complete the work

**29.** Rules-28 Greenhouse Removal: The Owner shall sign a written agreement to comply with the County to remove greenhouse or greenhouse related development, or any portion thereof, if any component of the greenhouse development is abandoned (not in operation for 24 consecutive months). If, after 24 months of non-use for greenhouse purposes, greenhouse activities resume, such activities shall be continued without interruption for longer than 90 days within the subsequent one year period, or the facility shall be deemed abandoned and notice of such abandonment shall be served upon the landowner by the County. The Owner shall submit an application for demolition of the applicable development and restoration of agricultural lands suitable to ensure continued agricultural productivity. The removal shall occur within 180 days of issuance of a Coastal Development Permit for removal. Conversion of greenhouse development to non-agricultural uses shall not be considered in lieu of demolition or removal.

TIMING: The Owner shall sign the written agreement agreeing to this requirement of Article II (or any successor regulations, if the Carpinteria Agricultural Overlay is amended) prior to approval of the Coastal Development Permit.

- **30.** Rules-29 Other Dept Conditions: Compliance with Departmental/Division letters required as follows:
  - 1. Air Pollution Control District dated January 7, 2022;
  - 2. Environmental Health Services Division dated December 30, 2021;
  - 3. Carpinteria Summerland Fire District dated September 15, 2021;
  - 4. Flood Control Water Agency dated June 23, 2021.

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- **31. 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.
- **32.** 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.
- **33. 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.
- **34. 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.

# apcd

air pollution control district SANTA BARBARA COUNTY

August 30, 2021

Gwen Beyeler Santa Barbara County Planning and Development 123 E. Anapamu Street Santa Barbara, CA 93101

# Re: Santa Barbara County Air Pollution Control District Suggested Conditions on Everbloom Cannabis, 19DVP-00000-00020

Dear Gwen Beyeler:

The Air Pollution Control District (District) has reviewed the referenced project, which consists of cannabis cultivation in 172,660 square feet (SF) of existing greenhouses and support of cultivation activities in 18,045 SF of accessory structure space. The project will increase the height of the existing 15-foot-tall greenhouses to 22-feet. The project calls for the demolition of a 35,750 SF greenhouse in the northern portion of the parcel and a 3,240 SF greenhouse on the east side of the parcel. Accessory uses to the cannabis cultivation operation would include non-volatile manufacturing, packaging, and processing. The project includes transport-only distribution of cannabis that is cultivated onsite. An emergency generator is proposed for emergency use only to power the odor control system during power outages. The Odor Abatement Plan includes the use of a Byers vapor-phase odor mitigation system and a charcoal scrubber system. The site is served by existing water wells and municipal electricity. No grading information was provided. The subject property, an 8.87-acre parcel zoned AG-I-10 and identified in the Assessor Parcel Map Book as APN 005-280-025, is located at 3508 Via Real in the unincorporated area of Carpinteria.

District rules and regulations apply to various aspects of the cannabis industry. **Based on the project** description and information that has been provided, the proposed project includes equipment and/or operations subject to District permit requirements and prohibitory rules. County staff and the cannabis operator should carefully review the District's *Cannabis Permitting Requirements & Nuisance Enforcement Table* and *Advisory on Air Quality and Cannabis Operations* (available at <u>www.ourair.org/</u> <u>cannabis</u>). These resources provide local agencies and cannabis operators guidance regarding the air quality aspects of this industry. The District permit process can take several months. To avoid delay, the applicant is encouraged to submit an Authority to Construct permit application to the District as soon as possible, see <u>www.ourair.org/cannabis</u> to download the necessary permit application(s). Contact the District Engineering Division Supervisor, William Sarraf, to discuss applicable permitting requirements at (805) 961-8888 or SarrafW@sbcapcd.org.

The District will be a **responsible agency under the California Environmental Quality Act (CEQA)** and will rely on the County's CEQA determination when evaluating any District permits for proposed equipment. If an environmental document is prepared pursuant to CEQA, the air quality analysis should include the air pollutant emissions for all proposed equipment to avoid additional CEQA documentation requirements related to District permit issuance. In addition, if an evaluation of health risk is required

Aeron Arlin Genet, Air Pollution Control Officer

📞 805.961.8800 👘 🗣 260 N. San Antonio Rd., Ste. A 🛛 Santa Barbara, CA 93110 🛛 🍈 ourair.org 👘 💆 @OurAirSBC

for District permitting, we recommend including the health risk assessment (HRA) results in the CEQA document to ensure that project-related equipment will not result in a significant impact.

The proposed project is subject to the following <u>regulatory requirements</u> that should be included as conditions of approval in the applicable land use permit:

- 1. Post-harvest cannabis operations are required to obtain District permits pursuant to Rule 201 (*Permits Required*) due to the issuance of air contaminants. The project as currently proposed will require District permits for proposed cannabis manufacturing (non-volatile manufacturing and post-extraction refinement operations). Proof of receipt of the required District permits shall be submitted by the applicant to planning staff prior to building permit issuance.
- 2. Stationary and portable diesel-fired emergency standby generator engines rated 50 brake horsepower or greater must be either registered or permitted by the District. Please refer to the District's website at <u>www.ourair.org/ag-diesel-registration</u> and <u>www.ourair.org/dice-atcm</u> for additional information. These engines must also comply with the state Airborne Toxic Control Measures for Stationary Compression Ignition Engines. Please see <u>www.ourair.org/wpcontent/uploads/finalreg2011.pdf</u> for more information.
- 3. Spark ignition piston-type internal combustion (IC) engines (e.g., gasoline-fired, natural gasfired, propane-fired, etc.) with a rated brake horsepower of 50 or greater used to supply prime or emergency electrical power require a District permit. Spark ignition engines used exclusively for the growing of cannabis crops are classified as "agricultural" engines and may be exempt from District permit pursuant to Rule 202, Section D.3. Spark ignition engines used to support any operation/system other than growing operations (e.g. office buildings, security systems, etc.) may be eligible for an exemption from permit requirements pursuant to District Rule 202, Section F.1.d. provided the following criteria are met: (a) the engine is used exclusively for emergency electrical power generation, (b) the engine operates no more than 200 hours per calendar year, and (c) a record is maintained and is available to the District upon request. The record shall list the identification number of the equipment, the number of operating hours on each day the engine is operated, and the cumulative total hours. Failure to maintain records that meet the above requirements or violation of any District rule may result in the immediate loss of the permit exemption.

In addition, spark ignition engines with a rated brake horsepower of 50 or greater are subject to Rule 333, *Control of Emissions from Reciprocating Internal Combustion Engines*. Such engines may be exempt from the requirements of this rule if they are:

a) classified as "agricultural" (i.e. used exclusively for the growing of cannabis crops), or
b) operated less than 200 hours per calendar year and a record is maintained and is available to the District upon request.

If the proposed engine is required to obtain a District permit due to loss of the permit exemption provided by Rule 202.D.3. or Rule 202.F.1.d, the requirements of Rule 333 become applicable to the engine.

4. All portable diesel-fired construction engines rated at 50 brake horsepower or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or District permits prior to grading/building permit issuance. Construction engines with PERP certificates

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

- 5. District permits are required for any individual (or grouping) of boilers or large water heaters with a rated heat over 2.0 million BTUs per hour (MMBtu/hr). For more information, see <u>www.ourair.org/boiler-heater-generator</u>.
- 6. The applicant is required to complete and submit an Asbestos Demolition/Renovation Notification or an EXEMPTION from Notification for Renovation and Demolition (District Form ENF-28 or APCD Form ENF-28e), which can be downloaded at <u>www.ourair.org/compliance-</u> forms for each regulated structure to be demolished or renovated. Demolition notifications are required regardless of whether asbestos is present or not. The completed exemption or notification shall be presented, mailed, or emailed to the Santa Barbara County Air Pollution Control District with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. The applicant shall visit <u>www.ourair.org/asbestos</u> to determine whether the project triggers asbestos notification requirements or whether the project qualifies for an exemption.
- 7. Post-harvest cannabis operations have the potential to generate strong odors that could negatively affect the surrounding community and cause a public nuisance. District Rule 303 (*Nuisance*), which generally prohibits the discharge of air contaminants (including odors) that cause a public nuisance, applies to all cannabis operations unrelated to the growing and harvesting of cannabis, including cannabis manufacturing (including but not limited to volatile extraction, non-volatile extraction, and post-extraction operations), retail storefronts, and smoking lounges. Manufacturing and retail operations should be managed to reduce odor impacts and avoid a violation of District Rule 303.
- 8. The application of architectural coatings, such as paints, primers, and sealers that are applied to buildings or stationary structures, shall comply with District Rule 323.1, *Architectural Coatings* that places limits on the VOC-content of coating products.
- 9. Asphalt paving activities shall comply with District Rule 329, *Cutback and Emulsified Asphalt Paving Materials*.
- 10. Construction/demolition activities are subject to District Rule 345, Control of Fugitive Dust from Construction and Demolition Activities. This rule establishes limits on the generation of visible fugitive dust emissions at demolition and construction sites, includes measures for minimizing fugitive dust from on-site activities, and from trucks moving on- and off-site. Please see <a href="http://www.ourair.org/wp-content/uploads/rule345.pdf">www.ourair.org/wp-content/uploads/rule345.pdf</a>. Activities subject to Rule 345 are also subject to Rule 302, *Visible Emissions* and Rule 303, *Nuisance*.
- 11. Natural gas-fired fan-type central furnaces with a rated heat input capacity of less than 175,000 British thermal units per hour (Btu/hr) and water heaters rated below 75,000 Btu/hr must comply with the emission limits and certification requirements of District Rule 352. Please see <a href="https://www.ourair.org/wp-content/uploads/rule352.pdf">www.ourair.org/wp-content/uploads/rule352.pdf</a> for more information.
- 12. Boilers, water heaters, and process heaters rated between 75,000 and 2.0 million British thermal units per hour (Btu/hr) must comply with the emission limits and certification requirements of District Rule 360. Note: Units fired on fuel(s) other than natural gas still need to

be certified under Rule 360. Please see <u>www.ourair.org/wp-content/uploads/rule360.pdf</u> for more information.

13. The District recommends that boilers, water heaters, and process heaters rated between 2 million to 5 million British thermal units per hour (Btu/hr) comply with the emission limits and certification requirements of District Rule 361. Please see www.ourair.org/wp-content/uploads/Rule361.pdf for more information. Units rated above 5 million Btu/hr are recommended to comply with the emission limits and certification requirements of District Rule 342. Please see www.ourair.org/wp-content/uploads/rule342.pdf for more information.

In addition, the District recommends that the following <u>best practices</u> be considered for inclusion as conditions of approval, in the interest of reducing emissions of criteria air pollutants, toxic air contaminants, greenhouse gases, dust and odors:

- To reduce the potential for violations of District Rule 345 (Control of Fugitive Dust from Construction and Demolition Activities), Rule 302 (Visible Emissions), and Rule 303 (Nuisance), standard dust mitigations (Attachment A) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the District prior to grading/building permit issuance.
- 2. The State of California considers particulate matter emitted by diesel engines carcinogenic. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in Attachment B to reduce emissions of particulate matter (as well as of ozone precursors) from diesel equipment. Recommended measures shall be implemented to the maximum extent feasible. Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout all grading and construction periods. The contractor shall retain the Certificate of Compliance for CARB's In-Use Regulation for Off-Road Diesel Vehicles onsite and have it available for inspection.
- 3. Any chemical used for deodorizing systems should not cause adverse impacts to the community. Low-VOC (volatile organic compound) or no-VOC compounds are recommended, as well as compounds that do not contain toxic air contaminants (TACs) as identified by the State of California. The comprehensive list of TACs can be found at <u>www.arb.ca.gov/toxics/healthval/contable.pdf</u>. If odor control systems use chemicals that contain TACs, the County should assess the potential for health risk by performing a refined Health Risk Assessment.

Lastly, the applicant is advised of the following additional regulatory requirements or analysis that may be applicable to the project during the District permitting process:

 During completeness review of the District permit application, the District will evaluate the emissions from the proposed project to determine which New Source Review requirements will apply. If the project ROC emissions exceed the Best Available Control Technology (BACT) threshold of 25 pounds per day, then the applicant shall propose emission controls that represent BACT for their processes. The applicant can refer to District Rule 802 at www.ourair.org/wp-content/uploads/rule802.pdf for more information on New Source Review and BACT requirements.

-

District Comments on Everbloom Cannabis, 19DVP-00000-00020 August 30, 2021 Page 5

2. As part of the District's permit issuance, if a project has the potential to emit toxic or hazardous air pollutants, or is located in close proximity to sensitive receptors, the project may be required to prepare a **Health Risk Assessment** to determine the potential level of risk associated with the project operations. In the case of a diesel-fired emergency generator, an equipment-specific Health Risk Assessment is required as part of District permit issuance. The applicant should refer to District's website at <u>www.ourair.org/dice-atcm</u> for more information on diesel engine permitting. Whenever an HRA is required, we recommend including the results in the CEQA document to ensure that project-related equipment will not result in a significant impact.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8878 or via email at <u>WaddingtonE@sbcapcd.org</u>.

Sincerely,

Energy Windyter

Emily Waddington Air Quality Specialist Planning Division

- Attachments: Fugitive Dust Control Measures Diesel Particulate and NO<sub>x</sub> Emission Measures
- cc: David Harris, Manager, District Engineering Division Kaitlin McNally, Manager, District Compliance Division William Sarraf, Supervisor, District Engineering Division Planning Chron File



air pollution control district santa barbara county

#### ATTACHMENT A FUGITIVE DUST CONTROL MEASURES

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Projects are expected to manage fugitive dust emissions such that emissions do not exceed APCD's visible emissions limit (APCD Rule 302), create a public nuisance (APCD Rule 303), and are in compliance with the APCD's requirements and standards for visible dust (APCD Rule 345).

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required when sustained wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Onsite vehicle speeds shall be no greater than 15 miles per hour when traveling on unpaved surfaces.
- Install and operate a track-out prevention device where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can include any device or combination of devices that are effective at preventing track out of dirt such as gravel pads, pipe-grid track-out control devices, rumble strips, or wheel-washing systems.
- If importation, exportation, and stockpiling of fill material is involved, soil stockpiled for more than one day shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Minimize the amount of disturbed area. After clearing, grading, earthmoving, or excavation is completed, treat the disturbed area by watering, OR using roll-compaction, OR revegetating, OR by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur. All roadways, driveways, sidewalks etc. to be paved should be completed as soon as possible.
- Schedule clearing, grading, earthmoving, and excavation activities during periods of low wind speed to the extent feasible. During periods of high winds (>25 mph) clearing, grading, earthmoving, and excavation operations shall be minimized to prevent fugitive dust created by onsite operations from becoming a nuisance or hazard.
- The contractor or builder shall designate a person or persons to monitor and document the dust control program requirements to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to grading/building permit issuance and/or map clearance.

**PLAN REQUIREMENTS:** All requirements shall be shown on grading and building plans and/or as a separate information sheet listing the conditions of approval to be recorded with the map. **Timing**: Requirements shall be shown on plans prior to grading/building permit issuance and/or recorded with the map during map recordation. Conditions shall be adhered to throughout all grading and construction periods.

**MONITORING:** The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



air pollution control district SANTA BARBARA COUNTY

#### ATTACHMENT B DIESEL PARTICULATE AND NO<sub>x</sub> EMISSION REDUCTION MEASURES

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is a list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment greater than 50 brake horsepower (bhp) shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of diesel-powered mobile construction equipment greater than 25 hp are subject to the California Air Resource Board (CARB) In-Use Off-Road Diesel-Fueled Fleets Regulation (Title 13, California Code of Regulations (CCR), §2449), the purpose of which is to reduce oxides of nitrogen (NOx), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. Off-road heavy-duty trucks shall comply with the State Off-Road Regulation. For more information, see <a href="https://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm">www.arb.ca.gov/msprog/ordiesel/ordiesel.htm</a>.
- Fleet owners of diesel-fueled heavy-duty trucks and buses are subject to CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation (Title 13, CCR, §2025), the purpose of which is to reduce DPM, NOx and other criteria pollutants from inuse (on-road) diesel-fueled vehicles. For more information, see <a href="https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm">www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm</a>.
- All commercial off-road and on-road diesel vehicles are subject, respectively, to Title 13, CCR, §2449(d)(3) and §2485, limiting engine idling time. Off-road vehicles subject to the State Off-Road Regulation are limited to idling no more than five minutes. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes, unless the truck engine meets the optional low-NOx idling emission standard, the truck is labeled with a clean-idle sticker, and it is not operating within 100 feet of a restricted area.

The following measures are recommended:

- Diesel equipment meeting the CARB Tier 3 or higher emission standards for off-road heavy-duty diesel engines should be used to the maximum extent feasible.
- On-road heavy-duty equipment with model year 2010 engines or newer should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible. Electric auxiliary power units should be used to the maximum extent feasible.
- Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, should be used on-site where feasible.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
- Construction truck trips should be scheduled during non-peak hours to reduce peak hour emissions whenever feasible.
- Proposed truck routes should minimize to the extent feasible impacts to residential communities and sensitive receptors.
- Construction staging areas should be located away from sensitive receptors such that exhaust and other construction emissions do not enter the fresh air intakes to buildings, air conditioners, and windows.

**PLAN REQUIREMENTS AND TIMING:** Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout all grading and construction periods. The contractor shall retain the Certificate of Compliance for CARB's In-Use Regulation for Off-Road Diesel Vehicles onsite and have it available for inspection.

**MONITORING:** The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



#### **Environmental Health Services**

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

Van Do-Reynoso, MPH, PhD Director Suzanne Jacobson, CPA. Chief Financial Officer Palge Batson, MA, PHN, RN Deputy Director Darna Esenbarth. Deputy Director Dana Gamble, LCSW Interim Deputy Director Polly Batkwin, MD, MPH. Medical Director Henning Ansorg, MD. Health Officer

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

Lars Selfert Director of Environmental Health

- TO: Gwen Beyeler, Planner Planning & Development Department
- FROM: Jason Johnston Environmental Health Services
- DATE: August 31, 2021
- SUBJECT: Case No. 19DVP-00000-00020, 19CDH-00000-00015, 19CDP-00000-00027

Project: VWV, LLC / Creekside – Cannabis Cultivation

Assessor's Parcel No. 005-280-025

Located at: 3508 Via Real, Carpinteria

zoned AG-I-10

The project is for a Development Plan and associated Coastal Development Permit for the propagation of immature plans (nursery) and cultivation of cannabis in 172,660 sq. ft. of existing greenhouses and 18,405 sq. ft. of agricultural accessory structure space that supports the cultivation activities. As-built work in between the greenhouses and connected to the pre-existing and permitted 4,500 square feet of permitted packing structures includes as-built improvements and interior alterations or occupancy conversions totaling approximately 13,905 square feet of gross floor area. These areas are noted as "central building/non-greenhouse," and "irrigation room", on the architectural plans, and consist of employee break areas, bathrooms, storage, processing, circulation and mechanical equipment. Approximately 3,538 square feet of the subject as-built accessory space is located within today's 100-foot Environmentally Sensitive Habitat (ESH) buffer boundary. The project also includes a request to increase the height of the existing 15-foot tall greenhouses to 22-feet for improved airflow circulation and humidity controls. The demolition of an unpermitted 35,750 sq. ft. greenhouse in the northern portion of the parcel is being proposed, along with the demolition of 3,240 sq. ft. of previously permitted greenhouse space on the east side of the property.

In addition, the project proposes the following:

1) the validation of 5 water tanks of 36,984 gallons (3), 25,360 gallons (1), and one 105,669gallon tank which is within the 100' ESH buffer from Arroyo Paredon Creek 19DVP-00000-00020, 19CDH-00000-00015, 19CDP-00000-00027 August 31, 2021

- 2) the validation of 2 waste water tanks (5,283 gallons each)
- 3) 1 new water tank of 25,360 gallons
- 4) the validation of a 160 sq. ft. temporary office trailer, proposed for removal within 1 year of the operation's approval and license

Accessory uses to the cannabis cultivation operation would include non-volatile manufacturing, packaging, and processing. The project includes transport only distribution of cannabis that is cultivated onsite. Cultivation will be the primary use of the property. Odor control consists of the Byers Scientific HPII Series waterless vapor system and extensive carbon filtration units inside the processing areas. One emergency generator is proposed for emergency use only to power the odor control system during power outages. 39 parking spaces would be provided. The cannabis operation would consist of up to 35 full time staff. The hours of operation are 6:00am to 3:30pm Monday through Friday, and 7:00am to 1:00pm on Saturdays.

An upgraded septic system that meets current commercial standards is proposed on the south side of the property and an existing and outdated septic system is proposed to be demolished. The project includes new storm water retention and treatment to offset 12,271 square feet of as-built impervious surface area and will be located in an 1,800 square foot area on the eastern property line, outside of today's ESH buffer. The project does not require any grading, other than for the new septic system and storm water improvements. No tree removal or vegetation removal is proposed as part of this project. No new construction (aside from the validation of asbuilt structures and improvements) is being proposed. The project includes a Native Habitat Enhancement Planting Plan of approximately 54,053 square feet along the northern portion of the parcel, adjacent to Arroyo Paredon Creek. Water for the cultivation and for domestic purposes is provided by the Carpinteria Valley Water District. Access to the site will continue to be provided off of Via Real via a private driveway which is partially located on the neighboring properties to the south of the parcel known as 3500 and 3504 Via Real. The property is an 8.96acre parcel zoned AG-I-10, shown as Assessor's Parcel Number 005-280-025 and addressed as 3508 Via Real in Carpinteria, within the Carpinteria Agricultural Overlay District and the Toro Canyon Community Plan, First Supervisorial District.

Environmental Health Services has received and reviewed a feasible preliminary design for the septic systems by Coast Engineering and Survey, Inc., including percolation tests and soils report from Pacific Materials Laboratory, dated September 27, 2019. Formal review and approval of the Onsite Wastewater Treatment Systems will be required prior to the issuance of building permits.

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as **Conditions of Approval:** 

1. <u>Prior to Issuance of Zoning Clearance</u>, an application for the new Onsite Wastewater Treatment System permit shall be submitted to Environmental Health Services. The plans shall include a layout for the installation of dual dispersal fields (two, 100% peak design flow capacity fields) and 100% expansion area. The onsite wastewater treatment systems shall be designed to handle peak daily flows according to the criteria of the State Onsite Wastewater Treatment System Policy and the Santa Barbara County Code, Chapter 18-C.

- 2. <u>Prior to the Issuance of Zoning Clearance</u>, the applicant shall submit a solid waste management plan to Environmental Health Services for review and approval. The plan shall include but not be limited to the following:
  - a. Planned on-site composting details,
  - b. means of waste transport,
  - c. description of short-term storage facilities, if any
  - d. method and area of waste disposal,
  - e. any equipment necessary to implement the plan.
- 3. <u>Prior to Issuance of a Building Permit</u>, the application for an onsite wastewater treatment system permit shall be approved by Environmental Health Services.
- 4. <u>Prior to Occupancy</u>, the approved onsite wastewater treatment systems shall be installed, constructed and fully operational, to be verified by Environmental Health Services. This shall include the abandonment of the existing onsite wastewater treatment system, upon completion of the proposed system.

Jason Johnston, REHS Supervising Environmental Health Specialist

### Memorandum

	OF
DATE:	February 26, 2019
то:	Melanie Jackson Planning and Development County of Santa Barbara - Santa Maria
FROM:	Glenn Fidler, Captain Fire Department
SUBJECT:	APN: 131-100-005 and 131-100-017; Permit: 18DVP-00013 Site: Autumn Road, Santa Maria Project: Development Plan – Cannabis Cultivation

EAND

The above project is located within the jurisdiction of the Santa Barbara County Fire Department.

### NO CONDITIONS FOR DEVELOPMENT PLAN

The Fire Prevention Division must be notified of any changes to the project proposal. A change in the project description may cause conditions to be imposed.

### ADVISORY

1. All standard fire department conditions and current codes shall apply at time of development.

As always, if you have any questions or require further information, please call me at 805-681-5528 or 805-681-5523.

GF:mkb



SCOTT D. MCGOLPIN Director Public Works Santa Barbara County Public Works Department

Water Resources Division Flood Control & Water Agency & Project Clean Water 130 E. Victoria Street, Suite 200, Santa Barbara, CA 93101 PH (805) 568-3440 FAX (805) 568-3434 http://cosb.countyofsb.org/pwd/pwwater.aspx?id=2956

> THOMAS D. FAYRAM Deputy Director Water Resources

January 6, 2022

Gwen Beyeler, Planner County of Santa Barbara Planning & Development Department 624 W. Foster Road Santa Maria, CA 93455

#### Re: 19DVP-00000-00020; VWV LLC Mixed-Light Cannabis Cultivation APN: 005-280-025; 3508 Via Real, Carpinteria

#### This condition letter supersedes that dated August 21, 2020 due to the revised project elements.

Dear Ms. Beyeler:

The Public Works Department Water Resources Division has developed conditions for the proposed project which includes demolition of greenhouse structures (including as-built boiler room, mechanical/electrical room an water tank within 50-foot creek setback), landscaping, validation of water tanks, and validation of approximately 8,500 sf of unpermitted commercial processing, storage, employee, and utility buildings.

This project is not subject to the County's requirements for treating stormwater, since the project creates no new impervious surfaces as described in the document, "Post Construction Stormwater Management Requirement's for Development Projects in the Central Coast Region".

The parcel is located adjacent to the FEMA regulatory Arroyo Paredon Creek floodway, and partially within the FEMA Regulatory Special Flood Hazarded Area (SFHA) Zone AE. This parcel is also located within the FEMA Recovery Map High Hazard Area (HHA). The HHA Advisory Flood Elevations (AFE) govern over the SFHA Base Flood Elevations at this location.

The Flood Control District recommends that this project be subject to the following conditions:

#### 1. Design/ Prior to Permit Issuance

a. All unpermitted buildings, substantially improved buildings, and permitted buildings structurally connected to unpermitted buildings within the HHA are required to be floodproofed to a minimum of the AFE plus 2 FT per Santa Barbara County Floodplain Management Ordinance 15A.

- b. Projects near a watercourse shall be designed in compliance with the requirements described in Chapter 15B of the Santa Barbara County Code, and no structures are allowed to be located within 50 feet of the top-of-bank setback.
- c. The applicant shall submit all improvement plans, grading plans, landscape plans, data, forms and certifications (as described in the Standard Conditions of Project Plan Approval) to the District for review and approval, including a site plan with topographic mapping in NAVD '88 vertical datum, with the AFE for each stand-alone structure as determined by a licensed professional listed on the plans, and the 50-foot creek setback line illustrated on the plans.
- d. Greenhouses that remain structurally connected to the unpermitted as-built structures must comply with one of the following options:
  - i. Elevate finished floor of each structure to a minimum of AFE + 2 FT, and include flood opening vents for crawlspaces (a minimum of 2 located on separate walls at 1 square inch per 1 square foot of enclosure) with the base no higher than 1 FT above highest adjacent grade, or,
  - ii. Dry-floodproof each structure to a minimum of AFE+2 FT with impermeable materials, and submit Draft Floodproofing Certificate and Draft Flood Emergency Ops Plan and Inspection & Maintenance Plan.
- e. If the Greenhouses are structurally detached from the unpermitted as-built structures, and improvements are proposed therein, the applicant may submit Substantial Improvement (SI) determination worksheets, appraisals, and costs estimates (covering improvements as part of this permit in addition to the past 10 years) for each greenhouse in order to identify NFIP regulation applicability as follows:
  - i. If the easterly greenhouse SI is less than 50%, compliance is not required, since it pre-dates the 1979 effective FIRM map date.
  - ii. If the westerly greenhouse SI is less than 50%, then only the improvements are required to comply, since it post-dates the 1979 effective FIRM map date.
  - iii. If either greenhouse SI is equal to or greater than 50% it must comply with item "d" above.
- f. Unpermitted as-built commercial cannabis processing buildings, and those permitted nongreenhouse buildings structurally connected to the unpermitted buildings will need to comply with one of the following options:
  - i. Elevate finished floor of each structure to a minimum of AFE + 2 FT, use floodresistant materials to AFE + 2 FT, and include flood opening vents for crawlspaces or,
  - ii. Dry-floodproof each structure to a minimum of AFE+2 FT with impermeable materials and submit Draft Floodproofing Certificate and Draft Flood Emergency Ops Plan and Inspection & Maintenance Plan.
- g. All utilities, electrical/mechanical equipment must be elevated to a minimum of AFE + 2 FT (e.g. water heaters, furnaces, A/C, HVAC, generators, electric panels, solar panels, etc.). All equipment will require anchoring or strapping to prevent floatation.
- h. Plumbing below AFE + 2 FT must be fitted with backflow devices.

- i. The applicant shall sign the Agreement for Payment of Plan Check Fees (attached to the Standard Conditions of Approval) and pay the appropriate plan check fee deposit at the time of the initial submittal of maps, plans and studies. Please make the check payable to: *Santa Barbara* County *Flood Control & Water Conservation District*.
- j. The applicant shall submit to the District PDF drawings of the approved grading plans, improvement plans, drainage plans, drainage studies and landscape plans.
- k. The applicant shall comply with the Santa Barbara County Flood Control District Standard Conditions of Project Plan Approval dated January 2011: (<u>http://www.countyofsb.org/uploadedFiles/pwd/Content/Water/Documents/StdConditionsJan</u> 2011.pdf).
- 2. Prior to Occupancy Clearance
  - a. Elevation certificates prepared by a licensed professional are required substantially improved structures within the FEMA regulatory floodplain.
  - b. Finished Floor Certification (in NAVD '88) by a licensed surveyor are required for as-built and substantially improved structures within the FEMA Recovery Map High Hazard Area,.
  - c. Should the applicant choose to dry-floodproof the non-residential structures, the developer shall submit the following:
    - i. Final Flood Emergency Ops Plan and Final Inspection & Maintenance Plan for
    - District approval. See FEMA P-936 and FEMA TB-3 for more detail.
    - ii. Final Floodproofing Certificate prepared by licensed engineer.
  - d. The applicant shall submit record drawings to the District's Floodplain Manager in PDF format.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

By: \_\_\_\_\_fm S

Karen Sullivan, PE, CFM Development Review Engineer

Cc: Jay Higgins, H&H Environmental, 3217 Calle Noguera, Santa Barbara, CA 93105 Ivan Van Wingerden, VWV LLC, 4701 Foothill Road, Carpinteria, CA 93013 Attachment 2-B: Coastal Development Permit and Condition Letters



COUNTY OF SANTA BARBARA

# Planning and Development -

#### COASTAL DEVELOPMENT PERMIT NO.: 19CDP-00000-00027

www.sbcountyplanning.org

Project Name:	Name: 3508 VIA REAL MIXED-LIGHT CANNABIS CULTIVATION AND PROCESSING	
Project Address:	Project Address: 3508 VIA REAL, CARPINTERIA, CA 93013	
A.P.N.:	005-280-025	
Zone:	AG-I-10	

The Board of Supervisors 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:

5/24/2022

#### **APPEALS:**

The approval of this Coastal Development Permit may be appealed to the California Coastal Commission by the applicant, owner, any aggrieved person, or two members of the Coastal Commission. 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.

**PROJECT DESCRIPTION SUMMARY:** The Proposed Project includes a request for a Coastal Development Permit to allow 4.15 acres of cultivation consisting of 3.96 acres of mixed-light mature cannabis planting, growing, and harvesting in two existing 3.96-acre permitted greenhouses and 0.19 acres of processing within a 0.26-acre processing and packing building consisting of permitted and as-built development located between the two greenhouses. Processing will consist of drying, trimming, storage, and packaging. There will be up to 50 line or contract employees Monday through Saturday. Planting and harvesting will take place continually year round. Hours of operation will be from 6:30 a.m. to 3:30 p.m. Monday through Friday, and 6:30 a.m. to 11:00 a.m. on Saturday. There will continue to be 39 parking spaces located onsite. The premises will be fenced by 8-ft.-tall fencing. To receive additional information regarding this project and/or to view the application and/or plans, please contact Gwen Beyeler at 624 West Foster Road, Suite C, Santa Maria, by email (gvonklan@countyofsb.org), or by phone ((805) 934-6269).

PROJECT SPECIFIC CONDITIONS: See Attachment A.

#### ASSOCIATED CASE NUMBERS: 19DVP-00000-00020

**PERMIT ISSUANCE:** This Coastal Development Permit will be issued following the close of the appeal period, including the Coastal Commission 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, and an appeal of the approval of this permit has not filed with the Coastal Commission within the 10 working days

following the receipt of the County's Notice of Final Action on the project by the Coastal Commission. If an appeal has been filed then the permit shall not be issued until final action on the appeal(s) has occurred, including appeals filed with the Coastal Commission, 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, including an appeal to the Coastal Commission, provided an appeal is not filed, or (b) if appealed, the date of final action on the appeal, including an appeal to the Coastal Commission, which has the effect of upholding the approval (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.

		1
Print name	Signature	Date
Coastal Development Perm	it Approval By:	
	1	
Chair, Board of Supervisor	s	Date
PERMIT ISSUANCE: The	permit shall be issued and deemed effective on the	he date signed and indicated below.
Planning and Development	Department Issuance By:	
	1	
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, the hearing exhibits marked 1-13, dated May 24, 2022, 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 includes a request to allow 4.15 acres of cannabis cultivation, consisting of 3.96 acres (172,660 sq. ft.) of mixed-light mature cannabis planting, growing, and harvesting in two existing 3.96-acre permitted greenhouses and 0.19 acres (8,276 sq. ft.) of processing within 0.28 acres of processing, packing, and shipping buildings consisting of permitted and as-built development located between the two greenhouses. Processing will consist of drying, trimming, storage, and packaging. Other activities occurring in the central building will be cannabis and equipment storage, employee breakroom, bathrooms and administrative offices. Cannabis will be taken offsite by a licensed third-party distributor.

There will be up to 50 full-time, year-round line or contract employees, Monday through Saturday. Planting and harvesting will take place continually throughout the year. Hours of operation will be from 6:30 a.m. to 3:30 p.m. Monday through Friday, and 6:30 a.m. to 11:00 a.m. on Saturday. There will continue to be 39 parking spaces located onsite. The premises will be fenced by 8-ft.-tall fencing consisting of 7-ft.-tall chain link fence with privacy slats topped with one foot of outward leaning strands of barbed wire. Existing chain link fencing located within the environmentally sensitive habitat (ESH) buffer area will be replaced with barbed wire wildlife-friendly fencing where the ESH buffer area is being restored.

Exterior lighting will be downward facing, fully shielded, and mounted at a maximum height of 8 ft. The greenhouses have a mechanized blackout screen system within the growing area to prevent interior night lighting (between sunset and sunrise) from being visible outside of the structure.

The cannabis operation will be equipped with the leading active odor control technology(s) currently available to prevent cannabis nuisance odors from drifting offsite and impacting protected receptors (i.e. residential zoning). These odor control systems are described in detail within the Proposed Project's certified Odor Abatement Plan. Changes to the Odor Abatement Plan will be processed in coordination with the County and may require changes to this permit or a new permit. The Applicant has agreed to observe a set of Community Odor Guidelines that were developed through collaboration between the 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 Proposed Project includes a request to increase the height of one permitted 87,120-sq.-ft. (2-acre) greenhouse from 15-ft.-1-in. to 22-ft. and one permitted 85,378-sq.-ft. (1.96-acre) greenhouse from 17-ft.-5-in. to 22-ft., install one new 105,669-gallon buffer water tank for use with

the boiler, install one new 25,360-gallon water tank, legalize existing as-built development, demolish portions of existing development.

2. Proj Des-01 Project Description: The following development will be legalized:

• One 1,585-sq.-ft. as-built addition used for walkways and hallways connected to the processing building

• 2,784 sq. ft. of as-built employee support services areas consisting of a 362-sq.-ft. bathroom, a 778-sq.-ft. break room on the ground level and a 1,644-sq.-ft. office on the mezzanine level of the processing building

- One 58-sq.-ft. as-built equipment storage shed
- One 2,362-sq.-ft. as-built irrigation room proposed to also be used as a boiler room
- One 1,089-sq.-ft. as-built processing building
- One 2,421-sq.-ft. as-built cannabis storage structure
- One 25,360-gallon water tank
- Three 36,984-gallon water tanks

The following development will be demolished:

- One 105,669-gallon as-built water tank
- One 3,663-sq.-ft. as-built boiler and processing room
- 35,750 sq. ft. of as-built greenhouse
- 3,240 sq. ft. of permitted greenhouse
- 326 sq. ft. of as-built storage containers
- Three 5,283-gallon wastewater tanks

The Proposed Project includes a request for a setback modification to reduce the 100-ft. setback from the Arroyo Paredon top-of-bank and the 20-ft. setback from the southern property line required by the Carpinteria Agricultural Overlay in order to allow the following development:

• Portions of two existing and permitted nonconforming greenhouses within the 100-ft setback to be increased in height to 22-ft.-tall

- One as-built 25,360-gallon water tank located 16 ft. from the southern property line
- Three as-built 36,984-gallon water tanks located 13 ft. from the southern property line
- One new 25,360-gallon water tank located 16 ft. from the southern property line

The septic system will be upgraded and a new 715 sq. ft. underground detention system will be constructed for storm water purposes. These activities will require approximately 120 cubic yards of grading. No native trees or vegetation will be removed. New landscaping will be planted to further screen the property and enhance native riparian vegetation in the ESH buffer.

The Proposed Project also includes a request to allow a 12,379 sq. ft. packing and shipping facility located between the two existing permitted greenhouses. The facility consists of two permitted structures totaling 4,500 sq. ft. in size as well as 7,879 sq. ft. of as-built additions that will be legalized with approval of the Development Plan. Uses within the packing and shipping facility will include packing, shipping, processing, packaging, storage, office, restrooms, and employee break areas.

Access to the site will continue to be provided from Via Real via an existing 28-ft.-wide paved driveway across neighboring parcels to the southwest. Wastewater treatment will be provided by an upgraded septic system located in the southern portion of the parcel. Restrooms are located in the processing/central building. Water will continue to be provided by an existing Carpinteria Valley Water District connection. Fire protection will be provided by the Carpinteria/Summerland Fire District, and law enforcement will be provided by the County Sheriff's Office. The property is an 8.96-acre parcel zoned Agricultural I (AG-I-10), shown as Assessor's Parcel Number 005-280-025, located at 3508 Via Real in the Toro Canyon Community Plan in the Carpinteria area, First Supervisorial District.

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

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

4. Aest-04 BAR Required: The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development and shall conform in all respects to previous BAR approval of 19BAR-00000-00123.

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

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

5. Air-01 Dust Control: The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:

a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.

b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.

c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.

d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.

e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.

f. Order increased watering as necessary to prevent transport of dust off-site.

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g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.

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

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

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

a. Assure all dust control requirements are complied with including those covering weekends and holidays.

- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

TIMING: The dust monitor shall be designated prior to first grading permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued.

MONITORING: P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check. Grading and building inspectors shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

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

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

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

7. Geo-02 Erosion and Sediment Control Plan: Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal

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and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements County web Grading Ordinance Chapter found on the site re: 14 can be (http://sbcountyplanning.org/building/grading.cfm) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements.

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

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

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

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

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

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

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

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

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

TIMING: P&D staff verify that erosion and sediment control revegetation plans are included in plan

sheets prior to approval of grading permits.

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

10. WatConv-04 Equipment Storage-Construction: The Owner/Applicant shall designate a construction equipment filling and storage area(s) to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, water body or sensitive biological resources.

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

TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

11. WatConv-05 Equipment Washout-Construction: The Owner/Applicant shall designate a washout area(s) for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in this area and removed from the site. The area shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all Land Use and Building permits prior to Zoning Clearance issuance.

TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

#### **Project Specific Conditions**

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

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

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

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

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

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

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

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

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

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

- 3) Participate in Initial Compliance Inspections that may occur:
- i. Prior to commencement of use and/or issuance of Business License,
- ii. Within the first year (during the active growing season), and
- iii. Other instances as deemed necessary by Planning & Development
- 4) Participate in Regular Compliance Inspections that may occur:
- i. Upon renewal of the County Business License,
- ii. For the life of the project, or as specific in permit conditions, and
- iii. Other instances as deemed necessary by Planning & Development

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

TIMING: Prior to issuance of Zoning Clearance an associated Permit Compliance Application and

deposit shall be submitted to Planning & Development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21. Cannabis-11 Odor Control Notification: The Owner/Applicant shall inform P&D compliance monitoring staff prior to making any changes to the product/substance used within the approved 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

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

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

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

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

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

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

TIMING: The applicant shall satisfy this condition prior to issuance of Coastal Development Permit.

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

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

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

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

25. Cannabis-17 Wildlife Movement Plan: The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Wildlife Movement Plan (WPP) included in the Biological Resources Assessment Addendum prepared by Storrer Environmental

Services on November 23, 2021 and stamped "Zoning Approved". The WPP measures are summarized below:

- a. Worker environmental awareness training,
- b. Biologist present to oversee demolition and site preparation,
- c. Activity limits in the 100-ft. ESH buffer,
- d. Construction Monitoring,
- e. Listed species notification,
- f. Plastic-free erosion control materials, and
- g. Waste storage.

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

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

MONITORING: P&D permit processing planner shall check plans prior to issuance. P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the planset and as detailed in the WPP included in the Biological Resources Assessment prepared by Storrer Environmental Services on November 23, 2021 throughout the life of the project to permit compliance staff.

- 26. Cannabis-18 Habitat Protection Plan: The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Habitat Protection Plan (HPP) included in the Biological Resources Assessment prepared by Storrer Environmental Services on November 23, 2021 and stamped "Zoning Approved". The HPP measures are summarized below:
  - a. Worker environmental awareness training,
  - b. Fiber rolls and/or silt fencing between work areas and riparian habitat, and
  - c. Limited activities in 100-ft. ESH buffer.

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

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

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

with the measures outline above, listed in the planset and as detailed in the HPP included in the Biological Resources Assessment prepared by Storrer Environmental Services on November 23, 2021 throughout the life of the project to permit compliance staff.

- 27. Cannabis-19 Tree Protection Plan: The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Tree Protection Plan (TPP) included in the Biological Resources Assessment prepared by Storrer Environmental Services on November 23, 2021 and stamped "Zoning Approved". The TPP measures are summarized below:
  - a. Worker environmental awareness training,

b. Biologist to monitor demolition adjacent to native trees, removal of invasive species, and restoration

- c. Protective fencing, and
- d. No grading or cultivation within 6 ft. of the dripline of native trees.

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

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

MONITORING: P&D permit processing planner shall check plans prior to issuance. P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the planset and as detailed in the TPP included in the Biological Resources Assessment prepared by Storrer Environmental Services on November 23, 2021 throughout the life of the project to permit compliance staff.

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

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

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

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

29. EM-01 Emergency Generator: In the event of a power failure, a generator may be used on the site

to provide backup power. A generator is allowed for emergency backup electrical purposes only and shall only be continuously operated during an event of interruption of standard electrical service as provided by the local electrical utility company to the subject parcel. For diesel generators, engines shall be certified to meet EPA Tier 4 Final emissions standards. Pursuant to the manufacturer's routine maintenance recommendations, the generator may be exercised on a monthly basis for a period not to exceed 30 minutes. Timing: The exercise period shall be limited to the hours between 7:30 a.m. and 4:30 p.m., Monday–Friday only & shall not occur on State holidays (e.g., Thanksgiving, Labor Day, etc.). Non-emergency operation beyond 30 minutes per month shall be prohibited. Additionally, Air Pollution Control District (APCD) permits are required for emergency standby generator engines rated at 50 BHP (brake-horsepower) or greater unless the equipment qualifies for an exemption based on low usage.

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

TIMING: If required, Permittee shall obtain an APCD Authority to Construct permit prior to engine installation, and an APCD Permit to Operate prior to engine operation. All necessary APCD permits, if required, shall be obtained prior to Final Building Inspection Clearance.

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

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

#### **County Rules and Regulations**

**31. DIMF-24d DIMF Fees-Fire:** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees (DIMFs) to finance the development of facilities for the Fire Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid.

The total Fire DIMF amount is estimated based on a project type of as-built and new agricultural structures to support for cannabis cultivation.

TIMING: Fire DIMFs shall be paid to the County Fire Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

**32. DIMF-24g DIMF Fees-Transportation:** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees (DIMFs) to finance the development of facilities for transportation. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid.

The total DIMF amount is estimated based on a project type of as-built and new agricultural structures to support for cannabis cultivation.

TIMING: Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

- **33.** Rules-02 Effective Date-Appealable to CCC: This Coastal Development Permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
- **34. 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.
- **35. 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.
- **36. Rules-09 Signs:** Signs. No signs of any type are approved with this action unless otherwise specified. All signs shall be permitted in compliance with Article II.
- **37. Rules-11 CDP Expiration-With CUP or DVP:** The approval or conditional approval of a Coastal Development Permit shall be valid for one year from the date of decision-maker action. Prior to the expiration of the approval, the review authority who approved the Coastal Development Permit may extend the approval for one year if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made. Prior to the expiration of a time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval the time extension for the approval required in compliance with Subsection a. above, the review authority who approved the time extension may approve two additional time extensions for two years each if good cause is shown and the applicable findings for the approval required in compliance with Section 35-169.5 can still be made.

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

- **38. Rules-18 CUP and DVP Revisions:** The approval by the decision maker of a revised Final Development Plan shall automatically supersede any previously approved Final Development Plan upon the effective date of the revised permit.
- 39. Rules-20 Revisions to Related Plans: The Owner/Applicant shall request a revision for any

proposed changes to approved plans. Substantial conformity shall be determined by the Director of P&D.

- **40. Rules-23 Processing Fees Required:** Prior to issuance of Zoning Clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- **41. Rules-25 Signed Agreement to Comply:** Prior to approval of Coastal Development Permit, the Owner/Applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the Owner of the property agrees to comply with the project description, approved exhibits and all conditions of approval. Form may be obtained from the P&D office.
- 42. Rules-26 Performance Security Required: The Owner/Applicant shall post separate performance securities, the amounts and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of landscape and irrigation. The landscape installation security shall be waived if installation is completed in conformance with applicable requirements prior to Building Final/Occupancy Approval. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan(s) for two years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed of all approved landscape & irrigation, plans per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape & irrigation have been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved landscape and irrigation, P&D may use the security to complete the work.
- **43. Rules-28 NTPO Condition:** Removal of Greenhouses. The Owner shall sign a written agreement to comply with the County to remove greenhouse or greenhouse related development, or any portion thereof, if any component of the greenhouse development is abandoned (not in operation for 24 consecutive months). If, after 24 months of non-use for greenhouse purposes, greenhouse activities resume, such activities shall be continued without interruption for longer than 90 days within the subsequent one year period, or the facility shall be deemed abandoned and notice of such abandonment shall be served upon the landowner by the County. The Owner shall submit an application for demolition of the applicable development and restoration of agricultural lands suitable to ensure continued agricultural productivity. The removal shall occur within 180 days of issuance of a Coastal Development Permit for removal. Conversion of greenhouse development to non-agricultural uses shall not be considered in lieu of demolition or removal.

TIMING: The Owner shall sign the written agreement agreeing to this requirement of Article II (or any successor regulations, if the Carpinteria Agricultural Overlay is amended) prior to approval of the Coastal Development Permit.

## **44. Rules-29 Other Dept Conditions:** Compliance with Departmental/Division letters required as follows:

- 1. Air Pollution Control District dated August 30, 2021;
- 2. Environmental Health Services Division dated August 31, 2021;
- 3. Carpinteria Summerland Fire District dated February 26, 2019;
- 4. Flood Control Water Agency dated January 6, 2022.

- **45. 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.
- **46. 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.
- **47. 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.
- **48. 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.

## apcd

air pollution control district SANTA BARBARA COUNTY

August 30, 2021

Gwen Beyeler Santa Barbara County Planning and Development 123 E. Anapamu Street Santa Barbara, CA 93101

## Re: Santa Barbara County Air Pollution Control District Suggested Conditions on Everbloom Cannabis, 19DVP-00000-00020

Dear Gwen Beyeler:

The Air Pollution Control District (District) has reviewed the referenced project, which consists of cannabis cultivation in 172,660 square feet (SF) of existing greenhouses and support of cultivation activities in 18,045 SF of accessory structure space. The project will increase the height of the existing 15-foot-tall greenhouses to 22-feet. The project calls for the demolition of a 35,750 SF greenhouse in the northern portion of the parcel and a 3,240 SF greenhouse on the east side of the parcel. Accessory uses to the cannabis cultivation operation would include non-volatile manufacturing, packaging, and processing. The project includes transport-only distribution of cannabis that is cultivated onsite. An emergency generator is proposed for emergency use only to power the odor control system during power outages. The Odor Abatement Plan includes the use of a Byers vapor-phase odor mitigation system and a charcoal scrubber system. The site is served by existing water wells and municipal electricity. No grading information was provided. The subject property, an 8.87-acre parcel zoned AG-I-10 and identified in the Assessor Parcel Map Book as APN 005-280-025, is located at 3508 Via Real in the unincorporated area of Carpinteria.

District rules and regulations apply to various aspects of the cannabis industry. **Based on the project description and information that has been provided, the proposed project includes equipment and/or operations subject to District permit requirements and prohibitory rules.** County staff and the cannabis operator should carefully review the District's *Cannabis Permitting Requirements & Nuisance Enforcement Table* and *Advisory on Air Quality and Cannabis Operations (available at <u>www.ourair.org/cannabis</u>). These resources provide local agencies and cannabis operators guidance regarding the air quality aspects of this industry. The District permit process can take several months. To avoid delay, the applicant is encouraged to submit an Authority to Construct permit application to the District as soon as possible, see <u>www.ourair.org/cannabis</u> to download the necessary permit application(s). Contact the District Engineering Division Supervisor, William Sarraf, to discuss applicable permitting requirements at (805) 961-8888 or <u>SarrafW@sbcapcd.org</u>.* 

The District will be a **responsible agency under the California Environmental Quality Act (CEQA)** and will rely on the County's CEQA determination when evaluating any District permits for proposed equipment. If an environmental document is prepared pursuant to CEQA, the air quality analysis should include the air pollutant emissions for all proposed equipment to avoid additional CEQA documentation requirements related to District permit issuance. In addition, if an evaluation of health risk is required

Aeron Arlin Genet, Air Pollution Control Officer

for District permitting, we recommend including the health risk assessment (HRA) results in the CEQA document to ensure that project-related equipment will not result in a significant impact.

The proposed project is subject to the following **regulatory requirements** that should be included as conditions of approval in the applicable land use permit:

- 1. Post-harvest cannabis operations are required to obtain District permits pursuant to Rule 201 (*Permits Required*) due to the issuance of air contaminants. The project as currently proposed will require District permits for proposed cannabis manufacturing (non-volatile manufacturing and post-extraction refinement operations). Proof of receipt of the required District permits shall be submitted by the applicant to planning staff prior to building permit issuance.
- 2. Stationary and portable diesel-fired emergency standby generator engines rated 50 brake horsepower or greater must be either registered or permitted by the District. Please refer to the District's website at <u>www.ourair.org/ag-diesel-registration</u> and <u>www.ourair.org/dice-atcm</u> for additional information. These engines must also comply with the state Airborne Toxic Control Measures for Stationary Compression Ignition Engines. Please see <u>www.ourair.org/wpcontent/uploads/finalreg2011.pdf</u> for more information.
- 3. Spark ignition piston-type internal combustion (IC) engines (e.g., gasoline-fired, natural gasfired, propane-fired, etc.) with a rated brake horsepower of 50 or greater used to supply prime or emergency electrical power require a District permit. Spark ignition engines used exclusively for the growing of cannabis crops are classified as "agricultural" engines and may be exempt from District permit pursuant to Rule 202, Section D.3. Spark ignition engines used to support any operation/system other than growing operations (e.g. office buildings, security systems, etc.) may be eligible for an exemption from permit requirements pursuant to District Rule 202, Section F.1.d. provided the following criteria are met: (a) the engine is used exclusively for emergency electrical power generation, (b) the engine operates no more than 200 hours per calendar year, and (c) a record is maintained and is available to the District upon request. The record shall list the identification number of the equipment, the number of operating hours on each day the engine is operated, and the cumulative total hours. Failure to maintain records that meet the above requirements or violation of any District rule may result in the immediate loss of the permit exemption.

In addition, spark ignition engines with a rated brake horsepower of 50 or greater are subject to Rule 333, *Control of Emissions from Reciprocating Internal Combustion Engines*. Such engines may be exempt from the requirements of this rule if they are:

a) classified as "agricultural" (i.e. used exclusively for the growing of cannabis crops), orb) operated less than 200 hours per calendar year and a record is maintained and is available to the District upon request.

If the proposed engine is required to obtain a District permit due to loss of the permit exemption provided by Rule 202.D.3. or Rule 202.F.1.d, the requirements of Rule 333 become applicable to the engine.

4. All portable diesel-fired construction engines rated at 50 brake horsepower or greater must have either statewide Portable Equipment Registration Program (PERP) certificates or District permits prior to grading/building permit issuance. Construction engines with PERP certificates

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

- 5. District permits are required for any individual (or grouping) of boilers or large water heaters with a rated heat over 2.0 million BTUs per hour (MMBtu/hr). For more information, see <u>www.ourair.org/boiler-heater-generator</u>.
- 6. The applicant is required to complete and submit an Asbestos Demolition/Renovation Notification or an EXEMPTION from Notification for Renovation and Demolition (District Form ENF-28 or APCD Form ENF-28e), which can be downloaded at <u>www.ourair.org/compliance-forms</u> for each regulated structure to be demolished or renovated. Demolition notifications are required regardless of whether asbestos is present or not. The completed exemption or notification shall be presented, mailed, or emailed to the Santa Barbara County Air Pollution Control District with a minimum of 10 working days advance notice prior to disturbing asbestos in a renovation or starting work on a demolition. The applicant shall visit <u>www.ourair.org/asbestos</u> to determine whether the project triggers asbestos notification requirements or whether the project qualifies for an exemption.
- 7. Post-harvest cannabis operations have the potential to generate strong odors that could negatively affect the surrounding community and cause a public nuisance. District Rule 303 (*Nuisance*), which generally prohibits the discharge of air contaminants (including odors) that cause a public nuisance, applies to all cannabis operations unrelated to the growing and harvesting of cannabis, including cannabis manufacturing (including but not limited to volatile extraction, non-volatile extraction, and post-extraction operations), retail storefronts, and smoking lounges. Manufacturing and retail operations should be managed to reduce odor impacts and avoid a violation of District Rule 303.
- 8. The application of architectural coatings, such as paints, primers, and sealers that are applied to buildings or stationary structures, shall comply with District Rule 323.1, *Architectural Coatings* that places limits on the VOC-content of coating products.
- 9. Asphalt paving activities shall comply with District Rule 329, *Cutback and Emulsified Asphalt Paving Materials*.
- 10. Construction/demolition activities are subject to District Rule 345, Control of Fugitive Dust from Construction and Demolition Activities. This rule establishes limits on the generation of visible fugitive dust emissions at demolition and construction sites, includes measures for minimizing fugitive dust from on-site activities, and from trucks moving on- and off-site. Please see <a href="https://www.ourair.org/wp-content/uploads/rule345.pdf">www.ourair.org/wp-content/uploads/rule345.pdf</a>. Activities subject to Rule 345 are also subject to Rule 302, *Visible Emissions* and Rule 303, *Nuisance*.
- 11. Natural gas-fired fan-type central furnaces with a rated heat input capacity of less than 175,000 British thermal units per hour (Btu/hr) and water heaters rated below 75,000 Btu/hr must comply with the emission limits and certification requirements of District Rule 352. Please see <a href="https://www.ourair.org/wp-content/uploads/rule352.pdf">www.ourair.org/wp-content/uploads/rule352.pdf</a> for more information.
- 12. Boilers, water heaters, and process heaters rated between 75,000 and 2.0 million British thermal units per hour (Btu/hr) must comply with the emission limits and certification requirements of District Rule 360. Note: Units fired on fuel(s) other than natural gas still need to

be certified under Rule 360. Please see <u>www.ourair.org/wp-content/uploads/rule360.pdf</u> for more information.

13. The District recommends that boilers, water heaters, and process heaters rated between 2 million to 5 million British thermal units per hour (Btu/hr) comply with the emission limits and certification requirements of District Rule 361. Please see www.ourair.org/wp-content/uploads/Rule361.pdf for more information. Units rated above 5 million Btu/hr are recommended to comply with the emission limits and certification requirements of District Rule 342. Please see www.ourair.org/wp-content/uploads/rule342.pdf

In addition, the District recommends that the following <u>best practices</u> be considered for inclusion as conditions of approval, in the interest of reducing emissions of criteria air pollutants, toxic air contaminants, greenhouse gases, dust and odors:

- To reduce the potential for violations of District Rule 345 (Control of Fugitive Dust from Construction and Demolition Activities), Rule 302 (Visible Emissions), and Rule 303 (Nuisance), standard dust mitigations (Attachment A) are recommended for all construction and/or grading activities. The name and telephone number of an on-site contact person must be provided to the District prior to grading/building permit issuance.
- 2. The State of California considers particulate matter emitted by diesel engines carcinogenic. Therefore, during project grading, construction, and hauling, construction contracts must specify that contractors shall adhere to the requirements listed in **Attachment B** to reduce emissions of particulate matter (as well as of ozone precursors) from diesel equipment. Recommended measures shall be implemented to the maximum extent feasible. Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout all grading and construction periods. The contractor shall retain the Certificate of Compliance for CARB's In-Use Regulation for Off-Road Diesel Vehicles onsite and have it available for inspection.
- 3. Any chemical used for deodorizing systems should not cause adverse impacts to the community. Low-VOC (volatile organic compound) or no-VOC compounds are recommended, as well as compounds that do not contain toxic air contaminants (TACs) as identified by the State of California. The comprehensive list of TACs can be found at <u>www.arb.ca.gov/toxics/healthval/contable.pdf</u>. If odor control systems use chemicals that contain TACs, the County should assess the potential for health risk by performing a refined Health Risk Assessment.

Lastly, the applicant is advised of the following additional regulatory requirements or analysis that may be applicable to the project during the District permitting process:

 During completeness review of the District permit application, the District will evaluate the emissions from the proposed project to determine which New Source Review requirements will apply. If the project ROC emissions exceed the Best Available Control Technology (BACT) threshold of 25 pounds per day, then the applicant shall propose emission controls that represent BACT for their processes. The applicant can refer to District Rule 802 at <u>www.ourair.org/wp-content/uploads/rule802.pdf</u> for more information on New Source Review and BACT requirements.

2. As part of the District's permit issuance, if a project has the potential to emit toxic or hazardous air pollutants, or is located in close proximity to sensitive receptors, the project may be required to prepare a **Health Risk Assessment** to determine the potential level of risk associated with the project operations. In the case of a diesel-fired emergency generator, an equipment-specific Health Risk Assessment is required as part of District permit issuance. The applicant should refer to District's website at <u>www.ourair.org/dice-atcm</u> for more information on diesel engine permitting. Whenever an HRA is required, we recommend including the results in the CEQA document to ensure that project-related equipment will not result in a significant impact.

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8878 or via email at <u>WaddingtonE@sbcapcd.org</u>.

Sincerely,

Smell Wurkyter

Emily Waddington Air Quality Specialist Planning Division

- Attachments: Fugitive Dust Control Measures Diesel Particulate and NO<sub>x</sub> Emission Measures
- cc: David Harris, Manager, District Engineering Division Kaitlin McNally, Manager, District Compliance Division William Sarraf, Supervisor, District Engineering Division Planning Chron File



#### ATTACHMENT A FUGITIVE DUST CONTROL MEASURES

These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Projects are expected to manage fugitive dust emissions such that emissions do not exceed APCD's visible emissions limit (APCD Rule 302), create a public nuisance (APCD Rule 303), and are in compliance with the APCD's requirements and standards for visible dust (APCD Rule 345).

- During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required when sustained wind speed exceeds 15 mph. Reclaimed water should be used whenever possible. However, reclaimed water should not be used in or around crops for human consumption.
- Onsite vehicle speeds shall be no greater than 15 miles per hour when traveling on unpaved surfaces.
- Install and operate a track-out prevention device where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can include any device or combination of devices that are effective at preventing track out of dirt such as gravel pads, pipe-grid track-out control devices, rumble strips, or wheel-washing systems.
- If importation, exportation, and stockpiling of fill material is involved, soil stockpiled for more than one day shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin.
- Minimize the amount of disturbed area. After clearing, grading, earthmoving, or excavation is completed, treat the disturbed area by watering, OR using roll-compaction, OR revegetating, OR by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur. All roadways, driveways, sidewalks etc. to be paved should be completed as soon as possible.
- Schedule clearing, grading, earthmoving, and excavation activities during periods of low wind speed to the extent feasible. During periods of high winds (>25 mph) clearing, grading, earthmoving, and excavation operations shall be minimized to prevent fugitive dust created by onsite operations from becoming a nuisance or hazard.
- The contractor or builder shall designate a person or persons to monitor and document the dust control program requirements to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to grading/building permit issuance and/or map clearance.

**PLAN REQUIREMENTS:** All requirements shall be shown on grading and building plans and/or as a separate information sheet listing the conditions of approval to be recorded with the map. **Timing**: Requirements shall be shown on plans prior to grading/building permit issuance and/or recorded with the map during map recordation. Conditions shall be adhered to throughout all grading and construction periods.

**MONITORING:** The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



air pollution control district

#### Attachment B Diesel Particulate and NO<sub>x</sub> Emission Reduction Measures

Particulate emissions from diesel exhaust are classified as carcinogenic by the state of California. The following is a list of regulatory requirements and control strategies that should be implemented to the maximum extent feasible.

The following measures are required by state law:

- All portable diesel-powered construction equipment greater than 50 brake horsepower (bhp) shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
- Fleet owners of diesel-powered mobile construction equipment greater than 25 hp are subject to the California Air Resource Board (CARB) In-Use Off-Road Diesel-Fueled Fleets Regulation (Title 13, California Code of Regulations (CCR), §2449), the purpose of which is to reduce oxides of nitrogen (NOx), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles. Off-road heavy-duty trucks shall comply with the State Off-Road Regulation. For more information, see <a href="https://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm">www.arb.ca.gov/msprog/ordiesel/ordiesel.htm</a>.
- Fleet owners of diesel-fueled heavy-duty trucks and buses are subject to CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation (Title 13, CCR, §2025), the purpose of which is to reduce DPM, NOx and other criteria pollutants from in-use (on-road) diesel-fueled vehicles. For more information, see <a href="http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm">www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm</a>.
- All commercial off-road and on-road diesel vehicles are subject, respectively, to Title 13, CCR, §2449(d)(3) and §2485, limiting engine idling time. Off-road vehicles subject to the State Off-Road Regulation are limited to idling no more than five minutes. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes, unless the truck engine meets the optional low-NOx idling emission standard, the truck is labeled with a clean-idle sticker, and it is not operating within 100 feet of a restricted area.

The following measures are recommended:

- Diesel equipment meeting the CARB Tier 3 or higher emission standards for off-road heavy-duty diesel engines should be used to the maximum extent feasible.
- On-road heavy-duty equipment with model year 2010 engines or newer should be used to the maximum extent feasible.
- Diesel powered equipment should be replaced by electric equipment whenever feasible. Electric auxiliary power units should be used to the maximum extent feasible.
- Equipment/vehicles using alternative fuels, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel, should be used on-site where feasible.
- Catalytic converters shall be installed on gasoline-powered equipment, if feasible.
- All construction equipment shall be maintained in tune per the manufacturer's specifications.
- The engine size of construction equipment shall be the minimum practical size.
- The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.
- Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.
- Construction truck trips should be scheduled during non-peak hours to reduce peak hour emissions whenever feasible.
- Proposed truck routes should minimize to the extent feasible impacts to residential communities and sensitive receptors.
- Construction staging areas should be located away from sensitive receptors such that exhaust and other construction emissions do not enter the fresh air intakes to buildings, air conditioners, and windows.

**PLAN REQUIREMENTS AND TIMING:** Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout all grading and construction periods. The contractor shall retain the Certificate of Compliance for CARB's In-Use Regulation for Off-Road Diesel Vehicles onsite and have it available for inspection.

**MONITORING:** The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.



#### **Environmental Health Services**

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

Van Do-Reynoso, MPH, PhD Director Suzanne Jacobson, CPA Chief Financial Officer Palgo Batson, MA, PHN, RN Deputy Director Darna Esenbarth Deputy Director Dana Gamble, LCSW Interim Deputy Director Polly Batkwin, MD, MPH Medical Director Henning Ansorg, MD Health Officer

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

Lars Selfert Director of Environmental Health

- TO: Gwen Beyeler, Planner
   Planning & Development Department
   FROM: Jason Johnston
   Environmental Health Services
- DATE: August 31, 2021

SUBJECT: Case No. 19DVP-00000-00020, 19CDH-00000-00015, 19CDP-00000-00027

Project: VWV, LLC / Creekside – Cannabis Cultivation

Assessor's Parcel No. 005-280-025

Located at: 3508 Via Real, Carpinteria

zoned AG-I-10

The project is for a Development Plan and associated Coastal Development Permit for the propagation of immature plans (nursery) and cultivation of cannabis in 172,660 sq. ft. of existing greenhouses and 18,405 sq. ft. of agricultural accessory structure space that supports the cultivation activities. As-built work in between the greenhouses and connected to the pre-existing and permitted 4,500 square feet of permitted packing structures includes as-built improvements and interior alterations or occupancy conversions totaling approximately 13,905 square feet of gross floor area. These areas are noted as "central building/non-greenhouse," and "irrigation room", on the architectural plans, and consist of employee break areas, bathrooms, storage, processing, circulation and mechanical equipment. Approximately 3,538 square feet of the subject as-built accessory space is located within today's 100-foot Environmentally Sensitive Habitat (ESH) buffer boundary. The project also includes a request to increase the height of the existing 15-foot tall greenhouses to 22-feet for improved airflow circulation and humidity controls. The demolition of an unpermitted 35,750 sq. ft. greenhouse in the northern portion of the parcel is being proposed, along with the demolition of 3,240 sq. ft. of previously permitted greenhouse space on the east side of the property.

In addition, the project proposes the following:

1) the validation of 5 water tanks of 36,984 gallons (3), 25,360 gallons (1), and one 105,669gallon tank which is within the 100' ESH buffer from Arroyo Paredon Creek 19DVP-00000-00020, 19CDH-00000-00015, 19CDP-00000-00027 August 31, 2021

- 2) the validation of 2 waste water tanks (5,283 gallons each)
- 3) 1 new water tank of 25,360 gallons
- 4) the validation of a 160 sq. ft. temporary office trailer, proposed for removal within 1 year of the operation's approval and license

Accessory uses to the cannabis cultivation operation would include non-volatile manufacturing, packaging, and processing. The project includes transport only distribution of cannabis that is cultivated onsite. Cultivation will be the primary use of the property. Odor control consists of the Byers Scientific HPII Series waterless vapor system and extensive carbon filtration units inside the processing areas. One emergency generator is proposed for emergency use only to power the odor control system during power outages. 39 parking spaces would be provided. The cannabis operation would consist of up to 35 full time staff. The hours of operation are 6:00am to 3:30pm Monday through Friday, and 7:00am to 1:00pm on Saturdays.

An upgraded septic system that meets current commercial standards is proposed on the south side of the property and an existing and outdated septic system is proposed to be demolished. The project includes new storm water retention and treatment to offset 12,271 square feet of as-built impervious surface area and will be located in an 1,800 square foot area on the eastern property line, outside of today's ESH buffer. The project does not require any grading, other than for the new septic system and storm water improvements. No tree removal or vegetation removal is proposed as part of this project. No new construction (aside from the validation of asbuilt structures and improvements) is being proposed. The project includes a Native Habitat Enhancement Planting Plan of approximately 54,053 square feet along the northern portion of the parcel, adjacent to Arroyo Paredon Creek. Water for the cultivation and for domestic purposes is provided by the Carpinteria Valley Water District. Access to the site will continue to be provided off of Via Real via a private driveway which is partially located on the neighboring properties to the south of the parcel known as 3500 and 3504 Via Real. The property is an 8.96acre parcel zoned AG-I-10, shown as Assessor's Parcel Number 005-280-025 and addressed as 3508 Via Real in Carpinteria, within the Carpinteria Agricultural Overlay District and the Toro Canyon Community Plan, First Supervisorial District.

Environmental Health Services has received and reviewed a feasible preliminary design for the septic systems by Coast Engineering and Survey, Inc., including percolation tests and soils report from Pacific Materials Laboratory, dated September 27, 2019. Formal review and approval of the Onsite Wastewater Treatment Systems will be required prior to the issuance of building permits.

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as <u>Conditions of Approval:</u>

1. <u>Prior to Issuance of Zoning Clearance</u>, an application for the new Onsite Wastewater Treatment System permit shall be submitted to Environmental Health Services. The plans shall include a layout for the installation of dual dispersal fields (two, 100% peak design flow capacity fields) and 100% expansion area. The onsite wastewater treatment systems shall be designed to handle peak daily flows according to the criteria of the State Onsite Wastewater Treatment System Policy and the Santa Barbara County Code, Chapter 18-C.

19DVP-00000-00020, 19CDH-00000-00015, 19CDP-00000-00027 August 31, 2021

- 2. <u>Prior to the Issuance of Zoning Clearance</u>, the applicant shall submit a solid waste management plan to Environmental Health Services for review and approval. The plan shall include but not be limited to the following:
  - a. Planned on-site composting details,
  - b. means of waste transport,
  - c. description of short-term storage facilities, if any
  - d. method and area of waste disposal,
  - e. any equipment necessary to implement the plan.
- 3. <u>Prior to Issuance of a Building Permit</u>, the application for an onsite wastewater treatment system permit shall be approved by Environmental Health Services.
- 4. <u>Prior to Occupancy</u>, the approved onsite wastewater treatment systems shall be installed, constructed and fully operational, to be verified by Environmental Health Services. This shall include the abandonment of the existing onsite wastewater treatment system, upon completion of the proposed system.

Jason Johnston, REHS Supervising Environmental Health Specialist

### Memorandum

	Project: Development Plan – Cannabis Cultivation	
	Site: Autumn Road, Santa Maria	
SUBJECT:		
FROM:	Glenn Fidler, Captain Fire Department	-LIFOR IS
то:	Melanie Jackson Planning and Development County of Santa Barbara - Santa Maria	POO CAR
DATE:	February 26, 2019	EL EL
		OF

GANT

The above project is located within the jurisdiction of the Santa Barbara County Fire Department.

#### NO CONDITIONS FOR DEVELOPMENT PLAN

The Fire Prevention Division must be notified of any changes to the project proposal. A change in the project description may cause conditions to be imposed.

#### ADVISORY

1. All standard fire department conditions and current codes shall apply at time of development.

As always, if you have any questions or require further information, please call me at 805-681-5528 or 805-681-5523.

GF:mkb



SCOTT D. MCGOLPIN Director Public Works Santa Barbara County Public Works Department Water Resources Division Flood Control \* Water Agency \* Project Clean Water 130 E. Victoria Street, Suite 200, Santa Barbara, CA 93101 PH (805) 568-3440 FAX (805) 568-3434

http://cosb.countyofsb.org/pwd/pwwater.aspx?id=2956

THOMAS D. FAYRAM Deputy Director Water Resources

January 6, 2022

Gwen Beyeler, Planner County of Santa Barbara Planning & Development Department 624 W. Foster Road Santa Maria, CA 93455

#### Re: 19DVP-00000-00020; VWV LLC Mixed-Light Cannabis Cultivation APN: 005-280-025; 3508 Via Real, Carpinteria

#### This condition letter supersedes that dated August 21, 2020 due to the revised project elements.

Dear Ms. Beyeler:

The Public Works Department Water Resources Division has developed conditions for the proposed project which includes demolition of greenhouse structures (including as-built boiler room, mechanical/electrical room an water tank within 50-foot creek setback), landscaping, validation of water tanks, and validation of approximately 8,500 sf of unpermitted commercial processing, storage, employee, and utility buildings.

This project is not subject to the County's requirements for treating stormwater, since the project creates no new impervious surfaces as described in the document, "Post Construction Stormwater Management Requirement's for Development Projects in the Central Coast Region".

The parcel is located adjacent to the FEMA regulatory Arroyo Paredon Creek floodway, and partially within the FEMA Regulatory Special Flood Hazarded Area (SFHA) Zone AE. This parcel is also located within the FEMA Recovery Map High Hazard Area (HHA). The HHA Advisory Flood Elevations (AFE) govern over the SFHA Base Flood Elevations at this location.

The Flood Control District recommends that this project be subject to the following conditions:

#### 1. Design/ Prior to Permit Issuance

a. All unpermitted buildings, substantially improved buildings, and permitted buildings structurally connected to unpermitted buildings within the HHA are required to be floodproofed to a minimum of the AFE plus 2 FT per Santa Barbara County Floodplain Management Ordinance 15A.

- b. Projects near a watercourse shall be designed in compliance with the requirements described in Chapter 15B of the Santa Barbara County Code, and no structures are allowed to be located within 50 feet of the top-of-bank setback.
- c. The applicant shall submit all improvement plans, grading plans, landscape plans, data, forms and certifications (as described in the Standard Conditions of Project Plan Approval) to the District for review and approval, including a site plan with topographic mapping in NAVD '88 vertical datum, with the AFE for each stand-alone structure as determined by a licensed professional listed on the plans, and the 50-foot creek setback line illustrated on the plans.
- d. Greenhouses that remain structurally connected to the unpermitted as-built structures must comply with one of the following options:
  - i. Elevate finished floor of each structure to a minimum of AFE + 2 FT, and include flood opening vents for crawlspaces (a minimum of 2 located on separate walls at 1 square inch per 1 square foot of enclosure) with the base no higher than 1 FT above highest adjacent grade, or,
  - ii. Dry-floodproof each structure to a minimum of AFE+2 FT with impermeable materials, and submit Draft Floodproofing Certificate and Draft Flood Emergency Ops Plan and Inspection & Maintenance Plan.
- e. If the Greenhouses are structurally detached from the unpermitted as-built structures, and improvements are proposed therein, the applicant may submit Substantial Improvement (SI) determination worksheets, appraisals, and costs estimates (covering improvements as part of this permit in addition to the past 10 years) for each greenhouse in order to identify NFIP regulation applicability as follows:
  - i. If the easterly greenhouse SI is less than 50%, compliance is not required, since it pre-dates the 1979 effective FIRM map date.
  - ii. If the westerly greenhouse SI is less than 50%, then only the improvements are required to comply, since it post-dates the 1979 effective FIRM map date.
  - iii. If either greenhouse SI is equal to or greater than 50% it must comply with item "d" above.
- f. Unpermitted as-built commercial cannabis processing buildings, and those permitted nongreenhouse buildings structurally connected to the unpermitted buildings will need to comply with one of the following options:
  - i. Elevate finished floor of each structure to a minimum of AFE + 2 FT, use floodresistant materials to AFE + 2 FT, and include flood opening vents for crawlspaces or,
  - ii. Dry-floodproof each structure to a minimum of AFE+2 FT with impermeable materials and submit Draft Floodproofing Certificate and Draft Flood Emergency Ops Plan and Inspection & Maintenance Plan.
- g. All utilities, electrical/mechanical equipment must be elevated to a minimum of AFE + 2 FT (e.g. water heaters, furnaces, A/C, HVAC, generators, electric panels, solar panels, etc.). All equipment will require anchoring or strapping to prevent floatation.
- h. Plumbing below AFE + 2 FT must be fitted with backflow devices.

- i. The applicant shall sign the Agreement for Payment of Plan Check Fees (attached to the Standard Conditions of Approval) and pay the appropriate plan check fee deposit at the time of the initial submittal of maps, plans and studies. Please make the check payable to: *Santa Barbara* County *Flood Control & Water Conservation District*.
- j. The applicant shall submit to the District PDF drawings of the approved grading plans, improvement plans, drainage plans, drainage studies and landscape plans.
- k. The applicant shall comply with the Santa Barbara County Flood Control District Standard Conditions of Project Plan Approval dated January 2011: (<u>http://www.countyofsb.org/uploadedFiles/pwd/Content/Water/Documents/StdConditionsJan</u> 2011.pdf).
- 2. Prior to Occupancy Clearance
  - a. Elevation certificates prepared by a licensed professional are required substantially improved structures within the FEMA regulatory floodplain.
  - b. Finished Floor Certification (in NAVD '88) by a licensed surveyor are required for as-built and substantially improved structures within the FEMA Recovery Map High Hazard Area,.
  - c. Should the applicant choose to dry-floodproof the non-residential structures, the developer shall submit the following:
    - i. Final Flood Emergency Ops Plan and Final Inspection & Maintenance Plan for District approval. See FEMA P-936 and FEMA TB-3 for more detail.
    - ii. Final Floodproofing Certificate prepared by licensed engineer.
  - d. The applicant shall submit record drawings to the District's Floodplain Manager in PDF format.

Sincerely,

SANTA BARBARA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

Am Sullivan By:

Karen Sullivan, PE, CFM Development Review Engineer

Cc: Jay Higgins, H&H Environmental, 3217 Calle Noguera, Santa Barbara, CA 93105 Ivan Van Wingerden, VWV LLC, 4701 Foothill Road, Carpinteria, CA 93013

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

#### **Project Description**

1. **Proj Des-01 Project Description:** This Minor Conditional Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked 1-14, dated May 24, 2022, 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 includes a request for a Minor Conditional Use Permit to allow a packing and shipping facility in 7,879 sq. ft. of as-built packing and shipping facility additions to two permitted buildings, consisting of 4,500 sq. ft., used for packing, processing, storage, and shipping activities. The total area of the packing and shipping facility will be 12,379 sq. ft. Uses within the packing and shipping facility will include packing, processing, processing, storage, and shipping, processing, packaging, storage, office, restrooms, and employee break areas. The packing and shipping facility is located between two existing permitted greenhouses.

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. Aest-04 BAR Required: The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development and shall conform in all respects to previous BAR approval of 19BAR-00000-00123.

TIMING: The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of any zoning

clearance. Grading plans, if required, shall be submitted to P&D concurrent with or prior to BAR plan filing.

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

4. Air-01 Dust Control: The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:

a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.

b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.

c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.

d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.

e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.

f. Order increased watering as necessary to prevent transport of dust off-site.

g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.

h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately:

- i. Seed and water to re-vegetate graded areas; and/or
- ii. Spread soil binders; and/or

iii. Employ any other method(s) deemed appropriate by P&D or APCD.

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

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

a. Assure all dust control requirements are complied with including those covering weekends and holidays.

- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

TIMING: The dust monitor shall be designated prior to 1st grading permit. The Owner/Applicant shall apply all dust control components from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued.

MONITORING: The P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

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

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

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

Geo-02 Erosion and Sediment Control Plan: Where required by the latest 6. edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction, shall avoid pollution of any watercourses, and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the Grading Ordinance Chapter 14 web site re: County (http://sbcountyplanning.org/building/grading.cfm) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements.

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

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

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

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

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

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

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

8. SolidW-03 Solid Waste-Construction Site: The Owner/Applicant shall provide an adequate number of covered receptacles for construction and employee trash to prevent trash and debris from blowing offsite, shall ensure waste is picked up weekly or more frequently as needed, and shall ensure site is free of trash and debris when construction is complete.

PLAN REQUIREMENTS: All plans shall contain notes that the site is to remain trash-free throughout construction.

TIMING: Prior to building permit issuance, the Owner/Applicant shall designate and provide P&D with the name and phone number of a contact person(s) responsible for trash prevention and site clean-up. Additional covered receptacles shall be provided as determined necessary by P&D.

MONITORING: Permit compliance monitoring staff shall inspect periodically throughout grading and construction activities and prior to Final Building Inspection

Clearance to ensure the construction site is free of all trash and debris.

9. WatConv-04 Equipment Storage-Construction: The Owner/Applicant shall designate a construction equipment filling and storage area(s) to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D-approved area(s) on all grading and building plans.

TIMING: The Owner/Applicant shall install the area(s) prior to commencement of construction.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

10. WatConv-05 Equipment Washout-Construction: The Owner/Applicant shall designate a washout area(s) for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Polluted water and materials shall be contained in this area(s) and removed from the site. The area(s) shall be located at least 100 feet from any storm drain, waterbody, or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all grading and building plans.

TIMING: The Owner/Applicant shall install the area(s) prior to commencement of construction.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

#### **County Rules and Regulation**

11. **DIMF-24d DIMF Fees-Fire:** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees (DIMFs) to finance the development of facilities for the Fire Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid.

The total Fire DIMF amount is estimated based on a project type of as-built and new agricultural structures to support for cannabis cultivation.

TIMING: Fire DIMFs shall be paid to the County Fire Department prior to Final

Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

12. DIMF-24g DIMF Fees-Transportation: In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees (DIMFs) to finance the development of facilities for transportation. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid.

The total DIMF amount is estimated based on a project type of as-built and new agricultural structures to support for cannabis cultivation.

TIMING: Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

- **13.** Rules-02 Effective Date-Appealable to CCC: This Minor Conditional Use Permit shall become effective upon the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the review authority on the appeal, including action by the California Coastal Commission if the planning permit is appealed to the Coastal Commission. [ARTICLE II § 35-169].
- 14. 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.
- **15. 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.
- 16. 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.
- 17. Rules-09 Signs: Signs. No signs of any type are approved with this action unless otherwise specified. All signs shall be permitted in compliance with Article II.
- **18. Rules-12 CUP Expiration:** The Owner/Applicant shall obtain the required ZONING CLEARANCE within the 18 MONTHS following the effective date of this Conditional Use Permit. If the required ZONING CLEARANCE is not issued

within the 18 months following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35-172 of the ARTICLE II COASTAL ZONING ORDINANCE, and an application for an extension has not been submitted to the Planning and Development Department, then Conditional Use Permit shall be considered void and of no further effect.

- **19. Rules-17 CUP-Void:** This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35-172 of the ARTICLE II COASTAL ZONING ORDINANCE. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any ZONING CLEARANCE approved or issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit. [ARTICLE II §35-172.9].
- **20.** Rules-18 CUP and DVP Revisions: The approval by the Planning Commission of a revised Development Plan shall automatically supersede any previously approved Final Development Plan upon the effective date of the revised permit.
- **21.** Rules-20 Revisions to Related Plans: The Owner/Applicant shall request a revision for any proposed changes to approved plans. Substantial conformity shall be determined by the Director of P&D.
- 22. Rules-21 CUP Revisions-Change of Use: Any change of use in the proposed structure shall be subject to appropriate environmental analysis and review by the County including Building Code compliance.
- **23. 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.
- 24. Rules-23 Processing Fees Required: Prior to issuance of Zoning Clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- **25. 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(s) for two years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed of all

approved landscape & irrigation, plans per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape & irrigation have been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved landscape and irrigation, P&D may use the security to complete the work

- 26. Rules-29 Other Dept Conditions: Compliance with Departmental/Division letters required as follows:
  - 1. Air Pollution Control District dated August 30, 2021;
  - 2. Environmental Health Services Division dated August 31, 2021;
  - 3. Carpinteria Summerland Fire District dated February 26, 2019;
  - 4. Flood Control Water Agency dated January 6, 2022.
- 27. 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.
- 28. 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.
- **29.** 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.
- **30. 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.

#### CALIFORNIA COASTAL COMMISSION SOUTH CENTRAL COAST DISTRICT OFFICE

89 S. CALIFORNIA ST., SUITE 200 VENTURA, CA 93001-4508 (805) 585-1800 SOUTHCENTRALCOAST@COASTAL.CA.GOV



### **APPEAL FORM**

Appeal of Local Government Coastal Development Permit

## Filing Information (STAFF ONLY)

District Office: South Central Coast

Appeal Number: \_\_\_\_\_

Date Filed:

Appellant Name(s):

# **APPELLANTS**

**IMPORTANT.** Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review <u>the appeal</u> <u>information sheet</u>. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's <u>contact page</u> at <a href="https://coastal.ca.gov/contact/#/">https://coastal.ca.gov/contact/#/</a>).

**Note regarding emailed appeals.** Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the South Central Coast district office, the email address is <u>SouthCentralCoast@coastal.ca.gov</u>. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's <u>contact page</u> at <a href="https://coastal.ca.gov/contact/#/">https://coastal.ca.gov/contact/#/</a>).

Exhibit 5 A-4-STB-22-0028 (Van Wingerden) Appeal by Jill Stassinos

1. Appellan	t informat	ion1					
Name:							
Mailing addre	SS:						
Phone numbe	er:						
Email address	s:						
How did you p	participate i	n the local CDF	<sup>o</sup> applicatior	n and de	cision-maki	ng proces	ss?
Did not par	ticipate	Submitted of	comment	Tes	tified at hea	ring	Other
Describe:							
please identif	y why you s	in the local CDI should be allow were not prope	ed to appea	l anywa			SS,
Describe:							
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why you shou	ild be allow	exhausted all L ed to appeal (e procedures, or	.g., if the loc	cal gove	rnment did r	not follow	
Describe:							
_							

1 If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

### 2. Local CDP decision being appealed<sup>2</sup>

Local gover	mment name:		
Local gover	mment approval body:		
Local gover	mment CDP application number:		
Local gover	mment CDP decision:	CDP approval	CDP denial₃
Date of loca	al government CDP decision:		
	tify the location and description on he local government.	f the development that	was approved or
Describe:			

<sup>2</sup> Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

<sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the <u>appeal information sheet</u> for more information.

### **3. Applicant information**

Applicant name(s):

Applicant Address:

### 4. Grounds for this appeal4

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe:	

<sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.

#### 5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

Interested persons identified and provided on a separate attached sheet

#### 6. Appellant certification5

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name\_\_\_\_\_

Signature

Date of Signature

#### 7. Representative authorization6

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

5 If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>6</sup> If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

## Attachment #1

#### Appeal of Santa Barbara County Board of Supervisors Approval of Coastal Development Permit for Creekside Blooms/Ivan Van Wingerden

3508 Via Real, Carpinteria, California 93013

Appeal of the 3508 Via Real Development Plan, Minor Conditional Use Permit, and Coastal Development Permit, Case Nos. 19DVP-00000-0020, 22CUP-00000-00005, and 19CDP-00000-00027. The Board of Supervisors considered this appeal at their May 24, 2022 hearing

#### Introduction

This is a supplement to the above-referenced appeal to the California Coastal Commission (the "Appeal"). Jill Stassinos ("Appellant") hereby appeals the County of Santa Barbara ("County") Board of Supervisors' ("Board of Supervisors") approval of Creekside Blooms Cannabis Project located at 3508 Via Real in Carpinteria, California (APN 005-280-025, Case No. 22APL-00000-00006, Case Nos.19-DVP-00000-00020, 22CUP-00000-00005, and 19CDP-00000-00027).

<u>The Appellant incorporates by reference all prior appeals and associated</u> <u>presentation materials and arguments contained therein, which are in the public record.</u> The Appellant additionally reserves the right to supplement this appeal prior to a hearing with additional materials, as well as to the extent further information becomes available.

#### Grounds for Appeal

The Board of Supervisor's approval of the Project is contrary to the County's Coastal Zoning Ordinance, as defined below:

The Coastal Commission retains a critical role in ongoing appellate oversight over coastal developments and certain types of development to monitor and ensure the effective implementation of the County's Coastal Land Use Plan and Article II of the Coastal Zoning Ordinance (together, "County CLUP & Coastal Zoning Ordinance") with respect to issues of statewide concern under the Coastal Act. The Appellant believes that a Coastal Commission finding of Substantial Issue is justified, given:

1) Inadequate factual and legal support for the local government's decisions as relates to this Project: The Board of Supervisors approved the applicant's request to raise the height of one 87,120 square ft. (2 acre) greenhouse from 15 ft 1 in. to 22 ft. and one 85,378 sq. ft. (1.96 acre) greenhouse from 17 ft. 5 in. to 22 ft. thus enlarging the two permitted (permitted prior to the Coastal Act, the Toro Canyon Plan, and the Carpinteria Agricultural Overlay) *non-conforming* greenhouses located within the 100 foot Environmentally Sensitive Habitat buffer setbacks of the Arroyo Paredon Watershed.

These modifications contradict the Carpinteria Agricultural Overlay requirements for setbacks which specifically states, "*A legal non-conforming structure shall not be enlarged or expanded*." The Carpinteria Agricultural Overlay District established, in 2004, a 100 foot top of bank setback as an Environmentally Sensitive Habitat buffer.

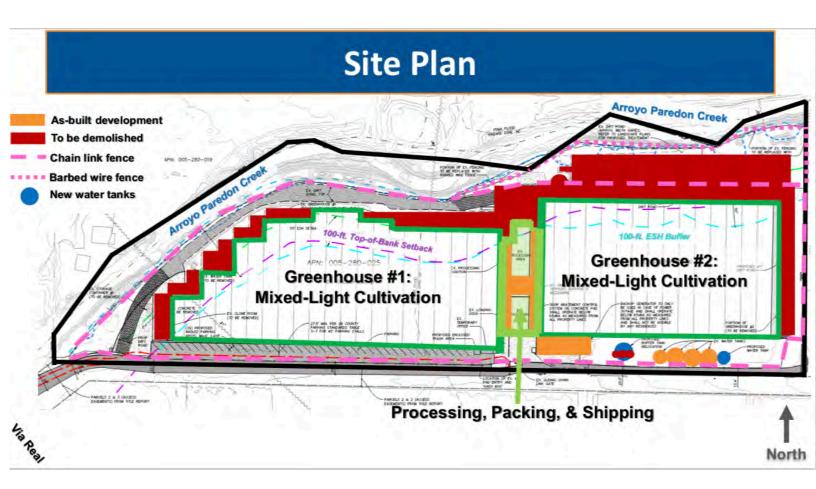
The Coastal Act established the 100 foot Environmentally Sensitive Habitat Buffer. The Coastal Zoning Ordinance (Article II) requires 20 foot setbacks for interior lots and 100 foot setbacks from Environmentally Sensitive Habitat top of bank. There is nothing in the Coastal Zoning Ordinance that exempts projects that include pre-existing structures or activities in the Environmentally Sensitive Habitat. The Toro Canyon Community Plan certified in 2004 requires a 100 foot buffer setback for Environmentally Sensitive Habitat as well. The Projects setback modifications will change the status of **41,000 sq. ft**. of permitted *non-conforming* structures within the 100 ft. ESH to permitted *conforming* structures. The setback modifications will also allow structures to be within the 20 ft. interior lots setback, re-surfacing an access road and replacing existing chain link security fencing with "*wildlife friendly*" barbed wire within the ESH.

Arroyo Paredon Creek is a United States Fish and Wildlife Service designated critical habitat for Southern California steelhead and tidewater goby. It supports rare species, including Cooper's Hawk, Yellow Warbler, California Red legged Frog, Coast Range Newt, and Western Pond Turtle. There are rare and endangered species downstream in and around Arroyo Paredon Creek, including Crotch's Bumble Bee, Least Bell's Vireo, and Southwestern Willow Flycatcher. "Indirect impacts to habitat (wetland) functions associated with Arroyo Paredon Creek may have adverse, and cumulatively significant, impacts on one or more of the species that use Arroyo Paredon Creek and downstream habitats. The listed species are endangered because of the cumulative effects almost entirely the result of anthropogenic activities and actions," according to David Magney, California Certified Consulting Botanist (#0001), ISA Certified Arborist (#WE-4746), approved biological consultant for Santa Barbara, Ventura, Los Angeles, and San Luis Obispo Counties.

"Arroyo Paredon Creek is adjacent to the Creekside Blooms Project and flows from east to west along the northern boundary of the Project Site and continues under Via Real and Highway 101, and outlets to the Pacific Ocean approximately 900 feet downstream of the property. There is a documented occurrence of tidewater goby near the western corner of the Project Site, where the creek flows under Via Real (CNDDB 2021). Arroyo Paredon Creek could also support other sensitive semi-aquatic wildlife species (e.g., California red-legged frog, two-striped garter snake), during periods of intermittent stream flow," according to Storrer Environmental Services, LLC. After the 2018 mud slide, Caltrans replaced the Arroyo Pardon Bridge at Foothill Road/Hwy. 192 and installed a fish passage indicative of the need to protect Arroyo Paredon Creek's environmentally sensitive habitat.

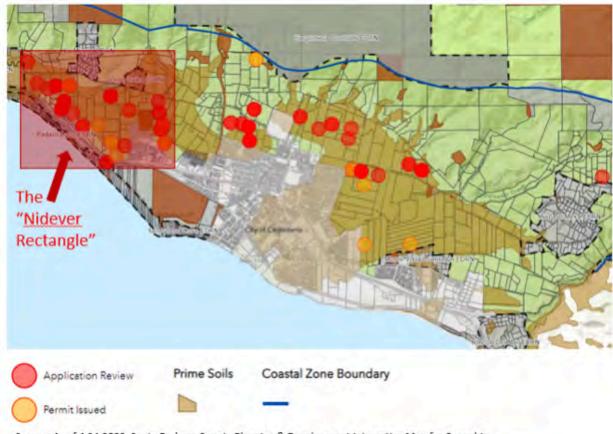
As part of the findings basis for the Impacts to ESH and ESH Buffer, the Storrer Environmental Services, LLC report states, "All non-conforming greenhouses and accessory structures that extend under the riparian canopy and are in the ESH buffer will be removed as part of the Project." However, the Board of Supervisors approved the applicant's requested setback modifications to the ESH Buffer to allow two nonconforming greenhouses, an access road, barbed wire and security fencing to remain within the ESH Buffer and legalize existing as-built development. If this request for

setback modifications is allowed then 41,000 sq. ft. of buildings will be permitted in the 100' ESH setback. (See Site Plan Below)



Also, 3508 Via Real was noted to have parcel violations of un-permitted construction on 3/20/2019 and building without permits on 3/27/2019 by the County of Santa Barbara Planning and Development. Permitting as built structures and allowing setback modifications, as requested by the applicant, sets a bad precedent that gives many community members the impression that Santa Barbara County selectively follows and enforces current laws for some but not others. The applicant argues that IF required to remove the portions of the permitted non-conforming greenhouses, residing within the 100 ft. ESH setbacks, the financial loss would render the project unfeasible. Yet, no cost analysis of this financial unfeasibility has been produced. Additionally, the applicant agreed to remove parts of permitted structures when required to do so by The Carpinteria-Summerland Fire District. Therefore, the applicant set a precedent for the removal of parts of permitted structures. Thus, removing portions of permitted **non-conforming** structures, located within the Arroyo Paredon Watershed 100 foot ESH buffer setbacks, appears to be a reasonable request.

2) Extent and scope of the development: Creekside Blooms Nursery Cannabis Cultivation Project has the largest footprint next to the Arroyo Paredon Watershed of the 5 nearby Cannabis operations. The northern portion of the property abuts the Arroyo Paredon top-of-bank and Environmentally Sensitive Habitat (ESH) buffer. Factors such as surrounding density and cumulative impacts have a direct bearing on compatibility and consistency findings with the Comprehensive Plan (including Toro Canyon Plan and Coastal Zoning Ordinance) and are relevant to the decision as to whether a project is appropriate. In the Carpinteria Valley, according to correspondence obtained from S.B. County staff on April 24, 2022, 151.83 acres of cannabis cultivation and 8.69 acres of processing operations have approved land use entitlements and have applied for business licenses (not including additional density from the un-permitted grows not yet in the permitting pipeline that are still relying on affidavits to the County to receive grandfathered treatment as "non-conforming uses"), with additional permit applications anticipated in the permitting pipeline (up to 186 acres will be allowed for cultivation and unlimited acreage for processing according to the County's recent determination). The "Nidever-Foothill-Via Real-Cravens Rectangle" (in which Creekside Blooms 3508 Via Real is located) has an enormous concentration of existing and future pipeline cannabis operations per permit and provisional license records. There are 100 acres of combined permitted and pipeline grows in this small Nidever Rectangle (pictured below), most of



Source: As of 4.24.2022. Santa Barbara County Planning & Development Interactive Map for Cannabis: https://sbcopad.maps.arcgis.com/apps/webappviewer/index.html?id=f287d128ab684ba4a87f1b9cff438f91 which are already growing today based on provisional licenses, as well as several acres of processing in pipeline (which is no longer subject to a cap). There is probably additional acreage from current sites where operators are growing with provisional licenses but not yet in the permitting process. This density has nuisance and health impacts which affect the approximately 20,600 residents living in the Carpinteria Valley and approximately 900,000 visitors each year (per the 2019 Carpinteria Valley Economic Profile). According to the current active state provisional licenses, the small Carpinteria Valley/Toro Canyon area has more provisional licenses than almost all CA counties – ranking 9th when compared to counties that allow cultivation. (See Below County Licenses Chart compiled on May 2021)

COUNTY	# Active Licenses
Humboidt	1690
Santa Barbara	1665
Mendocino	845
Yold	686
Monterey	334
Lake	425
Trinity	416
Carpinteria Toro-Unincorporated	349
Los Angeles	258
Sonoma	150
Santa Cruz	147
Neyada	138
Riverside	126
Sacramenio	101
Fresno	- 19
Calaverus	-94
San Bernardino	- 81
San Luis Obispo-	-61
Alameda	57
layo	
Kem	25
Stanislaus	25
San Diego	19
Santa China	17
Shasta	12
San Mateo	0
Contia Costa	9
Tulare	9
Clyangte-	8
San Benito	1
Colusa	6
Kings	4
Mono	4
Del Norte	1
Imperial	1
San Jouquan	_1
Siskyou	1

The Board of Supervisors failed to evaluate the extent to which license 'stacking' and density of cannabis operations in small areas, such as Carpinteria Valley, relate to this Project Or how it will increase the cumulative impacts of cannabis operations and the inconsistencies with the Comprehensive Plan and Coastal Act Policies.

**Inconsistency with the Goals, Elements and Provisions of the Coastal Zoning Ordinance:** The Project is inconsistent with the fundamental goals and many of the elements and provisions in the Coastal Zoning Ordinance, when considering the following:

More Permissive Zoning Treatment in the Coastal Zone Versus Inland: The County has allowed differential zoning treatment of similar parcels in the Coastal Zone versus inland in the County, to the detriment of the Coastal Zone and coastal resources. In contradiction of the spirit and goals of the Coastal Act to provide additional protections to the coastal zone in California and to favor protection of coastal resources and objectives over other development standards where policies within land use plans overlap or where there are conflicts between general development standards and ESH or public access protection (see Section 1.2 of CLUP, LUP Policy 1-1, Toro Canyon Plan Policy LUG-TC-8), the County has gerrymandered a zoning ordinance that gives less protection to similarly-zoned coastal zone vs inland parcels. The Applicant would not be able to conduct **any** cannabis operations if its Ag-1 parcel were in the inland region of the County (where cannabis operations are banned on Ag-1 zoned parcels that have a parcel size of 20 acres or less). Also, the inland zone requires CUPs on Ag-1 zoned parcels with parcel sizes greater than 20 acres, whereas this is not the case on similarly zoned parcels in the coastal zone. Thus, there exists a more permissive, less protective zoning standard in the coastal zone despite the additional Coastal Act considerations that merit stronger (not weaker) zoning protection and treatment.

Negative Environmental Impact on the ESH and Coastal Areas: The proximity of the Project's structures within the 100 ft. ESH buffer poses grave concerns regarding the potentially adverse effects upon the rare and endangered species that are identified as using habitats associated with the Arroyo Paredon Watershed. Additionally, the Development Plan (DVP) (Case No 19DVP-00000-00020) for 3508 Via Real mentions reducing but not eliminating odors. Odors have been found to interfere with the salmon's olfactory sense thus creating an adverse effect on its ability to return to its spawning grounds. According to the following integrative studies with salmon (Dittman et al. 1997; Nevitt et al. 1994) and rabbits (Semke et al. 1995), provide compelling evidence that highly specific imprinted odor memories may also be retained in the periphery, i.e., at the level of the olfactory epithelium proper. These results suggest that populations of olfactory receptor neurons may be selectively tuned to respond to odor molecules present during a hormonally linked sensitive period. A potential key to the mechanism of how these peripheral odor memories become established draws on the unique ability of olfactory receptor neurons to turn over throughout an organism's life span (Farbman 1994). How hormonal and environmental factors work together to influence olfactory neurogenesis has not yet been rigorously addressed in the literature (Shepherd 1994), but ultimately may provide important new insights not only for basic science but for salmon conservation as well. The USGS Dept. of Interior site reported

the following: "Scientists believe that salmon navigate by using the earth's magnetic field like a compass. When they find the river they came from, they start using smell to find their way back to their home stream. They build their "smell memory bank" when they start migrating to the ocean as young fish."

This reference demonstrates how olfactory neurons responding to hormonal and environmental factors working together throughout development is key to advancing basic science and conservation of salmonids (salmon and trout). It provides evidence upon which predictions can logically be made that if environmental odors change drastically between generations of salmonids, any newly hatched and developing fish will lack the navigational cues needed for their survival; and thus this evidence can be extrapolated to arguments against drastic changes in riparian environments that result from heavy cannabis production and odor neutralizers.

The Project site's current utilization of the Byers odor control system, and as a future back up system, poses significant risks to water, soil and plant and animal life in the ESH (as well as resident and coastal visitor health). The Byers vapor phase odor control system releases into the air a propriety substance Ecosorb, with an undisclosed specific chemical profile, the concentrations of which will inevitably build up over time as they land and settle within the ground and stream area in the ESH due to Ecosorb's slower rate of degradation. There have not been studies of the impact of this product on soil and water quality at this level of built-up concentrations that we can expect to fall to earth with consistent use of Ecosorb by this Project and surrounding cannabis operations over time. This may pose significant risk to stream water quality, prime soil integrity, and animal and plant health. (See pg. 8 Illustrative Ecosorb degradation table, based upon the product manufacturer's disclosed product degradation rates and anticipated cumulative concentrations). The Ecosorb Safety Data Sheet notes that there is no data available on biodegradability in water. Additionally, it states "bioaccumulative potential: not established," which for the reasons noted above is quite concerning. The product "is predicted to have high mobility in soil and be soluble in water". This equates to an unprecedented and gravely irresponsible ad hoc, unscientific experiment on the health impacts of persistent levels of Ecosorb in ESH, prime soils, and residential and coastal areas. The Board of Supervisors failed to consider the impact of the Byers System emissions, which are of unknown toxicity. The Byers System Ecosorb mist emissions will fall and accumulate, with unknown risks and impacts in Arroyo Paredon creek within the ESH and the groundwater basin, as some will inevitably percolate into the earth (due to the 2-month Ecosorb degradation period). It is not feasible to expect that all rain and other runoff will be captured by the water basin. There are many foreseeable run-off issues, including from clogged gutters, oil/ gas runoff from onsite equipment, septic overflow, and more. Because of the unknown effects of cumulative Byers System Ecosorb mist, unavoidable runoff and other factors, this Project fails to ensure the protection of Arroyo Paredon's Watershed.

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The Arroyo Paredon Creek's running water at Foothill Rd./Hwy. 192 is clean and pristine but the water at 3508 Via Real and Arroyo Paredon Lagoon which goes into the ocean at Padaro Beach depicts algae blooms and turbidity (which can be caused by fertilizer). (See Photos Below). The Project site is classified as Tier 2 High Risk according to the Calif. Water Resources Control Board on Jan. 22, 2019. The Project now includes a new 105,669 gallon buffer water tank. There is no denying that this commercial cannabis project with 50 full time year round employees, cars, noise, light from human activities, and Byers Ecosorb mist emissions into the air, which will drift and fall to both the soil and Arroyo Paredon Creek will create unknown, unstudied damage to Arroyo Paredon Watershed's ESH as residues concentrate at high levels over time.



Arroyo Paredon Creek at Foothill Rd./Hwy 192



Arroyo Paredon Creek at 3508 Via Real



Arroyo Paredon Lagoon at Padaro Ln. (looking towards the Pacific Ocean) **Air Quality:** This Project will have significant impacts on air quality given emissions (both cannabis VOCs and vapor phase system odor control chemicals), as well as malodors that diminish the ability for local residents to enjoy the outdoor and indoor spaces of their own homes and will impede the ability of residents and visitors to enjoy the coast, coastal recreation and associated visitor serving uses. The Project will compound an already overly-densified and significant air quality health risk and odor nuisance to both local residents and visitors.

According to Dr. Patricia Holden, PHD in soil microbiology, at the University of California, Santa Barbara Bren School of Environmental Science and Management, the cultivation and production of cannabis has a considerable impact on air pollution. Dr. Holden states, cannabis plants create BVOC emissions, including terpenes, that can contribute to air pollution and may cause other health impacts. As explained by Dr. Holden and a number of other scientific analyses, the emissions generated by cannabis activities can have a significant impact on human health and safety, which can particularly harm sensitive receptors. Dr. Holden states, "The production of Cannabis on commercial scales is a new endeavor whose environmental threats have been hypothesized but, at this point, remain uncertain....BVOCs are responsible for the noxious odors associated with Cannabis....Cannabis terpenes, like other biogenic terpenes...have the potential to be precursors of ground level ozone...To form ozone, Cannabis BVOCs would react with other substances in the atmosphere under specific, but not unusual, ambient conditions. Such potential for ozone formation from Cannabis BVOCs was recently estimated using Cannabis BVOC emissions measured on a per plant basis...Cannabis BVOCs could outweigh other ozone-forming compounds in urban areas, depending on many factors including Cannabis cultivation extent...Santa Barbara County should require that cultivation projects prevent Cannabis BVOCs and particulate emissions to the atmosphere, including from greenhouses" and that "the greenhouse structures can fully contain and prevent emissions." Studies in other regions underscore the gravity of air quality concerns from significant cannabis operations and density, where the concentrated presence of cannabis activities have produced sufficient levels of BVOCs to affect local atmospheric chemistry and air quality.

Unfortunately, carbon filtration is not considered sufficient to fully control malodors. The best in technology today may not be sufficient to protect the residents of Carpinteria from experiencing the cannabis malodors in residential zones.

Additionally, the Byers System vapor phase system, as previously mentioned, releases odor neutralizing chemicals into the air continuously, which, have significant air quality concerns, particularly at the levels of continuous cumulative release for this Project, and the many surrounding cannabis operations. Residents and visitors have complained about the malodors and while it is understood that the Coastal Commission does not set air quality standards, it can address emissions which constitute hazards that interfere with priority uses in the Coastal Zone. This Project does not demonstrate adequate conditions to assure that it will not conflict with air quality objectives, or hazard policies, including those of the Coastal Act. **Coastal Access, Recreation and Visitor Serving Uses:** The Board of Supervisors did not adequately consider significant impacts to coastal public access and ability to enjoy the beach, recreational uses and visitor serving uses in the Coastal Zone, given the cannabis odors and pollution threats to air and water quality from this Project, and the surrounding extreme density of grows near the coast. There is a significant Coastal Commission consideration here, in that the negative air quality and odor impacts from this Project (as well as surrounding operations) are nuisances at the beach areas and to visitors at Santa Claus Lane and Padaro Lane (which have a public access easement). Additional impacts and threats exist from this Project and surrounding projects to the ESH of Arroyo Paredon Creek and Arroyo Paredon Lagoon as evidenced by the algae blooms (often caused by fertilizers) and turbidity of the Arroyo Paredon Lagoon's waters. This Project would further exacerbate an already degraded experience for residents and visiting families seeking to enjoy the shore and visitor services. The Coastal Act rightfully seeks to preserve and protect beach and water access and recreation as priority uses in the Coastal Zone, which this Project would erode.

The County placed improper reliance on an Odor Abatement Plan, as they have done with several other surrounding projects, that allows growers to render judgments on odor complaints. There is a clear conflict of interest and disincentive for the grower to find an odor complaint meritorious. It is the role of government to be an independent arbiter and decider in investigating and enforcing odor complaints, based on empirical information and their diligence into complaints when raised. A more sound and measured approach would be to first ensure that odors have been genuinely contained and are not being experienced in residential zones before green lighting projects that would significantly expand and compound the density and nuisance in the Coastal Zone.

#### Impact on Coastal Views:

This Project does not meet Coastal Act Policy 30251, which is focused on preservation of visual resources. CLUP Policy 4-3 states that "In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing spaces". Additionally, Coastal Act Policy 30251 states that "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas". Public views will be negatively impacted by raising the height of the two permitted non-conforming greenhouses to 22 feet. When this Project came before the Santa Barbara Architectural Review Board, on 10/16/2020, two of the SBAR members expressed their concerns with the applicant's request to raise the two non-conforming greenhouses height to 22 ft. by voting against the height increase (2-3 vote). The Project's 22 ft. tall greenhouses

will be visible by the public from Via Real and Hwy. 101, will mar the public views, and are incompatible with the height of structures on surrounding properties.

**3.) Significance of coastal resources affected:** Our coastal resources are precious, and there is significant risk of irreparable harm to Arroyo Paredon Creek, a coastal feeding stream, and the riparian ESH habitat, by permitting the Project's setback modifications to the Coastal Act's 100 ft. ESH buffer. Also, due to the currently used Byers System vapor phase odor system's chemical emissions from this Project and surrounding cannabis developments (both existing and in pipeline). Such vapor phase odor system emissions fall to earth and degrade slowly over time and will build up in concentration to a terminal dose level much higher than the initial dose, given continuous release. We do not know what impact these substances will have on our coastal streams and soils, or on plant, animal or human health. We cannot afford to put our coastal resources at risk without independent studies at the cumulative levels of use and long-term durations by this and surrounding projects. The intensity of activity on the Project site (50 full time year round employees, traffic, noise and other necessary corollaries of commercial cannabis activities) is at odds with the goal of protecting Arroyo Paredon's Environmentally Sensitive Habitat from disruption.

4) Precedential value of the local government's decision for future interpretations of its CLP: By allowing the Project to enlarge its two *non-conforming* greenhouses within the 100 ft. ESH setback buffer, the Board of Supervisors contradicted the Carpinteria Agricultural Overlay requirements for setbacks, which specifically states, "A *legal non-conforming structure shall not be enlarged or expanded*." This decision puts the federally protected and endangered Southern California steelhead trout, tidewater gobi and other rare and endangered species, identified as using habitats associated with Arroyo Paredon Watershed, at risk. This decision by the Board of Supervisors sets a bad precedence for other projects to ignore current laws and attempts at protecting endangered species in Environmentally Sensitive Habitats.

With the large quantities of cannabis permits in the pipeline, in the coastal regions of the Carpinteria Valley and Goleta area, this appeal would offer the Coastal Commission an opportunity to support the Coastal Act's protection of our environmentally sensitive habitats and offer their opinion on how the County is interpreting the CLP, CLUP and Article II of the Coastal Act before all these operations are approved, to the detriment of the surrounding community, coastal visitors, and natural resources.

**5)** Appeal issues raised that are of regional or statewide significance – not just **local issues:** As the cannabis industry grows and expands in California, there is no question that such an appeal raises issues of regional and statewide significance, given the volume and density of coastal zone cannabis operations that have been permitted or that are in the permitting pipeline, both in Santa Barbara County as well as potentially in other California Counties as they seek to regulate this emerging industry.

Section 1.2 of the CLUP notes that the Coastal Act established several goals for coastal zone activity, including the need to "protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources; assure orderly balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people in the state; maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles...". For the reasons outlined in this Appeal, this Project is inconsistent with several Comprehensive Plan and Coastal Act Policies including but not limited to the below:

**The Toro Canyon Plan Policy LUG-TC-8 states:** "Protection of ESH and public access shall take priority over other development standards and where there is any conflict between general development standards and ESH and/or public access protection, the standards that are most protective of ESH and public access shall have precedence."

**LUP Policy 1-1:** "Where policies within the land use plan overlap, the policy which is the most protective of coastal resources shall take precedence."

**Section 30231 (Coastal Act Policy):** "The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams."

**Section 30240 (Coastal Act Policy):** "(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas."

**LUP Policy 3-19:** "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."

**Toro Canyon Plan Policy WW-TC-4:** "Development shall avoid the introduction of pollutants into surface, ground and ocean waters. Where avoidance is not feasible, the introduction of pollutants shall be minimized to the maximum extent feasible..."

**Section 30251 (Coastal Act Policy):** "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas."

A few years ago, the Coastal Commission issued guidance to local governments in a letter dated April 29, 2019, regarding "Cannabis in the Coastal Zone and Regulatory Requirements of the Coastal Act". This letter predicted what has unfortunately come to pass in the Carpinteria Valley and broader Santa Barbara County, due to the permissive ordinance the County has put in place, which lacks adequately tailored zoning and density controls (site-specific and more broadly within the Carpinteria Valley) to mitigate the issues and are relevant to this Project:

In some instances, "the introduction of these cannabis-related activities have been found to have the potential to raise coastal resource protection issues, including impacts to agricultural resources, water quality, environmentally sensitive habitats, and scenic resources."

"On agricultural or other lands that may contain or be adjacent to Environmentally Sensitive Habitat Areas (ESHA) or water bodies, the potential for impacts is even more acute. Cannabis cultivation generally utilizes controlled lighting to maximize yield and potency, which may lead to the introduction of generators and special lighting devices in outdoor growth areas or greenhouses...Waste discharges from cannabis cultivation sites may also include irrigation runoff, sediment, pesticides, herbicides, fertilizers, petroleum, agricultural-related chemicals, and other refuse."

"Cannabis cultivation may also result in scenic or visual resource impacts depending on the scale of the cannabis activity...and the geographic area in which it occurs. For example, outdoor (and mixed-light) cannabis cultivation on agricultural, rural and other scenic lands may result in scenic resource impacts through the proliferation of new structures, such as walls, fencing, greenhouses and hoop houses."

"Cannabis cultivation may also result in public access impacts. For example, in areas where public access may intersect with cultivation activities, ...public access may be hindered by...odor and noise nuisances."

Given these potential impacts, the Coastal Commission recommended that localities adopt LCPs to include siting considerations and standards relating to sensitive users (including visitor-serving uses and ESH habitat areas, schools, and parks), maximum site area setbacks for development that may impact sensitive coastal resources, specific resource-use criteria and other standards relating to odor, lighting, security and chemical storage and disposal. The Coastal Commission also considered that localities may need to prohibit cannabis uses in certain zoning districts or broadly throughout the coastal zone, if such prohibition is needed to protect coastal resources consistent with the Coastal Act.

While the Coastal Commission certified the County LCP, we have learned a great deal about commercial cannabis and the County's inability to adequately regulate it. Since that time, the issues presented by this Project and exacerbated by the surrounding grows in the area merit de novo review of this Project, the County's LCP and the County's interpretation thereof, which is allowing environmental and coastal protections to fall by the wayside.

### **Interested Persons:**

Please direct information relating to this Appeal to me at: Jill Stassinos, jstassinos@aol.com

## Interested Organizations:

Concerned Carpinterians, concernedcarpinterians@gmail.com Save Arroyo Paredon Watershed, maureenkathrynfoley@gmail.com

## Attachment #2

The Project includes a request for a Development Plan for proposed structural changes to onsite development, a Minor Conditional Use Permit for a proposed packing and shipping facility, and a Coastal Development Permit for all structural development onsite as well as for the proposed cannabis cultivation use. Since the Commission's approval, the Applicant has proposed modifications to their Project description. The Project now includes a new 105,669-gallon buffer water tank outside of required setbacks. The buffer water tank will run in connection with the boiler to provide hot water to maintain the climate in the greenhouses. Three as-built 5,283-gallon wastewater tanks will be removed from the site. Setback modifications to reduce the 100-ft. setback from the Arroyo Paredon top-of-bank and the 20-ft. setback from the southern property line required by the Carpinteria Agricultural Overlay in order to allow the following development:

Portions of two existing and permitted non-conforming greenhouses within the 100-ft, setback to be increased in height to 22-ft. tall; one as built 25,360 gallon water tank located 16 ft. from the southern property line; Three as built 36,984 gallon water tanks located 13 ft. from the southern property line; One new 25,360 gallon water tank located 16 ft. from the southern property line. Upgraded septic system and new 715 sq. ft. underground detention system constructed for storm water purposes. 120 cubic yards of grading. No native trees or vegetation will be removed. New landscaping will be planted to further screen the property and enhance native riparian vegetation in the ESH buffer. Allows a 12,379 sq. ft. packing and shipping facility between the two existing permitted non-conforming greenhouses. The facility consists of two permitted structures totaling 4,500 sq. ft. in size as well as 7,879 sq. ft. of as-built additions that were legalized with the approval of the Development Plan. Access to the site will continue to be provided from Via Real via an existing 28-ft. wide paved driveway across neighboring parcels to the southwest.

The subject parcel is currently developed with 211,650 sq. ft. (4.85 acres) of permitted and as-built greenhouses and processing, packing, and shipping buildings. The permitted greenhouses and processing, packing, and shipping buildings were approved in 1973 and 1980. Portions of the permitted and as-built greenhouses and processing, packing, and shipping buildings in the northern portion of the parcel are located within the ESH buffer associated with Arroyo Paredon Creek. All as-built development located in the ESH buffer will be demolished and all development that will remain in the ESH buffer was previously permitted prior to adoption of the Coastal Act and establishment of the 100 ft. ESH buffer. New native and riparian restoration landscaping will be planted to further screen the property and enhance the ESH buffer areas that will be impacted by activities associated with demolishing as-built development and increasing the height of the permitted non-conforming greenhouses. With the demolition of portions of the greenhouses and processing, packing, and shipping buildings, the Project will include a total of 4.15 acres of cultivation activities. The Project includes as-built development outside of the ESH buffer that will be legalized.

The project will continue to use a vapor phase odor management system that is to be replaced with a carbon scrubbing system.

### Attachment #2 Cont.

Setback modifications will change 40,400 sq. ft. of permitted non-conforming structures to permitted conforming and allow 20 ft. setbacks for interior lots, re-surfacing an access road, installing new chain link security fencing and replace existing chain link security fencing with "wildlife friendly" barbed wire.

# Attachment #3

Appeal of local CDP decision
Page 5
5. Identification of interested persons
On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and cher this box to acknowledge that you have done so.
Interested persons identified and provided on a separate attached sheet
6. Appellant certifications
I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.
Jill Stassinos Print name
fill Stassings
Signature 6/14/22
Date of Signature
7. Representative authorizations
7. Representation with the power to bind you in all matters concerning the appeal process you do, they must have the power to bind you in all matters concerning the appeal do so, please complete the representative authorization form below and check the to acknowledge that you have done so.
I have authorized a representative, and I have provided authorization for the the representative authorization form attached.