



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 & Development
Department No.: 053
For Agenda Of: May 14, 2024
Placement: Administrative; Set
Hearing on May 14, 2024,
for June 4, 2024
Estimated Time: 1 hr. on June 4, 2024
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Director, Planning and Development
Director(s) (805) 568-2086
Contact Info: Travis Seawards, Deputy Director, Planning and Development
(805) 568-2518
SUBJECT: Set Hearing to Consider the Appeal of the County Planning Commission Approval
of the Moriarty Holdings Cannabis Cultivation Project, Case Nos. 23APL-00005,
23CUP-00014, and 19LUP-00000-00273, Fourth Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On May 14, 2024, set a hearing for June 4, 2024, to consider Case No. 23APL-00005, an appeal of the County Planning Commission's approval of the Moriarty Holdings Cannabis Cultivation Project (hereinafter Project), Case Nos. 19LUP-00000-00273 and 23CUP-00014.

On June 4, 2024, staff recommends that your Board take the following actions to deny the appeal and approve the Project:

- a) Deny the appeal, Case No. 23APL-00005;
- b) Make the required findings for approval of the Project, Case No. 23CUP-00014, including CEQA findings;
- c) Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) is adequate and no subsequent Environmental Impact Report or Negative Declaration is required pursuant to CEQA Guidelines §15162 and 15168(c); and
- d) Grant approval of the Project, Case No. 23CUP-00014, subject to the conditions of approval.

Summary Text:

This Board Agenda Letter sets a hearing for June 4, 2024, to consider the appeal of the County Planning Commission's approval of the Moriarty Holdings Cannabis Cultivation Project. The Project is a request for a Conditional Use Permit to allow outdoor cannabis cultivation and associated development on a 40-acre parcel, zoned Agriculture II (AG-II-100), and shown as Assessor's Parcel Number 101-070-069, located at 6968 Cat Canyon Road in the Santa Maria area, 4th Supervisorial District.

The analysis related to this agenda item will be docketed with a separate Board Agenda Letter for the hearing on June 4, 2024.

Background:

On July 5, 2019, Jason Moriarty (hereinafter Applicant) submitted an application for a Land Use Permit (LUP), Case No. 19LUP-00000-00273, to allow commercial cannabis cultivation activities on a 40-acre parcel, zoned AG-II-100. On March 10, 2022, the Planning and Development Department Director approved the Project, finding it within the scope of the project covered by the previously-certified PEIR (Case No. 17EIR-00000-00003), and consistent with all applicable policies and standards set forth in the Santa Barbara County Comprehensive Plan and Land Use and Development Code (LUDC).

On March 21, 2022, a group of appellants represented by James Sullivan (hereinafter Appellant) filed a timely appeal of the Director's approval citing impacts to the shared aquifer and surrounding groundwater wells, and lack of legal access to the northern portion of the subject property via Long Canyon Road as the basis of the appeal.

Staff reviewed the appeal and found the issues raised were without merit. The Applicant provided substantial evidence that demonstrates adequate water resources are available to serve the Project and that the projected groundwater use of the Project will not result in a significant impact to groundwater resources. Additionally, the Project's proposed means of access to the northern portion of the Project site is sufficient for the purposes of the permit to demonstrate adequate services (i.e., roads) exist to serve the Project. On January 25, 2023, the appeal of the Director's approval of the Project LUP application was presented to the County Planning Commission. The County Planning Commission considered all evidence set forth in the record¹ and statements given by the Appellant and the Applicant, and took action to deny the appeal and grant *de novo* approval of the Project.

On August 16, 2022, the Board of Supervisors adopted an amendment to LUDC Section 35.42.075 (Cannabis Regulations). This ordinance amendment became effective on January 31, 2023, and changed the required permit for commercial cannabis cultivation activities from an LUP to a Conditional Use Permit (CUP). Accordingly, the Project LUP application was converted to a CUP application, Case No. 23CUP-00014.

On January 31, 2023, the Appellant filed a timely appeal of the County Planning Commission's approval of the Project LUP, citing the following issue as the basis of the appeal:

¹ The staff report and hearing materials of the January 25, 2023, County Planning Commission hearing are available online at: <https://cosantabarbara.app.box.com/s/q97rv82305oyfnbdjhcyrddhu3dggkqy/folder/190761065987>

- Potential adverse impacts to surrounding domestic groundwater wells resulting from the Project's projected water use

Staff reviewed the appeal and continues to find the issue raised is without merit. Additionally, staff reviewed the Project in accordance with the CUP permit processing procedures provided in Section 35.82.060 of the LUDC, and findings for approval of the Project CUP application can be made. The Project analysis, appeal issue, and staff's response to the appeal will be discussed in detail in the separate Board Agenda Letter for the hearing on June 4, 2024.

Special Instructions:

The Clerk of the Board shall publish a legal notice in the *Santa Maria Times* at least 10 days prior to the hearing on June 4, 2024. The Clerk of the Board shall also fulfill mailed noticing requirements. The Clerk of the Board shall forward the minute order of the hearing, proof of publication, and return one printed copy of the Cannabis Program PEIR to the attention of Planning and Development Department: Hearing Support.

Authored by:

Alia Vosburg, Planner (805) 934-6259
Development Review Division, Planning and Development Department