



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: November 1, 2022
Placement: Departmental
Estimated Time: 1.25 hrs.
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department: Lisa Plowman, Director, Planning and Development
(805) 568-2086
Contact Info: Travis Seawards, Deputy Director, Planning and Development
(805) 568-2518
SUBJECT: Seaman and Sierra Botanicals, LLC Appeals of the Planning Commission Approval of the Nojoqui Farms Cannabis Cultivation Project, Case Nos. 22APL-000000-00021, 22APL-00000-00023, and 19LUP-00000-00530, Third 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:

Staff recommends that your Board take the following actions to deny the appeals and uphold the County Planning Commission's approval of the Project:

- a) Deny the appeals, Case Nos. 22APL-00000-00021 and 22APL-00000-00023;
- b) Make the required findings for approval of the Project, Case No. 19LUP-00000-00530, as specified in Attachment 1 of this Board Agenda Letter, including California Environmental Quality Act (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 Sections §15162 and 15168(c)(2) (Attachments 3 and 4); and
- d) Grant *de novo* approval of the Project, Case No. 19LUP-00000-00530, subject to the conditions of approval (Attachment 2).

Summary Text:

Edward Seaman (Appellant No. 1) and Sierra Botanicals, LLC (Appellant No. 2), request a hearing to consider Case Nos. 22APL-000000-00021 and 22APL-000000-00023, appeals of the County Planning Commission's decision to approve Land Use Permit (LUP) Case No. 19LUP-000000-00530, the Nojoqui Farms Cannabis Cultivation Project (hereinafter Project). The appeals were filed on August 16, 2022, and August 22, 2022, respectively, in compliance with Chapter 35.102 of the County Land Use and Development Code (LUDC).

A detailed description of the Project is discussed in Section A of this Board Agenda Letter and the Appellants' appeal issues and staff's responses are discussed in Section C of this Board Agenda Letter. Staff reviewed the appeals and finds the issues raised are without merit. As discussed in Section 6.2 of the Planning Commission Staff Report (Attachment 7), the Project was appropriately reviewed under CEQA with preparation of a State CEQA Guidelines Section 15168(c)(4) Checklist (Attachment 4), which demonstrates that all of the environmental impacts of the Project are within the scope of the project covered by the Programmatic Environmental Impact Report (PEIR) for the Cannabis Land Use Ordinance and Licensing Program (Case No. 17EIR-000000-00003; Attachment 3) and no subsequent Environmental Impact Report or Negative Declaration is required pursuant to CEQA Guidelines Section 15162. Additionally, as discussed in Sections 6.3 and 6.4 of the Planning Commission Staff Report (Attachment 7), the Project is consistent with the Santa Barbara County Comprehensive Plan and applicable policies and standards set forth in the LUDC, including Section 35.42.075 (Cannabis Regulations). The information included in the administrative record, including this Board Agenda Letter, supports *de novo* approval of the Project.

A. Proposed Project:

The Project is a request for approval of a Land Use Permit to allow 22.17 acres of cannabis cultivation, which includes 20.67 acres of outdoor cannabis cultivation in hoop structures, 1.20 acres of cannabis nursery in hoop structures, 0.07 acres of cannabis processing (storage) in an existing 3,240-sq. ft. agricultural storage barn, and 0.23 acres of cannabis processing (drying, curing, trimming, storing, packaging, and labeling) in a proposed processing building. The proposed processing building will be 10,000 sq. ft. and 25 ft. in height. Hoop structures will be up to 15 ft. in height and will not include any permanent structural elements, utilities, or lighting. Cannabis green waste will be composted onsite in a 0.40-acre compost area. The Project also includes a proposed 30,000-gallon water storage tank for fire protection purposes, and a proposed compacted gravel parking lot with twenty 9-ft. by 20-ft. employee parking spaces.

Existing onsite development to be used for the proposed cannabis operation includes:

- One 3,240-sq. ft. agricultural storage barn (noted above and consisting of a 2,160-sq. ft. structure with a 1,080-sq. ft. attached shade cover) to be converted into an office and cooler storage for cannabis product staging prior to shipment;
- One 96-sq. ft. detached restroom for employee use;
- One 2,500-sq. ft. machine shed to be used for farm equipment storage and office use; and
- One 30,000-gallon water storage tank for irrigation and domestic use.

Existing onsite development that will remain, but will not be used for the proposed cannabis operation includes a 3,288-sq. ft. residence and a 4,600-sq. ft. hay shelter.

Existing onsite development that will be removed prior to Land Use Permit issuance includes:

- One 1,070-sq. ft. employee mobile home;
- One 6,440-sq. ft. barn;
- One 1,482-sq. ft. mobile home;
- Four sheds measuring 240-sq. ft., 49-sq. ft., 120-sq. ft., and 96-sq. ft.;
- One 324-sq. ft. horse shelter;
- One 320-sq. ft. cargo container; and
- One 2,880-sq. ft. shade structure.

The Project includes removal of two non-native trees. The Project does not include any native tree or native vegetation removal. Grading is limited to less than 50 cubic yards.

The cannabis operation will be enclosed with 7-foot-high no-climb security fencing (composed of wood rail wire mesh fencing 5 ft. in height, topped with barbed wire 2 ft. in height) connected to 8-ft.-high chain-link security fencing that will enclose the nursery area. Security light fixtures will be installed at the access gate, in the parking lot, and on the exterior of the processing building. All security lighting will be pole-mounted or building-mounted at a maximum height of 10 ft. and will be fully shielded, directed downward, and motion-activated. Existing and proposed landscaping will screen the operation from public views along Highway 101.

The operation will employ five full-time employees, with an additional 19 seasonal employees during harvest periods. The Project will include up to three harvests per year for a duration of 21 days per harvest period. Harvest periods will occur between the months of May through June, July through August, and October through November. Hours of operation will be from 7:00 A.M. to 4:00 P.M, Monday through Saturday. The hours of operation will not change during harvest periods. All harvested cannabis will be transferred into the onsite 10,000-sq. ft. processing building, into coolers within the onsite 3,240-sq. ft. agricultural storage barn, or to an offsite processing facility the same day it is harvested. All onsite cannabis processing activities will occur within either 1) the enclosed 10,000-sq. ft. processing building, which will be equipped with a carbon filtration and HVAC system to mitigate odors produced by drying, curing, trimming, storing, packaging, and labeling activities, or 2) the enclosed coolers within the 3,240-sq. ft. agricultural storage barn, which will be equipped with refrigeration units to mitigate odors produced by cannabis storage.

Groundwater wells will provide water for the Project (irrigation, domestic, and fire protection uses). The Project site is currently served by three existing offsite groundwater wells, which consist of a primary well (identified as the "Main Well") and two backup wells (identified as "Moonshine #1" and "Moonshine #2"). The Applicant will provide County P&D staff a well meter log of the Main Well that serves the cannabis cultivation Project prior to commencement of use and biannually thereafter for the life of the Project. The use of the well will be limited to 26.6 acre-feet per year (AFY), as confirmed by the well meter log. The Project will include approval of a water system permit and repair of the existing private onsite wastewater treatment system serving the employee restroom. The Project site will continue to be accessed via an existing 24-ft.-wide asphalt driveway off Highway 101. Fire protection will be provided by the Santa Barbara County Fire Department and law enforcement will be provided by the Santa Barbara County Sheriff's Department. The Project site is a 53-acre parcel zoned Agriculture-II (AG-II-40), and

shown as Assessor's Parcel Number 083-430-014, located at 1889 Highway 101 in the Buellton area, 3rd Supervisorial District.

B. Background:

On December 9, 2019, the Applicant submitted an application for an LUP, Case No. 19LUP-000000-000530, to allow cannabis cultivation activities on a 53-acre parcel, zoned Agriculture II (AG-II-40). On August 19, 2021, the Director approved the Project, finding it within the scope of the project covered by the previously certified PEIR (Case No. 17EIR-000000-00003), and consistent with the Santa Barbara County Comprehensive Plan and applicable policies and standards set forth in LUDC, including Section 35.42.075 (Cannabis Regulations).

On August 23, 2021, and August 27, 2021, respectively, the Appellants, Edward Seaman (Appellant No. 1) and Sierra Botanicals, LLC (Appellant No. 2), filed two timely appeals of the Director's approval. Those appeal packages and staff's responses to the appeal issues are provided in Attachments 7, 8, 9, and 10. On August 10, 2022, the County Planning Commission considered all evidence set forth in the record, statements given by the Appellants and the Applicant, and public testimony, and granted *de novo* approval of the Project as revised at the Planning Commission Hearing. The revisions to the Project that occurred at the Planning Commission Hearing consist of an Applicant-proposed addition to the project description to: (1) provide County P&D staff a well meter log of the Main Well that serves the Project prior to commencement of use and biannually thereafter for the life of the Project, and (2) to limit use of the Main Well to 26.6 acre-feet per year, as confirmed by the well meter log.

On August 16, 2022, and August 22, 2022, respectively, the same Appellants filed timely appeals of the Planning Commission's approval (Attachments 5 and 6), Case Nos 22APL-000000-00021 and 22APL-000000-00023. The Appellants' appeal issues and staff's responses are discussed in further detail under Section C of this Board Agenda Letter.

C. Appeal Issues and Staff Responses

C.1.1 Appellant No. 1 Appeal Issue 1 – Lack of Fair and Impartial Hearing

Appellant No. 1 (Edward Seaman) asserts that planning staff worked solely with the Applicant's hired geological consultant, Charlie Katherman, P.G., and in doing so denied the Appellant a fair and impartial hearing. The Appellant specifically references the Appellant's hired geological consultant, Brad Newton, P.G., and the technical memo prepared by Brad Newton, which disputes the Applicant's Water Source and Water Demand Memo prepared by Charlie Katherman.

Staff Response:

Staff appropriately reviewed the proposed Project pursuant to LUDC requirements for cannabis cultivation, and the County Planning Commission conducted a fair and impartial hearing on the appeals. Staff does not work directly with consultants that are hired by Applicants. Applicants have the ability to hire consultants to provide information and analysis to support their project, and staff reviews all project materials submitted by the Applicant and any other interested party when analyzing a project for consistency with zoning and policy requirements.

The Applicant and Appellant each provided technical memos related to the proposed use and source of water for the Project. Planning and Development staff reviewed and considered both memos in advance of the Planning Commission hearing. The Appellant's technical memo disputes the conclusion of the Applicant's technical memo. The Applicant's technical memo concludes that the Project wells are isolated from subterranean stream flow. Conversely, the Appellant's technical memo asserts that the Project wells divert water from subterranean stream flow of Nojoqui Creek and Moonshine Creek, and as such, the Project and associated pumping must comply with the Numeric and Narrative Instream Flow Requirements established in the State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy. If subject to the Numeric and Narrative Instream Flow Requirements, the Project wells would be limited by seasonal and quantitative pumping restrictions.

Staff responded to these assertions in detail in the August 5, 2022, Staff Memorandum to the Planning Commission (Attachment 9). As previously discussed, the permitting of surface water diversions, as well as diversions of groundwater that constitute a subterranean stream flowing in a known and definite channel, is within the exclusive jurisdiction of the SWRCB. In the event that the SWRCB determines that the Project's water source constitutes a subterranean stream flowing in a known and definite channel, the Project will be required to comply with all applicable requirements. Pursuant to Condition 21 of the Conditions of Approval (Attachment 2), the Project must be operated to the satisfaction of the SWRCB, and in compliance with the SWRCB's Cannabis Cultivation Policy, which includes policies that regulate surface and subsurface stream diversions. However, P&D staff met with SWRCB staff to discuss the general issue of subterranean water flows in the County. During that meeting, SWRCB Water Rights Division staff confirmed that unless there is an existing determination by the State Water Board identifying a specific well as a surface water diverter, there is a presumption that all subsurface water is percolating groundwater. This information is confirmed in the email from SWRCB staff, dated April 7, 2022, and included as Attachment B to the August 5, 2022, Staff Memorandum to the Planning Commission (Attachment 9). The SWRCB has not determined that the Project wells constitute subsurface stream diversions and has confirmed that absent such a determination, the wells are presumed to be sources of groundwater.¹

Additionally, as discussed in detail in the Planning Commission Staff Report (Attachment 7), the Applicant's Water Source and Water Demand Memo (Attachment 13) also includes details on the historic water use of the Project site and projected water demand of the proposed Project. The conclusions of the Water Source and Water Demand Memo demonstrate that the water use of the proposed Project will be less than the existing baseline use of the Project site. The Project site historically used approximately 51.5 AFY of water for the irrigation of non-cannabis crops, and with implementation of the proposed Project, the Project site's water use would be reduced to approximately 26.6 AFY. Accordingly, there is substantial evidence that adequate water resources are available to serve the Project.

¹ Subsequent to the appeal, Appellant No. 1 recently submitted a copy of the formal complaint from the Law Office of Marc Chytilo to the SWRCB regarding Santa Ynez River diversions and a Newspress article on the same topic. The Complaint asserts that the County should be examining water rights in its permitting process. As discussed above, however, the County does not have authority to determine whether a well is diverting water from a subterranean stream flowing in a known and definite channel—that determination is within the exclusive jurisdiction of the SWRCB, which has indicated that it does not wish to review all cannabis applications submitted to the County and that unless there is an existing determination by the State Water Board identifying a specific well as a surface water diverter, there is a presumption that all subsurface water is percolating groundwater. In addition, the Nojoqui Farms Project is not within the Santa Ynez River Valley Basin, which is the subject of the Complaint.

In summary, prior to granting *de novo* approval of the Project at the August 10, 2022, hearing, the County Planning Commission considered all evidence set forth in the record, including both the Applicant's technical memo and Appellant's technical memo, and heard statements given by both the Applicant's geological consultant and the Appellant's geological consultant. Further, the Planning Commission made their decision in compliance with the Santa Barbara County Planning Commission Procedures Manual².

C.1.2 Appellant No. 1 Appeal Issue 2 – Inadequate Consideration of Impacts to Local Water Resources

Appellant No. 1 (Edward Seaman) suggests that the County did not adequately consider the effect of the Project site's water use on other water users in the shared aquifer. In this appeal issue the Appellant makes specific claims regarding the Project site's alleged overuse of finite water resources of the Nojoqui Creek watershed, alleged lack of sufficient history to establish historic water use, and alleged inadequate restrictions on future water use of the Project. A discussion of each point and staff's response is provided below.

Overuse of Finite Water Resources of the Nojoqui Creek Watershed

The Appellant provides annual rainfall data for the area and anecdotal information on the year-by-year condition of wells on three neighboring properties. The Appellant compares this information to the Project site's reported annual water use over the previous 10 years and suggests that Project site's historic water use between 2009 and 2016, overlapping with a period of drought between 2011 and 2016, is responsible for the failure of neighboring wells during the same periods. Consequently, the Appellant implies that the historic water use of the Project site has had a detrimental effect on the performance of surrounding wells, and by extension, that future water use associated with the proposed Project will also have a detrimental effect on surrounding wells.

Staff Response:

Disputes about water rights between two private landowners is a civil matter outside the jurisdiction of the County. The Applicant has provided substantial evidence to demonstrate that the Project's groundwater use will be below the existing baseline groundwater use of the Project site, and consequently, that the Project will have no adverse impact on groundwater supply. The Appellant's suggestion that that the historic water use of the Project site has had a detrimental effect on the performance of surrounding wells is conjecture.

The Appellant suggests that Project site's historic water use between 2009 and 2016, overlapping with a period of drought between 2011 and 2016, was responsible for the failure of neighboring wells during this same period. However, the Appellant inappropriately and unevenly assigns responsibility for claimed well failures on the historic water use of the Project site without any consideration of the historic water use of any other well in the shared aquifer, or the proportionality of the Project site's water use in the aquifer. The Appellant has drawn conclusions based on anecdotal observations and incomplete information.

² The Planning Commission Procedures Manual is available at: <https://content.civicplus.com/api/assets/2358ee05-b225-45e5-b9a3-f66d15d3f78f> (last visited October 13, 2022) and available in hard copy at 123 East Anapamu Street, Santa Barbara, CA 93101.

Furthermore, cultivation of non-cannabis crops in an agricultural zone is exempt from planning permit approval; as such, Planning and Development has no permitting authority over the past or future use of the existing wells for irrigation of non-cannabis crops. As discussed in detail in the Planning Commission Staff Report (Attachment 7), the Applicant provided a Water Source and Water Demand Memo prepared by a Professional Geologist (Attachment 13) that includes details on the historic water use of the Project site and projected water demand of the proposed Project. The conclusions of the Water Source and Water Demand Memo demonstrate that the water use of the proposed Project will be less than the existing baseline use of the Project site. The Project site historically used approximately 51.5 AFY of water for the irrigation of non-cannabis crops, and with implementation of the proposed Project, the Project site's water use would be reduced to approximately 26.6 AFY. Without implementation of the proposed Project, the property may continue cultivation and irrigation of non-cannabis crops at or above historic use levels, without any requirement for review or permit approval by Planning and Development. Accordingly, there is substantial evidence that adequate water resources are available to serve the Project and that the Project will not result in impacts to groundwater beyond those studied in the PEIR.

The County's PEIR for the Cannabis Land Use Ordinance and Licensing Program analyzed hydrology and water quality impacts associated with cannabis operations authorized under the Program. Based on water demand factors of typical commercial agricultural products, as well as anecdotal information on average water demands associated with existing cultivation operations at the time, the PEIR estimated that new cannabis cultivation licensed under the Project could potentially result in water demands between 1 to 5 AFY/acre. Impacts to groundwater supply and recharge were considered to be less than significant (Class III), but a mitigation measure (MM HWR-3, Water Conservation-Water Efficiency for Cannabis Activities) was implemented to further reduce impacts to groundwater. This mitigation measure was included as a development standard in the Land Use and Development Code (Section 35.42.075.D.1.j), which is applied to site-specific land use entitlements for commercial cannabis operations authorized under the Program. Staff completed a written checklist pursuant to State CEQA Guidelines 15168(c)(4) (Attachment 4) and determined that the Project will be an activity within the scope of the PEIR and will not result in additional groundwater impacts beyond what was disclosed in the PEIR (Attachment 3). Water efficiency measures that meet the requirements of LUDC Section 35.42.075.D.1.j have been incorporated into the design of the Project and include use of a drip irrigation system.

Lack of Sufficient History to Establish Historic Water Use

The Appellant asserts that an average of the previous 10 years of water use is insufficient to establish historic water use, and that the historic use needs to be derived from an average of at least 20 years.

Staff Response:

A ten-year average is an appropriate metric for assessing historic water use. CEQA lead agencies have discretion in identifying a baseline that realistically accounts for actual activities at or prior to project approval. The County Environmental Thresholds and Guidelines Manual defines historic use as "the demonstrated average water use on the project site during the most recent ten years." The Appellant does not provide justification to support their claim that a 20-year average is required, and the methodology used for this Project (in deriving historic use from an average of the previous 10 years) is standard practice and was appropriately applied.

As previously discussed, the average annual water use of the Project site over the previous 10 years was approximately 51.5 acre-feet per year (AFY) and the projected water use, with implementation of the proposed Project, will be approximately 26.6 AFY.

Inadequate Restrictions on Project Water Use

The Appellant asserts that the water use restriction added to the project description during the August 10, 2022 Planning Commission Hearing applies to only one of the Project’s identified wells and, as such, fails to constrain the Project’s water use to the projected 26.6 acre-feet per year.

Staff Response:

The water use restriction added to the project description during the August 10, 2022 Planning Commission hearing is an Applicant-proposed measure, not a direct requirement of any County code or policy, and findings for approval of the Project are supported with or without the Applicant-proposed measure.

The Project site is currently served by three existing offsite groundwater wells, which consist of a primary well (identified as the “Main Well”) and two backup wells (identified as “Moonshine #1” and “Moonshine #2”). The Applicant offered to limit the Project’s use of the “Main Well” to 26.6 acre-feet per year (AFY) in order to ensure that the actual future water use associated with the Project does not exceed the projected water demand for the Project that was provided in the Applicant’s analysis.

However, findings for approval of the Project are supported with or without the Applicant-proposed addition to the project description. The County’s findings related to water require that adequate water resources are available to serve the Project and that potential impacts of the Project on groundwater supply are covered in the PEIR and less than significant. As discussed in detail in previous appeal issues, the Applicant provided a Water Source and Water Demand Memo, prepared by a Professional Geologist (Attachment 13), that calculated historic water use of the Project site and projected water demand of the proposed Project, and included methodology and supporting evidence for how the projected water demand of the Project was derived. The Water Source and Water Demand Memo demonstrates that the Project site historically used approximately 51.5 AFY of water for the irrigation of non-cannabis crops, and with implementation of the proposed Project, the Project site’s water use would be reduced to approximately 26.6 AFY. As such, there is substantial evidence that adequate water resources are available to serve the Project and that the Project will not result in impacts to groundwater beyond those studied in the PEIR. Accordingly, the Project was appropriately reviewed under CEQA, is consistent with the Santa Barbara County Comprehensive Plan and applicable policies and standards set forth in the LUDC, and the findings for approval of the Project can be made.

C.2.1 Appellant No. 2 Appeal Issue 1 – Impacts to Nojoqui Creek:

Appellant No. 2 (Sierra Botanicals, LLC) asserts that the water use restriction added to the project description during the August 10, 2022 Planning Commission hearing is inadequate to prevent damage to Nojoqui Creek as a result of drawdown (Attachment 6).

In order to obtain annual state licenses for cannabis cultivation, cannabis operators are required to obtain a Lake and Streambed Alteration (LSA) agreement from the California Department of Fish and Wildlife

(CDFW), or receive written verification that one is not needed. In their previous appeal to the Planning Commission (Attachment 7), Appellant No. 2 asserted that the Project will divert water from Nojoqui Creek above safe levels evaluated by the CDFW. Additionally, in their Supplemental Appeal Submittal to the Planning Commission (Attachment 10), Appellant No. 2 asserted that the Project's proposed pumping regime and its anticipated impact on any creek or stream must be reviewed by CDFW as part of the LSA agreement process and that the Applicant should be required to submit for an LSA prior to approval of the LUP.

Staff Response:

The water use restriction added to the project description during the August 10, 2022 Planning Commission hearing is an Applicant-proposed measure, not a requirement of any County code or policy, and findings for approval of the Project are supported with or without the Applicant-proposed measure.

As discussed in detail in the Planning Commission Staff Report (Attachment 7), the Appellant asserted that the Project will divert water from Nojoqui Creek above safe levels evaluated by the CDFW, however the Appellant did not include information from CDFW to substantiate this claim or identify the "safe level" cited. The Applicant's water source will be evaluated by CDFW as part of the LSA process, and CDFW has the authority to impose pumping restrictions as part of the LSA agreement if restrictions are necessary for the protection of stream resources. However, the LSA process is a separate process outside of the County's jurisdiction and approval of the LUP does not relieve the proposed Project of any responsibilities under the state licensing process, including authorizations from CDFW. The Applicant is not required to submit an LSA application prior to approval of the LUP, nor is any evaluation or determination under the LSA process necessary to make the findings for approval of the LUP. The County's findings related to water require that adequate water resources are available to serve the Project and that potential impacts of the Project on groundwater supply are covered in the PEIR and less than significant. As discussed in detail in previous appeal issues, the Applicant provided a Water Source and Water Demand Memo, prepared by a Professional Geologist (Attachment 13), that calculated historic water use of the Project site and projected water demand of the proposed Project, and included methodology and supporting evidence for how the projected water demand of the Project was derived. The Water Source and Water Demand Memo demonstrates that the Project site historically used approximately 51.5 AFY of water for the irrigation of non-cannabis crops, and with implementation of the proposed Project, the Project site's water use would be reduced to approximately 26.6 AFY. As such, there is substantial evidence that adequate water resources are available to serve the Project. Further, there is substantial evidence that Project's water use will be less than the historic baseline use, against which the Project is evaluated under CEQA, and consequently, that the Project will have no adverse impact on groundwater supply. In summary, the Project was appropriately reviewed under CEQA, is consistent with the Santa Barbara County Comprehensive Plan and applicable policies and standards set forth in the LUDC, and the findings for approval of the Project can be made.

Fiscal and Facilities Impacts:

Budgeted: Yes

Total costs for processing the appeals are approximately \$13,000 (50 hours of staff time). The costs for processing cannabis project appeals are partially offset by a fixed appeal fee and cannabis tax revenues. The fixed appeal fee was paid by the Appellants in the amount of \$709.06, each. Funding for this Project

is budgeted in the Planning and Development Department's Permitting Budget Program as shown on page 387 of the County of Santa Barbara Fiscal Year (FY) 2022-23 adopted budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice in the *Santa Ynez Valley News* at least 10 days prior to the hearing on November 1, 2022. 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.

Attachments:

1. Findings
2. Land Use Permit with Conditions of Approval
3. Link to the Program Environmental Impact Report for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-000000-00003
4. CEQA Guidelines § 15168(c)(4) Environmental Checklist
5. Seaman (Appellant No. 1) Appeal Package
6. Sierra Botanicals, LLC (Appellant No. 2) Appeal Package
7. Planning Commission Staff Report, dated August 2, 2022
8. Planning Commission Staff Memorandum, dated August 4, 2022
9. Planning Commission Staff Memorandum, dated August 5, 2022
10. Sierra Botanical, LLC (Appellant No. 2) Supplemental Appeal Submittal, dated August 2, 2022
11. Planning Commission Action Letter, dated August 15, 2022
12. Project Plan Set
13. Project Water Source and Water Demand Memorandum

Authored by:

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