



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

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

Department Name: Planning and Development
Department No.: 053
For Agenda Of: September 19, 2023
Placement: Administrative; Set Hearing on September 19, 2023, for October 10, 2023
Estimated Time: 1 hr on October 10, 2023
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Director, Planning and Development (805) 568-2086
Contact Info: Travis Seawards, Deputy Director, Planning and Development (805) 568-2518
SUBJECT: Set Hearing to Consider the Applicant Appeal, Case No. 23APL-00023, of the County Planning Commission Denial of the North Fork Ranch Frost Ponds Project, Case No. 16CUP-00000-00005, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence

N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On September 19, 2023, set a hearing for October 10, 2023, to consider Case No. 23APL-00023, an appeal of the Planning Commission’s March 29, 2023, denial of the Project (Case No. 16CUP-00000-00005).

On October 10, 2023, staff recommends that your Board take the following actions to deny the appeal and uphold the County Planning Commission’s denial of the Project:

- a) Deny the appeal, Case No. 23APL-00000-00023;
- b) Make the required findings for denial of the Project, Case No. 16CUP-00000-00005, including CEQA findings;
- c) Determine that denial of the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15270(a); and
- d) Deny the Project, Case No. 16CUP-00000-00005.

Summary Text:

This Board Letter sets a Hearing for October 10, 2023, to review the Applicant’s appeal of the Planning Commission’s denial of the North Fork Ranch Frost Ponds Project (Project). The Project would result in the construction and operation of three water storage reservoirs used for frost control and irrigation of an existing vineyard on property that is zoned AG-II. The vineyard is located on a 6,565-acre parcel along the southern side of State Route 166, approximately nine miles west of the community of New Cuyama. The water wells, water pipelines, and irrigation system that serve the vineyard were installed in 2014 and 2015, and the vineyard that would be served by the proposed reservoirs was planted in 2016.

The analysis related to this agenda item will be docketed with a separate Board Agenda Letter for the hearing on October 10, 2023.

Background:

On September 25, 2017, the Zoning Administrator approved the Minor Conditional Use Permit (16CUP-00000-00005) and Mitigated Negative Declaration (MND) for the North Fork Ranch Frost Ponds Project. The MND included mitigation measures to reduce Project-related impacts to biological resources, cultural resources, geologic processes, and water resources/flooding to a less than significant level.

On October 2, 2017, the Zoning Administrator’s decision was appealed to the Planning Commission by Roberta Jaffe and Stephen Gliessman (Case No. 17APL-00000-00017) citing concerns with the conclusions of the MND and project-related water usage. On September 12, 2018, the Planning Commission directed staff to prepare an EIR. The Planning Commission’s decision to require an EIR for the Project was appealed by the Applicant to the Board of Supervisors. On February 5, 2019, the Board affirmed the Planning Commission’s decision to require an EIR, and on March 5, 2019, the Board adopted CEQA findings requiring that an EIR be prepared for the Project.

Between October of 2021 and October of 2022, several draft EIRs were circulated for public comment. A Proposed Final EIR (March, 2023) was prepared that includes responses to public review comments submitted on the Draft, Revised Draft, and Second Revised Draft EIRs. On March 29, 2023, the Planning Commission considered the proposed project and directed staff to return with findings for denial. On May 10, 2023, the Planning Commission: a) upheld Roberta Jaffe and Stephen Gliessman's Appeal (Case No. 17APL-00000-00017) of the Zoning Administrator’s approval of the project; b) made required findings for denial of the proposed Project, including CEQA findings; c) determined that denial of the Project was exempt from CEQA; and d) denied the proposed Project.

On May 19, 2023, the Planning Commission’s decision to deny the Project was appealed by the Applicant to the Board of Supervisors. The Appellant asserts that information in the Project’s administrative record supports an affirmative determination for the required Conditional Use Permit findings, and that the Planning Commission erred in making negative determinations for six of the seven required findings. Staff reviewed each of the appeal issues identified by the Appellant and finds they are without merit.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on October 10, 2023. The notice shall appear in the Santa Maria Times. The Clerk of the Board shall forward the minute

order of the hearing and, proof of publication to the Planning and Development Department, Hearing Support.

Authored by:

Joseph Dargel, Supervising Planner, (805) 568-3573

Development Review Division, Planning and Development Department