



# County of Santa Barbara Planning and Development

Lisa Plowman, Director

Jeff Wilson, Assistant Director

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May 15, 2023

Brian A. Tetley  
Urban Planning Concepts  
2624 Airpark Drive  
Santa Maria, CA 93455

PLANNING COMMISSION  
HEARING OF MAY 10, 2023

**RE: North Fork Ranch Frost Ponds Project; 16CUP-00000-00005**

Hearing on the request of Brodiaea, Inc., Property Owner, to consider Case No. 16CUP-00000-00005 for a Conditional Use Permit allowing the construction and operation of three water storage reservoirs within a 6,565-acre parcel in compliance with Section 35-21 of the County Land Use and Development Code, on property zoned Agricultural II (AG-II-100); and certify the Environmental Impact Report (21EIR- 00000-00002) pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (CEQA). As a result of this Project, significant and mitigable effects on the environment are anticipated in the following categories: Biological Resources, Cultural Resources and Tribal Cultural Resources, Geologic Processes, and Water Resources/Flooding. The proposed Final EIR and documents referenced therein are available online on the Planning and Development website at: <https://www.countyofsb.org/3060/North-Fork-Ranch-Frost-Ponds>. Printed copies of the EIR and all documents referenced therein may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara, or 624 West Foster Road, Suite C, Santa Maria, with an appointment with the Project planner. The EIR is also available for review at the Central Branch of the City of Santa Barbara Library, 40 East Anapamu Street, Santa Barbara; and the Cuyama Branch Public Library located at 4689 Highway 166, New Cuyama. The application involves Assessor Parcel No. 147-020-045, located approximately nine miles west of the community of New Cuyama between Cottonwood Canyon Road and Schoolhouse Canyon Road, First Supervisorial District. (Continued from 03/29/23)

Dear Mr. Tetley:

At the Planning Commission hearing of May 10, 2023, Commissioner Ferini moved, seconded by Commissioner Parke and failed by a vote of 2 to 2\* (Cooney and Bridley no; Martinez recused) to continue the item to the hearing of August 9, 2023. \*Motion fails to pass

Commissioner Cooney moved, seconded by Commissioner Bridley and carried by a vote of 3 to 1 (Ferini no; Martinez recused) to:

1. Uphold the appeal, Case No. 17APL-00000-00017;
2. Make the required findings for denial of the project, Case No. 16CUP-00000-00005, as specified in Attachment A of the memo dated May 2, 2023 and as revised at the hearing of May 10, 2023, including CEQA findings;..... ♦ .....

3. Determine that denial of the project is exempt from CEQA pursuant to CEQA Guidelines Section 15270(a), included as Attachment B to this memo;
4. Deny the project, Case No. 16CUP-00000-00005.

### *REVISIONS TO FINDINGS*

#### **2.1.3 Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.**

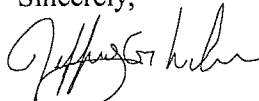
The Planning Commission did not concur with the following finding determination and directed that the text be stricken.

~~The Planning Commission finds that the streets and highways are not adequate and properly designed to carry the type and quantity of traffic generated by the proposed use. The Project proposes the creation of three reservoirs, with a storage capacity of 44-acre feet each and occupying a total area of approximately 15.6 acres. The short-term construction of these three large reservoirs will cause potential impacts to the streets and highways of the area, which is comprised of one main highway (State Route 166), and smaller farm access roads. These potential impacts are not adequately addressed in the EIR.~~

Appeal applications may be obtained at the Clerk of the Board's office. The appeal form must be filed along with any attachments to the Clerk of the Board. In addition to the appeal form a concise summary of fifty words or less, stating the reasons for the appeal, must be submitted with the appeal. The summary statement will be used for public noticing of your appeal before the Board of Supervisors. The appeal, which shall be in writing together with the accompanying applicable fee must be filed with the Clerk of the Board of Supervisors within the 10 calendar days following the date of the Planning Commission's decision. In the event that the last day for filing an appeal falls on a non-business of the County, the appeal may be timely filed on the next business day. This letter or a copy should be taken to the Clerk of the Board of Supervisors in order to determine that the appeal is filed within the allowed appeal period. **The appeal period for this project ends on Monday, May 22, 2023 at 5:00 p.m.**

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

Sincerely,



Jeff Wilson  
Secretary to the Planning Commission

cc: Case File: 16CUP-00000-00005  
Planning Commission File  
Owner: Matt Turrentine – Brodiaea, Inc., P.O. Box 6565, Santa Maria, CA 93455  
County Chief Appraiser  
County Surveyor  
Fire Department  
Flood Control  
Community Services Department  
Public Works  
Environmental Health Services

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APCD  
Das Williams, First District Supervisor  
Steve Rodriguez, Planner

**Attachments: Attachment A – Findings for Denial**

JW/dmv

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## ATTACHMENT A: FINDINGS

### North Fork Ranch Frost Ponds Conditional Use Permit Case No. 16CUP-00000-00005

#### 1.0 CEQA FINDINGS

##### CEQA EXEMPTION

The Planning Commission finds that denial of the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270. Please see the Notice of Exemption, included as Attachment B of the Planning Commission memo dated May 3, 2023.

#### 2.0 ADMINISTRATIVE FINDINGS

##### 2.1 Conditional Use Permits Findings

In compliance with Subsection 35.82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Minor Conditional Use Permit the review authority shall first make all of the following findings, as applicable:

##### 2.1.1 **The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.**

The Planning Commission finds that the site is not adequate for the size and level of development proposed due to the critical groundwater overdraft conditions that have been documented in the Cuyama Groundwater Basin. As described in the staff report, dated March 15, 2023, and incorporated herein by reference, the project is located within the Cuyama Valley Groundwater Basin, which is listed as a “high” priority and “critically overdrafted” basin by the California Department of Water Resources (DWR).

Each reservoir would have a water storage capacity of approximately 44-acre-feet, a maximum depth of 27-28 feet, and in total the three reservoirs would occupy an area of approximately 15.6 acres. Additionally, the total project would require approximately 257,945 cubic yards grading. With regard to Reservoir No. 3, the location is not adequate for the proposed development because it is not possible to position the reservoir to avoid significant impacts to native grassland resources. Finally, because the size of the proposed Project, and the location of the Project site within the Cuyama Valley Groundwater Basin, the Planning Commission finds that the Project site is not adequate in terms of accommodating the level of development proposed.

##### 2.1.2 **Within the Inland area significant environmental impacts will be mitigated to the maximum extent feasible.**

The Planning Commission finds that the proposed Project’s significant adverse environmental impacts will not be mitigated to the maximum extent feasible. The Final Environmental Impact Report (21EIR-00000-00002) identifies significant environmental impacts to Biological Resources, Cultural and Tribal Resources, Geologic Processes, Groundwater Use, Flooding, and Water Quality. These impacts can be minimized with the implementation of identified mitigation measures, however, the mitigation measures

do not reduce the Project's environmental impacts to the extent feasible. A redesigned project that is smaller in size and/or that utilizes alternative frost protection measures such as the use of wind machines could meet the objective of providing frost protection and would result in less disturbance of the project site, would reduce impacts to native grassland resources and other biological resources, and would reduce Project-related water loss to evaporation.

**2.1.3 Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.**

The Planning Commission did not concur with the following finding determination and directed that the text be stricken.

~~The Planning Commission finds that the streets and highways are not adequate and properly designed to carry the type and quantity of traffic generated by the proposed use. The Project proposes the creation of three reservoirs, with a storage capacity of 44 acre-feet each and occupying a total area of approximately 15.6 acres. The short term construction of these three large reservoirs will cause potential impacts to the streets and highways of the area, which is comprised of one main highway (State Route 166), and smaller farm access roads. These potential impacts are not adequately addressed in the EIR.~~

**2.1.4 There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.**

The Planning Commission finds that the Project will not be adequately served by public and private services, specifically the production and use of groundwater from existing private agricultural wells. The Project proposes the creation of three reservoirs, with a storage capacity of 44-acre-feet each and occupying a total area of approximately 15.6 acres. Water stored in the proposed reservoirs would be from the Cuyama Groundwater Basin, which is in a critical state of overdraft. Although the Project's annual evaporative losses could potentially be reduced to below the adopted significance threshold of 31-acre-feet per year with the adoption of mitigation measures, due to the critical groundwater overdraft conditions affecting the basin, the Planning Commission finds that the Project's loss of up to 31-acre-feet per year is a long-term water supply impact that will adversely affect the Project area. Therefore, adequate water supply resources are not available to serve the proposed Project.

**2.1.5 The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.**

The Planning Commission finds that the proposed Project is not compatible with the surrounding area, and the Project would be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood. The Project's groundwater use that is subject to discretionary review will contribute to declining groundwater levels in the project region, which have declined substantially since a vineyard was planted on the project property. The Planning Commission finds that Project-related groundwater loss to evaporation of up to 31-acre-feet per year is a long-term water supply impact that will detrimentally affect the general welfare of Project area.

Additionally, the Planning Commission finds that the proposed Project may have a detrimental effect on the general welfare, health and safety of the neighborhood due to the potential for slope failure or scouring of reservoir slopes due to the size of the proposed Project.

**2.1.6 The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.**

The Planning Commission finds that the proposed Project will not comply with all applicable requirements of the Comprehensive Plan, specifically Land Use Development Policy 4, which requires that “adequate public or private services and resources (i.e., water, sewer, roads, etc) are available to serve the proposed development.” As described in the staff report, dated March 15, 2023, and incorporated herein by reference, the project is located within the Cuyama Valley Groundwater Basin, which is listed as a “high” priority and “critically overdrafted” basin by DWR.

Due to the critical groundwater overdraft conditions affecting the basin, the Planning Commission finds that Project-related groundwater losses of 31-acre-feet per year is a long-term water supply impact that will adversely affect the Cuyama area. The Planning Commission finds that due to the size of the proposed Project, it does not comply with Conservation Element Policies 3.5 and 3.6, which prevent land use decisions that would result in basins becoming seriously overdrafted on a prolonged basis. Similarly, the scale of the project could potentially impact the long-term viability of agriculture within the basin and the proposed Project is therefore not consistent with Agricultural Element Policy 1.B. Therefore, adequate water supply resources are not available to serve the proposed Project.

**2.1.7 Within Rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic character of the area.**

The Planning Commission finds that the proposed Project is not compatible and subordinate to the agricultural character of the project area due to the size and number of reservoirs proposed. Each reservoir would have a water storage capacity of approximately 44-acre-feet, a maximum depth of 27-28 feet, and in total the three reservoirs would occupy an area of approximately 15.6 acres. Additionally, the total project would require approximately 257,945 cubic yards grading. The Project’s groundwater use that is subject to discretionary review will contribute to declining groundwater levels in the project area, which have declined substantially since a vineyard was planted on the project property. The Planning Commission finds that Project-related groundwater losses of 31-acre-feet per year is a long-term water supply impact that will detrimentally affect the general welfare and future agricultural operations conducted in the project area.

## ATTACHMENT A: FINDINGS

### North Fork Ranch Frost Ponds Conditional Use Permit Case No. 16CUP-00000-00005

#### 1.0 CEQA FINDINGS

##### CEQA EXEMPTION

The Planning Commission finds that denial of the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270. Please see the Notice of Exemption, included as Attachment B of the Planning Commission memo dated May 3, 2023.

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**2.1.1 The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.**

The Planning Commission finds that the site is not adequate for the size and level of development proposed due to the critical groundwater overdraft conditions that have been documented in the Cuyama Groundwater Basin. As described in the staff report, dated March 15, 2023, and incorporated herein by reference, the project is located within the Cuyama Valley Groundwater Basin, which is listed as a “high” priority and “critically overdrafted” basin by the California Department of Water Resources (DWR).

Each reservoir would have a water storage capacity of approximately 44-acre-feet, a maximum depth of 27-28 feet, and in total the three reservoirs would occupy an area of approximately 15.6 acres. Additionally, the total project would require approximately 257,945 cubic yards grading. With regard to Reservoir No. 3, the location is not adequate for the proposed development because it is not possible to position the reservoir to avoid significant impacts to native grassland resources. Finally, because the size of the proposed Project, and the location of the Project site within the Cuyama Valley Groundwater Basin, the Planning Commission finds that the Project site is not adequate in terms of accommodating the level of development proposed.

**2.1.2 Within the Inland area significant environmental impacts will be mitigated to the maximum extent feasible.**

The Planning Commission finds that the proposed Project's significant adverse environmental impacts will not be mitigated to the maximum extent feasible. The Final Environmental Impact Report (21EIR-00000-00002) identifies significant environmental impacts to Biological Resources, Cultural and Tribal Resources, Geologic Processes, Groundwater Use, Flooding, and Water Quality. These impacts can be minimized with the implementation of identified mitigation measures, however, the mitigation measures do not reduce the Project's environmental impacts to the extent feasible. A redesigned project that is smaller in size and/or that utilizes alternative frost protection measures such as the use of wind machines could meet the objective of providing frost protection and would result in less disturbance of the project site, would reduce impacts to native grassland resources and other biological resources, and would reduce Project-related water loss to evaporation.

**2.1.3 Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.**

The Planning Commission finds that the streets and highways are not adequate and properly designed to carry the type and quantity of traffic generated by the proposed use. The Project proposes the creation of three reservoirs, with a storage capacity of 44-acre-feet each and occupying a total area of approximately 15.6 acres. The short-term construction of these three large reservoirs will cause potential impacts to the streets and highways of the area, which is comprised of one main highway (State Route 166), and smaller farm access roads. These potential impacts are not adequately addressed in the EIR.

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The Planning Commission finds that the Project will not be adequately served by public and private services, specifically the production and use of groundwater from existing private agricultural wells. The Project proposes the creation of three reservoirs, with a storage capacity of 44-acre-feet each and occupying a total area of approximately 15.6 acres. Water stored in the proposed reservoirs would be from the Cuyama Groundwater Basin, which is in a critical state of overdraft. Although the Project's annual evaporative losses could potentially be reduced to below the adopted significance threshold of 31-acre-feet per year with the adoption of mitigation measures, due to the critical groundwater overdraft conditions affecting the basin, the Planning Commission finds that the Project's loss of up to 31-acre-feet per year is a long-term water supply impact that will adversely affect the Project area. Therefore, adequate water supply resources are not available to serve the proposed Project.



**2.1.5 The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.**

The Planning Commission finds that the proposed Project is not compatible with the surrounding area, and the Project would be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood. The Project's groundwater use that is subject to discretionary review will contribute to declining groundwater levels in the project region, which have declined substantially since a vineyard was planted on the project property. The Planning Commission finds that Project-related groundwater loss to evaporation of up to 31-acre-feet per year is a long-term water supply impact that will detrimentally affect the general welfare of Project area.

Additionally, the Planning Commission finds that the proposed Project may have a detrimental effect on the general welfare, health and safety of the neighborhood due to the potential for slope failure or scouring of reservoir slopes due to the size of the proposed Project.

**2.1.6 The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.**

The Planning Commission finds that the proposed Project will not comply with all applicable requirements of the Comprehensive Plan, specifically Land Use Development Policy 4, which requires that *"adequate public or private services and resources (i.e., water, sewer, roads, etc) are available to serve the proposed development."* As described in the staff report, dated March 15, 2023, and incorporated herein by reference, the project is located within the Cuyama Valley Groundwater Basin, which is listed as a "high" priority and "critically overdrafted" basin by DWR.

Due to the critical groundwater overdraft conditions affecting the basin, the Planning Commission finds that Project-related groundwater losses of 31-acre-feet per year is a long-term water supply impact that will adversely affect the Cuyama area. The Planning Commission finds that due to the size of the proposed Project, it does not comply with Conservation Element Policies 3.5 and 3.6, which prevent land use decisions that would result in basins becoming seriously overdrafted on a prolonged basis. Similarly, the scale of the project could potentially impact the long-term viability of agriculture within the basin and the proposed Project is therefore not consistent with Agricultural Element Policy 1.B. Therefore, adequate water supply resources are not available to serve the proposed Project.

**2.1.7 Within Rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic character of the area.**

The Planning Commission finds that the proposed Project is not compatible and subordinate to the agricultural character of the project area due to the size and number of reservoirs proposed. Each reservoir would have a water storage capacity of approximately 44-acre-feet, a maximum depth of 27-28 feet, and in total the three reservoirs would occupy an area of approximately 15.6 acres. Additionally, the total project would require approximately 257,945 cubic yards grading. The Project's groundwater use that is subject to discretionary review will contribute to declining groundwater levels in the project area, which have declined substantially since a vineyard was planted on the project property. The Planning Commission finds that Project-related groundwater losses of 31-acre-feet per year is a long-term water supply impact that will detrimentally affect the general welfare and future agricultural operations conducted in the project area.