

# Seaman and Sierra Botanicals, LLC Appeals of the Nojoqui Farms Cannabis Cultivation Land Use Permit

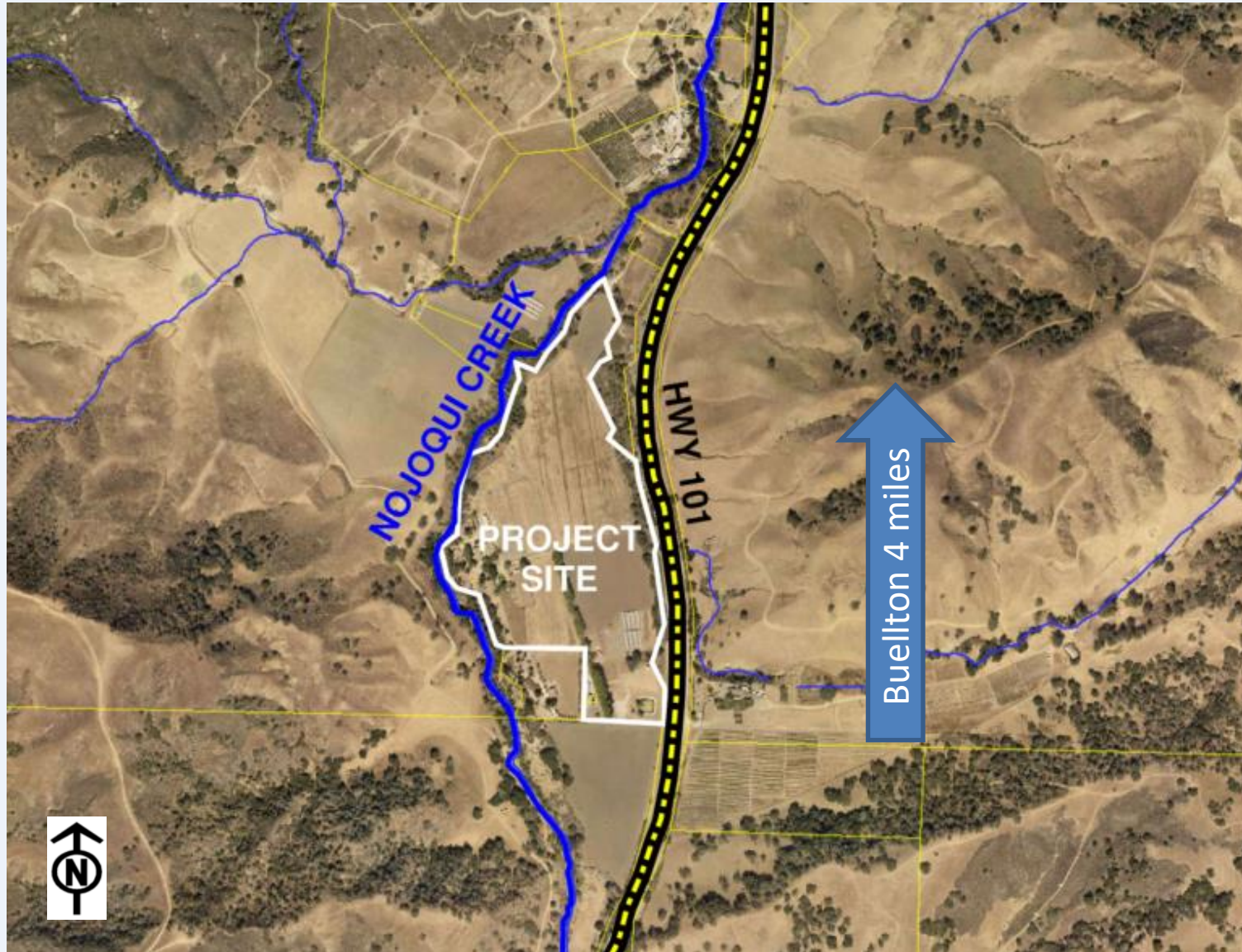
Case Nos. 22APL-00000-00021, 22APL-00000-00023 and  
19LUP-00000-00530

Santa Barbara County Board of Supervisors  
November 1, 2022



County of Santa Barbara  
Planning and Development  
Alia Vosburg

# Vicinity Map



# Project Description

## Proposed Commercial Cannabis Cultivation Operation:

- 20.67 acres outdoor (mature) cultivation under hoop structures
- 1.20 acres of outdoor nursery under hoop structures
- Refrigerated storage in existing 3,240-sq. ft. ag storage barn
- Processing in proposed 10,000 sq. ft. processing building

## Proposed Support Structures and Improvements:

- 30,000-gallon water storage tank for fire protection purposes
- Installation of permeable parking, lighting, fencing and landscape screening

# Project Description Addition

## Applicant-Proposed Addition:

- (1) Limit use of the primary well to 26.6 acre-feet per year, and
- (2) Provide a well meter log of the primary well prior to commencement of use and biannually thereafter

# Regulatory Environment

## 1. Land Use Entitlement for Cannabis Activities within the County

- Policy and zoning consistency
- CEQA environmental review
- Required findings for approval of an LUP

## 2. State Cannabis Cultivation License

- County – Land Use Entitlement and Business License
- Water Board – water rights
- CDFW – streambed alteration agreement

# Appeal Issues Raised

## **Appellant 1 - Issue 1:**

Planning staff worked solely with the Applicant's hired geological consultant

Appellant denied fair and impartial hearing

## **Response:**

- Staff reviewed all materials and provided recommendation based on policy consistency
- Planning Commission considered all evidence in the record and conducted hearing in accordance with Procedures Manual

# Appeal Issues Raised

## **Appellant 1 - Issue 1.1:**

Project wells divert surface water and as such, must comply with SWRCB Cannabis Cultivation Policy including certain pumping restrictions

## **Response:**

- Permitting of surface water diversions is exclusive jurisdiction of SWRCB
- General feedback from SWRCB: all subsurface water is presumed percolating groundwater unless there is an existing determination by the State Water Board



# Appeal Issues Raised

## **Appellant 1 - Issue 2:**

County did not adequately consider the impact of the Project site's water use on the shared aquifer

## **Response:**

- Water rights disputes between private landowners is outside County jurisdiction
- P&D has no permitting authority over non-cannabis crop irrigation
- Project's projected water use below the historic baseline use of the Project site
- Accordingly, Project will have no adverse impact on groundwater supply



# Appeal Issues Raised

## **Appellant 2 - Issue 1:**

Project will divert water from Nojoqui Creek

Project Description addition inadequate to prevent damage to Nojoqui Creek

## **Response:**

- Technical memo concluded that Project site wells are isolated from Nojoqui Creek
- Projected use of the Project will be below the existing baseline use of the Project site
- Accordingly, Project not expected to result in adverse impact to Nojoqui Creek

# Policy Consistency

- Land Use and Development Code
  - AG-II Zone
  - Cannabis Ordinance
- Comprehensive Plan
  - Land Use Element: services, hillside and watershed protection, and visual resources policies
  - Agricultural Element: agricultural resources policies
  - Conservation Element: groundwater resources polices

# Environmental Review

- Program EIR (PEIR) prepared for the Cannabis Land Use Ordinance and Licensing Program
- The Project is within the scope of the PEIR as documented by the written checklist prepared pursuant to CEQA Guidelines Section 15168(c)(4)
- No additional environmental document is required

# Recommended Actions

1. Deny the appeals, Case No. 21APL-00000-00043 and 21APL-00000-00044
2. Make the required findings for approval of the Project, including California Environmental Quality Act findings
3. Determine that the previously certified Programmatic Environmental Impact Report is adequate and no subsequent environmental review is required pursuant to CEQA Guidelines §15162 and §15168(c)
4. Grant *de novo* approval of the Project, Case No. 19LUP-00000-00530, subject to the conditions of approval