



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: June 16, 2020
Placement: Set hearing on June 16, 2020
for July 14, 2020
Estimated Time: 2 hours on July 14, 2020
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 (805) 568-2086
Contact Info: Dan Klemann, Deputy Director, Planning and Development
(805) 568-2072
SUBJECT: Santa Rita Valley Ag., Inc. Cannabis Cultivation Appeal,
Case No. 19APL-00000-00032, Third Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

On June 16, 2020, set a hearing for July 14, 2020, to consider Planning and Development Department staff's recommendation to deny the Santa Rita Valley Ag., Inc. application for a Land Use Permit (LUP) (Case No. 18LUP-00000-00351) to allow cannabis cultivation.

On July 14, 2020, staff recommends that your Board take the following actions:

- a) Deny the appeal, Case No. 19APL-00000-00032;
- b) Make the required findings for denial of the project, Case No. 18LUP-00000-00351, included as Attachment 1, including California Environmental Quality Act (CEQA) findings; and
- c) Determine that denial of the project is exempt from CEQA pursuant to CEQA Guidelines Section 15270(a).
- d) Deny the project *de novo*, Case No. 18LUP-00000-00351

Summary Text:

A. Project Description

Santa Rita Valley Ag., Inc., the Applicant, requests a LUP to allow 32 acres of outdoor cannabis cultivation. Processing of cannabis will take place at another off-site licensed facility. The application involves permitting a new fuel storage tank for a tractor and a new eight-foot chain link security fence encompassing the cultivation area. The Applicant is proposing to remove an existing barbed wire fence and to install a four-foot, redwood colored post rail fence to extend the length of the north side of the property along Highway 246 and on both sides of the driveway. Proposed landscaping will consist of adding a minimum of six coast live oaks (*Quercus agrifolia*), 19 olive trees (*Olea europaea*), and lavender (*Lavandula*) along Highway 246, and eight olive trees (*Olea europaea*) and lavender along the western property line. In addition, grapevines (*Vitis*) are proposed to be planted in front of the proposed chain link security fence along Highway 246 and along the western property line to mask the security fence. There will be four motion-sensor, hooded light fixtures mounted 12 feet high near the entry gate for security purposes. There is an existing 483 square-foot agricultural tool shed, a 1,180 square-foot single-family dwelling, and a 2,200 square-foot barn (for storage) onsite that will be affiliated with the cannabis operation. The single-family dwelling and barn pre-date County permit requirements (constructed before 1958). The agricultural tool shed will be permitted through the requested LUP. No grading or tree removal is proposed.

There will be 4-5 regular employees and 40-50 employees during harvest periods (two harvest periods per year, each lasting roughly three weeks). In addition to the agricultural workers, there will be 2-3 security personnel to monitor the property. The hours of operations will be from 6:00 a.m. to 6:00 p.m. from Monday through Saturday for all employees. The security personnel will work 24 hours a day, 7 days a week, for approximately two months prior to harvest and during harvest. The parcel is served by a private well and private septic system. The regular employees will use a bathroom in the existing single-family dwelling which will be part of the cannabis operation, and the Applicant will provide portable toilets for seasonal employees (during harvest periods). The Santa Barbara County Fire Department will continue to serve the site. Access will continue to be provided off of Highway 246. The property is a 42.5-acre parcel zoned AG-II-100 and shown as Assessor's Parcel Number 099-230-012, located at 7680 West Highway 246, Buellton, Third Supervisorial District.

B. Background:

The appeal of the Planning Commission's decision on this LUP application was originally scheduled for the Board of Supervisors hearing of March 10, 2020. Since then, the item was continued multiple times due to various reasons including the Applicant's withdrawal of the LUP application and subsequent rescinding of the previous withdrawal. The item was last continued to the Board of Supervisors hearing of May 5, 2020.

On May 1, 2020, the Property Owner submitted a letter explaining that Santa Rita Valley Ag., Inc.'s lease is expired and no longer effective, and that any and all authorizations for indemnification for the use, entitlement, or development of the property—including specifically indemnification of the County—as a part of the proposed cannabis cultivation project, are hereby terminated, withdrawn, and revoked. Please see the attached letter from the Property Owner (Attachment 3) for more information.

On May 4, 2020, the Applicant for the Land Use Permit informed Planning and Development Department staff that Santa Rita Valley Ag., Inc. was in the process of renegotiating the lease with the Property Owner. Planning and Development Department staff requested to withdraw this item from the Board of Supervisors' hearing agenda for May 5, 2020, and was then asked to return to the Board with the item in a timely manner.

Staff has not received proof of authorization from the Property Owner in order for the Applicant to proceed with the proposed project on the subject property as required by Section 35.80.030 (Application Preparation and Filing) of the County Land Use and Development Code. Therefore, staff is recommending that the Board of Supervisors deny the Land Use Permit because it is not consistent with County Land Use and Development Code Requirements.

Fiscal and Facilities Impacts:

Budgeted: Yes

Total costs for processing the appeal are approximately \$9,665.00 (40 hours of staff time). The costs for processing appeals are partially offset by a fixed appeal fee and General Fund subsidy in Planning and Development's adopted budget. The fixed appeal fee was paid by the appellant in the amount of \$685.06. Funding for processing this appeal is budgeted in the Planning and Development Permitting Budget Program, as shown on page D-269 of the adopted 2019-20 Fiscal Year budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on July 14, 2020. The notice shall appear in the *Santa Ynez Valley News*. The Clerk of the Board shall also fulfill mailed noticing requirements. The Clerk of the Board shall forward a minute order of the hearing to the Planning and Development Department, Hearing Support.

Attachments:

1. Board of Supervisors Findings
2. CEQA Exemption
3. Letter from the Property Owner of 7680 West Highway 246, dated May 1, 2020

Authored by:

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Development Review Division, Planning and Development Department