

Appeal of the G&K Farm/K&G Flower Cannabis Cultivation Coastal Development Permit

**Case Nos. 19APL-00000-00018 and
18CDP-00000-00077**

**Santa Barbara County Board of Supervisors
August 20, 2019**



Planning and Development Department
Nereyda (Rey) Harmon, Planner

Vicinity Map



Background

- September 14, 1983: **Existing greenhouses approved by the Planning Commission as part of a Final Development Plan**
- February 27, 2018: **Development Plan Amendment approved by the Planning & Development Director to validate as-built construction**
- February 27, 2018: **Board of Supervisors adopts Cannabis Regulations**



Background Continued

- March 6, 2019: **Coastal Development Permit (CDP) approved by the Planning & Development Director**
- March 18, 2019: **CDP Appeal to the Planning Commission filed**
- June 5, 2019: **Planning Commission denies the appeal and grants de novo approval of CDP**
- June 17, 2019: **CDP Appeal to the Board of Supervisors is filed**



Proposed Project

- **Use of 5 existing greenhouses**
 - 356,070 square feet total
 - cannabis cultivation, with nursery, mixed-light cultivation, and off-site distribution
- **15-22 line or contract employees**
- **6-8 managerial/executive staff**
- **Hours:**
 - 6am – 3:30pm (line/contract staff)
 - 6am – 8pm (managerial/executive staff)



Appeal Issue #1

Appellant

Appellant contends that the County's decision to exempt the project from an EIR violates CEQA because:

- no initial study was conducted
- the evidence does not support the County's finding that a tiered EIR was not required

Staff Response

- The previously certified PEIR provides adequate environmental review and no subsequent environmental review is needed
- No new significant environmental effects or substantial increases in severity of previously identified significant effects under the PEIR would result from the proposed project

Appeal Issue #2

Appellant

Appellant contends that the PEIR failed to adequately assess whether approved odor mitigation measures are actually effective in reducing environmental impacts

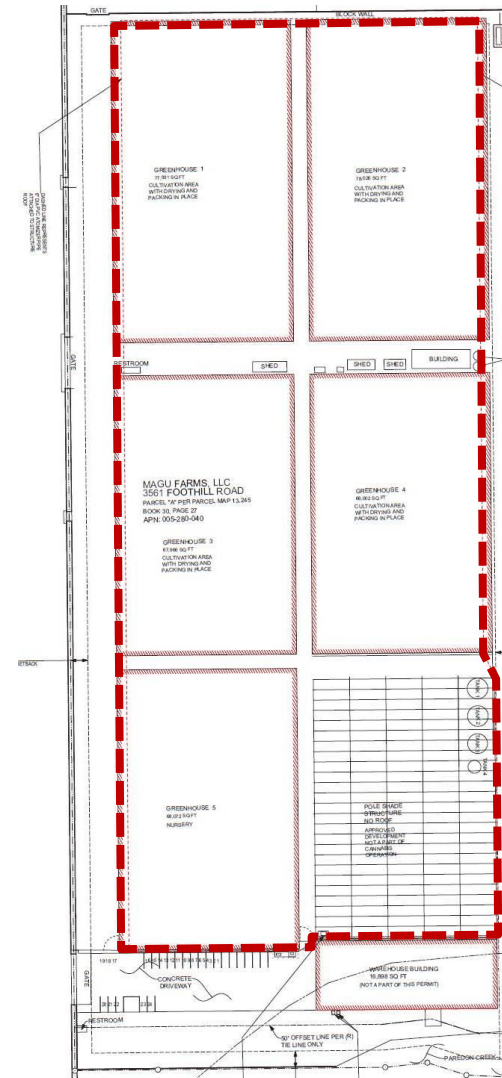
Staff Response

- The PEIR identified Class I impacts, including the following impact regarding odor:
 - Impact AQ-5: *Cannabis activities could potentially expose sensitive receptors to objectionable odors affecting a substantial number of people.*
 - The BOS adopted a Statement of Overriding Considerations for Class I Impacts in February 2018
 - The 30-day statute of limitations to challenge the adequacy of the PEIR has expired

Appeal Issue #2 Continued

Staff Response

- The PEIR identified mitigation measures that would mitigate impacts to the extent feasible
- These mitigation measures have been applied as development standards and project conditions
- The applicant has complied with all development standards of Article II, the Coastal Zoning Ordinance, and submitted the required Odor Abatement Plan



Appeal Issue #3

Appellant

Appellant asserts that the PEIR did not adequately examine impacts on air quality or provide sufficient mitigation for such impacts. Appellant refers to Biogenic Volatile Organic Compound (BVOC) emissions created by cannabis plants, including terpenes, and their potential to contribute to air pollution and cause health impacts

Staff Response

- The PEIR identified Class I impacts for air quality
- The BOS adopted a Statement of Overriding Considerations for Class I Impacts in February 2018
- The 30-day statute of limitations to challenge the adequacy of the PEIR has expired

Appeal Issue #3 Continued

Staff Response

- Ground level ozone is a pollutant formed by complex chemical reactions involving VOCs, NO_x, and sunlight
- There are no standards for VOCs. Instead, the standards control for NO_x
- BVOCs are ubiquitous. Cannabis plants emit the same kind of terpenes as orange trees, roses, pine trees, and oak trees



Appeal Issue #4

Appellant

Appellant asserts that the project violates the County's Coastal Land Use Plan

Staff Response

- The Planning Commission Staff Report dated May 28, 2019 analyzes the project's consistency with the Comprehensive Plan
- The proposed project conforms to the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan and the Toro Canyon Plan

Other Appeal Issues

Appellant

- Appellant asserts that the project violates Article II, the Coastal Zoning Ordinance
- Appellant asserts that the project's fencing plan violates the Coastal Zoning Ordinance
- Appellant asserts that the County violated Concerned Carpinterians' Due Process Rights

Staff Response

- The proposed project conforms to the applicable provisions of Article II, the Coastal Zoning Ordinance, as analyzed in the Planning Commission Staff Report dated May 28, 2019
- All citizen's due process rights, including the Appellant's, were protected and respected during the PC hearing

Other Appeal Issues Continued

Appellant

- Appellant asserts that the G&K project approval and the PEIR do not adequately address a number of other environmental hazards and issues including light pollution, noise pollution, and increased traffic
- Appellant asserts that the PEIR did not adequately assess the impact of cannabis operations on existing land uses and agricultural operations and brings up concerns with pesticide drift

Staff Response

- The 30-day statute of limitations to challenge the adequacy of the PEIR has expired
- The Applicant submitted the required information, including a Lighting Plan, Site Transportation Demand Management Plan, and Operational Plan to demonstrate compliance
- Existing policies regulate pesticide spray and drift

Recommended Actions

- a) Deny the appeal, Case No. 19APL-00000-000018
- b) Make the required findings for approval of the project, Case No. 18CDP-00000-00077, including CEQA findings
- c) Determine that the previously certified PEIR constitutes adequate environmental review and no subsequent EIR or ND is required pursuant to CEQA Sections 15162 and 15168 (c)(2) of the State CEQA Guidelines
- d) Grant *de novo* approval of the project, Case No. 18CDP-00000-00077, subject to the conditions included as Attachment 2

Thank You

Questions?

