



# 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:** August 29, 2023  
**Placement:** Administrative; Set  
Hearing on August 29,  
2023, for September 19,  
2023  
**Estimated Time:** 40 min. on September 19,  
2023  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** Majority

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**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 Calynx, Inc. Cannabis Cultivation Project, Case Nos. 23APL-00030,  
23CUP-00012, and 19LUP-00000-00077, Fourth Supervisorial District

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**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 August 29, 2023, set a hearing for September 19, 2023, to consider Case No. 23APL-00030, an appeal of the County Planning Commission's approval of the Calynx, Inc. Cannabis Cultivation Project (hereinafter Project), Case No. 23CUP-00012 and 19LUP-00000-00077.

On September 19, 2023, staff recommends that your Board take the following actions to deny the appeal and approve the Project:

- a) Deny the appeal, Case No. 23APL-00030;
- b) Make the required findings for approval of the Project, Case No. 23CUP-00012, 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 *de novo* approval of the Project, Case No. 23CUP-00012, subject to the conditions of approval.

**Summary Text:**

This Board Agenda Letter sets a hearing for September 19, 2023, to consider the appeal of the County Planning Commission's approval of the Calynx, Inc. Cannabis Cultivation Project. The Project is a request for a Conditional Use Permit to allow 2.52 acres of outdoor cannabis cultivation and associated development on a 40.47-acre parcel, zoned Agriculture II (AG-II-100), and shown as Assessor's Parcel Number 101-070-057, 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 September 19, 2023.

**Background:**

On February 27, 2019, Calynx, Inc. submitted an application for a Land Use Permit (LUP), Case No. 19LUP-00000-00077, to allow commercial cannabis cultivation activities on a 40.47-acre parcel, zoned AG-II-100. On November 28, 2022, the Planning and Development Department Director approved the Project LUP application, 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 December 8, 2022, a group of appellants represented by James Sullivan filed a timely appeal of the Director's approval.

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-00012.

On June 28, 2022, the Project CUP application and the appeal of the Director's approval of the Project LUP application were presented to the County Planning Commission. The County Planning Commission considered all evidence set forth in the record<sup>1</sup> and statements given by the Appellant and the Applicant, and took action to deny the appeal and grant approval of the Project.

On July 10, 2023, Rick Roehl filed a timely appeal of the County Planning Commission's approval citing prior non-compliant cannabis cultivation as the basis of the appeal. Staff reviewed the appeal and finds the issue raised is without merit. The appeal issue and staff's response will be discussed in detail in the separate Board Agenda Letter for the hearing on September 19, 2023.

**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 September 19, 2023. The Clerk of the Board shall also fulfill mailed noticing requirements.

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<sup>1</sup> The staff report and hearing materials of the June 28, 2023, County Planning Commission hearing are available online at: <https://cosantabarbara.app.box.com/s/q97rv82305oyfnbdjhcyxrrdhu3dgkqv/folder/213735662864>

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