



**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT**

MEMORANDUM

TO: County Planning Commission

FROM: Travis Seawards, Deputy Director

STAFF CONTACT: Ben Singer, Planner

DATE: September 24, 2020

HEARING DATE: October 7, 2020

RE: Jacobs Appeal of the Decker Greenhouse
Case No. 20APL-00000-00011

1.0 Background

On August 5, 2020, the County Planning Commission (Commission) held a public hearing regarding the Jacobs Appeal of the Decker Greenhouse (Case No. 20APL-00000-00011) and directed staff to return to the September 30, 2020 hearing with findings for denial. The requested Findings for denial are included as Attachment A to this memorandum. A CEQA Exemption for the denial of the proposed project is included as Attachment B.

2.0 Community Plan Consistency

SANTA YNEZ VALLEY COMMUNITY PLAN	
REQUIREMENT	DISCUSSION
<i>Policy LUA-SYV-3: New development shall be compatible with adjacent agricultural lands.</i>	Inconsistent: The proposed project is inconsistent with policies that require the project to be compatible with neighboring agricultural lands. The scale of the project, a 15,648 sq. ft. greenhouse, is significantly larger than structures in the surrounding area. The

neighboring properties adjacent to the project site are not developed with larger-scale greenhouses or similar large scale agricultural related development. The properties adjacent to the project site predominately consist of single-family dwellings, personal equestrian facilities, and small accessory structures. In addition, the only nearby commercial agricultural use in the area is a small-scale mushroom farm, which does not include any agricultural structures. Finally, the proposed new development of a 15,648 sq. ft. greenhouse is not compatible with the adjacent agricultural areas as the scale, bulk, and size is not consistent with the surrounding developed area. In addition, the proposed lighting within the greenhouse is not compatible with the adjacent agricultural areas as the proposed lighting would introduce excessive new lighting to the area based on the size of the new development.

Policy VIS-SYV-3: The night sky of the Santa Ynez Valley shall be protected from excessive and unnecessary light associated with new development and redevelopment.

Inconsistent: The proposed project is inconsistent with requirements that require that the night sky in the Santa Ynez Valley be protected from excessive and unnecessary light. The project proposes the construction of a new 15,648 sq. ft. greenhouse that would utilize interior lighting to extend daytime hours in order to increase plant growth, which would introduce new and excessive light to the neighborhood and night sky. The proposed greenhouse would be constructed with glass on the ceiling and walls, so any interior lighting would be visible from outside areas. In addition, the existing area is developed with single-family dwellings, personal equestrian facilities, and small accessory structures, which create minimal light pollution, and therefore the introduction of new lighting associated with a new 15,648 sq. ft. greenhouse would

comprise a larger-scale light source compared to existing conditions in the area.

3.0 Recommended Actions

Staff recommends upholding the appeal, Case No. 20APL-00000-00011, and denying Case No. 19LUP-00000-00469, based upon the project's inconsistency with the Santa Ynez Valley Community Plan, and based on the inability to make the required findings.

Your Commission's motion should include the following:

1. Uphold the appeal, Case No. 20APL-00000-00011;
2. Make the required findings for denial of the project (Case No. 19LUP-00000-00469) as specified in Attachment A of this memorandum, including CEQA findings;
3. Determine that denial of the project (Case No. 19LUP-00000-00469) is exempt from CEQA pursuant to State CEQA Guidelines Sections 15061(b)(4) and 15270(a) included as Attachment B to this memorandum; and
4. Deny the project, Case No. 19LUP-00000-000469.

Refer back to staff if the County Planning Commission takes other than the recommended action for appropriate findings

Attachments:

- A. Findings
- B. CEQA Notice of Exemption

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

The County Planning Commission (Commission) finds that the proposed project is statutorily exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(4) and Section 15270(a). More specifically, a project is exempt from CEQA environmental review if the project will be rejected or disapproved by a public agency. As discussed in the memorandum from staff to the Planning Commission, dated September 22, 2020, incorporated herein by reference, and in the administrative findings set forth below, the project is denied by the Commission because certain findings cannot be made to approve the project.

2.0 ADMINISTRATIVE FINDINGS

In order for a Land Use Permit for new development to be approved, the proposed development must comply with all applicable requirements of the County Land Use and Development Code (LUDC) and policies of the County Comprehensive Plan, including any applicable community or area plan. The following required findings in the County LUDC cannot be made for this project. Only findings that cannot be made are discussed below:

2.1 FINDINGS FOR ALL LAND USE PERMITS

2.1.1 The proposed development conforms:

- (1) To the applicable provisions of the Comprehensive Plan including any applicable community or area plan; and**
- (2) With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).**

The Commission finds that the proposed development does not conform to the Santa Ynez Valley Community Plan, as discussed in Section 2.0 of the memorandum, dated September 22, 2020 and incorporated herein by reference. The proposed greenhouse is not compatible with the surrounding area due to its size, scale, and excessive lighting.

ATTACHMENT B: NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Ben Singer, Planning and Development Department

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County guidelines for the implementation of CEQA.

APN: 137-140-033

Case No.: 19LUP-00000-00469

Location: 988 Fredensborg Canyon Rd. in the Solvang Area, Third Supervisorial District.

Project Title: Decker Greenhouse

Project Applicant: Steven Decker

Project Description:

The project is for construction of a 15,648 sq. ft. greenhouse for vegetable cultivation. The greenhouses would have a maximum height of 20 feet. The project includes the demolition/removal of 3,329 sq. ft. of existing development. Proposed grading is 3,200 cubic yards of cut and 3,106 cubic yards of fill. No tree or vegetation removal is proposed. Access would continue to be provided from an existing private driveway off of Fredensborg Canyon Road. Proposed parking includes 11 new spaces (1 ADA). Approximately 6 full-time employees will be working 8am - 5pm Mon-Fri and occasional Saturdays. Project includes 3,930 square feet of new landscaping. The project includes a new private septic system. Water will provided by a new agricultural/domestic water well. The project is located on a 5.24-acre parcel zoned AG-I-5 shown as APN 137-140-033 and addressed as 988 Fredensborg Canyon Road, Solvang, CA 93463, Third Supervisorial District.

Name of Public Agency Approving Project: Santa Barbara County

Name of Person or Agency Carrying Out Project: Steven Decker, Property Owner

Exempt Status: (Check one)

- Ministerial
- Statutory Exemption
- Categorical Exemption(s)
- Emergency Project

Cite specific CEQA and/or CEQA Guideline Section: Section 15061(b)(4) and Section 15270(a)

Reasons to Support Exemption Findings: CEQA Guidelines Section 15061(b)(4) states that a project is exempt from CEQA if “the project will be rejected or disapproved by a public agency.” Furthermore, CEQA Guidelines Section 15270(a) states that “CEQA does not apply to projects which a public agency rejects or disapproves.” The project is recommended for disapproval and therefore CEQA Section 15061(b)(4) and Section 15270(a) apply.

Lead Agency Contact Person: Ben Singer, Planner **Phone No.:** (805) 934-6587

Department/Division Representative: _____ **Date:** _____

Acceptance Date: _____

Note: A copy of this form must be posted at P&D six days prior to a decision on the project. Upon project approval, this form must be filed with the County Clerk of the Board and posted by the Clerk of the Board for a period of 30 days to begin a 35-day statute of limitations on legal challenges.

Distribution: Hearing Support Staff, Case File

Date Filed by County Clerk: _____