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Katherine Douglas

From: Steinfeld, Amy <ASteinfeld@bhfs.com>
Sent: Thursday, May 30, 2024 3:48 PM
To: sbcob
Cc: Steinfeld, Amy; moriarty3@me.com
Subject: Applicant Letter for BOS June 4 Hearing, Cannabis Appeal of Moriarty Holdings – Outdoor Cannabis Cultivation Project in Cat Canyon
Attachments: Applicant Letter to Board of Supervisors re Moriarty CUP_Appeal(28710537.1).docx

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Good afternoon Honorable Clerk and Supervisors,

I'm representing the applicant, Jason Moriarty of Moriarty Holdings in next week's Board of Supervisor's hearing re Case No. 23CUP-00014.

Attached is our letter to submit into the record.

Please confirm receipt.

Thank you for your time.

Best Regards, Amy Steinfeld

Amy M. Steinfeld

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Brownstein - we're all in.

May 30, 2024

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VIA E-MAIL SBCOB@COUNTYOFSB.ORG

Santa Barbara County Board of Supervisors
Attention: Clerk of the Board
105 E. Anapamu St., Fourth Floor, Room 407
Santa Barbara, CA 93101

RE: Applicant Response to Appeal of Moriarty Holdings – Outdoor Cannabis Cultivation (Case No. 23CUP-00014) by James N. Sullivan (Case No. 23APL-00005)

Dear Chair Lavagnino and Honorable Supervisors:

On behalf of Cat Canyon Investments, LLC, Jason Moriarty, and Moriarty Holdings, the Owner, Project Applicant, and Operator, (“Applicant”), we submit this letter in support of the Conditional Use Permit (“CUP”) (formerly Land Use Permit (“LUP”), Permit No. 19LUP-00000-00273) approved by the County Planning and Development Department (“P&D”) on January 25, 2023 for the Moriarty Holdings Cannabis Cultivation Project (“Project”). This Project was revised substantially prior to this Board hearing and has been accepted by P&D staff and analyzed in full.

Although Appellant has stated that he has no further objections to the revised Project, by this letter, Applicant responds to the appeal filed by James N. Sullivan (“Appellant”) because this Project requires Board approval. We respectfully request that the Board of Supervisors (“Board”) support the Planning Commission’s (“PC”) approval of the LUP, deny the appeal, which has been pending for over one year, and approve the smaller CUP. We appreciate the Appellant’s concerns, and, as a result, Jason Moriarty has gone out of his way to scale back the Project to address these concerns.

I. PROJECT BACKGROUND AND HISTORY

Jason Moriarty submitted his cannabis LUP application for the Project to be located at 6980 Cat Canyon Road, Los Alamos, CA 93440 (APN 101-070-069) (“Property”) on July 5, 2019, nearly five years ago. The Project was approved by the County on May 10, 2022. The original, much-larger Project (formerly a LUP), was appealed by Jason Moriarty’s neighbor over water and access concerns. Over one year ago (January 15, 2023), the Planning Commission denied the appeal and unanimously approved this Project (as a LUP). James Sullivan then appealed the Project to the Board, and due to

the Cannabis Ordinance Amendment that became effective days after the Planning Commission's approval, the Project was converted to a CUP (Case No. 23CUP-00014).

Over the past several months, Jason Moriarty and I worked closely with Mr. Chytilo, Mr. Sullivan's attorney, to make substantial amendments to the Project to address Appellant's concerns. Mr. Chytilo, in his May 21, 2024 letter to the Board, stated that if the Board approves the amended Project pending before you, his client will not further appeal the Project.

In response to the appeal and neighborhood concerns, Mr. Moriarty agreed to the following project modifications:

- Reduced the size of the Project from 17.40 acres to 5.19 acres (a 70 percent reduction!).
- Limited the cultivation footprint to only the southside of the property (south of Cat Canyon Creek).
- Eliminated the proposed new deep well on the Northside of the Property. (The Project will rely on an existing well on the Southside of the Property.)
- Eliminated the culvert over Cat Canyon Creek and use of an easement on the neighboring property to access the Northside of the Property, because cultivation will be restricted to the Southside.
- All outdoor cannabis cultivation will be grown in soilless media pots and under hoop structures (reducing the irrigated area to 0.83 acres).
- Removal of onsite processing (formerly proposed as 2 new buildings totaling 1900 sf).

Over the past few months, we commissioned reports by experts to address Appellant's concerns and submitted updated plans to the County for the reduced Project and worked closely with County Planning staff to update the Project Description. This small, sensible project, which has been reduced to approximately 5 acres of cultivation on a 40-acre ag-zoned parcel, has been designed to be extremely water efficient and compatible with the neighborhood.

II. APPEAL ISSUES

1.1 Water Supplies are Sufficient to Support the Revised Project

Appellant's appeal raised concerns about impacts to the shared aquifer and surrounding groundwater wells. As explained in the Revised Water Demand Memo (Attachment 11) prepared by an Agronomist/Certified Crop Advisor that analyzes the total projected water demand of the reduced Project, the total projected water demand of the reduced Project, including demand for crop irrigation and landscape irrigation, will be **1.70 acre-feet per year**. This was achieved by amending the Project to

plant all cannabis in 5-gallon pots thereby reducing the irrigated area to 0.83 acres of pots under hoops¹ and using soilless media and an efficient irrigation system.

In addition, the existing well will provide sufficient water to irrigate the reduced Project. In 2001, Jordan Kear, a Professional Geologist and Certified Hydrogeologist, conducted on-site pump tests on the existing well. He then prepared a Water System Source Yield Assessment Memo (Attachment 8), that analyzed the groundwater yield of the original proposed water system based on the hydrogeologic conditions of the area and recent yield tests of the existing groundwater well. In Mr. Kear's 2024 Groundwater Supply and Irrigation Plan Memo (Attachment 12) he provided an updated evaluation of water supply availability for the reduced Project based on the yield test detailed in the Water System Source Yield Assessment Memo and the revised water demand detailed in the Revised Water Demand Memo. His report concludes that the existing well has sufficient supplies to serve the Project and will not impact neighboring wells or Cat Canyon Creek.

Further, this Property has **senior, overlying adjudicated water rights** under the Santa Maria groundwater adjudication. (*Santa Maria Groundwater Litigation*, Santa Clara County Superior Court Lead Case No. 1-97-CV-770214, Judgment After Trial dated January 25, 2008, Exhibit 1A - Parties to Settlement Stipulation, Stipulating Party - LNA-LP, A Nevada Limited Partnership (former owner of APN 101-070-069), p. 86.) The Project site is located within the State-delineated Santa Maria River Valley Groundwater Basin (Santa Maria Basin). Water rights within the Santa Maria Basin have been adjudicated since 2008. Specifically, the Project site overlies the Santa Maria Valley Management Area (SMVMA), one of three management areas of the larger adjudicated Santa Maria Basin. Luhdorff and Scalmanini, Consulting Engineers (LSCE) serve as the Management Area Engineer for the SMVMA. This Basin is carefully managed by the court and LSCE who follows a Monitoring Program, as required by the terms and conditions of the Stipulation in the Basin Litigation. They also prepare annual reports on the SMVMA for the judge, which includes reporting of total annual groundwater extraction and assessment of conditions. The Project's pumping will not impact the larger Basin, and the groundwater will be efficiently utilized pursuant to Mr. Moriarty's senior water rights.

1.2 Access is No Longer an Issue due to Project Revisions

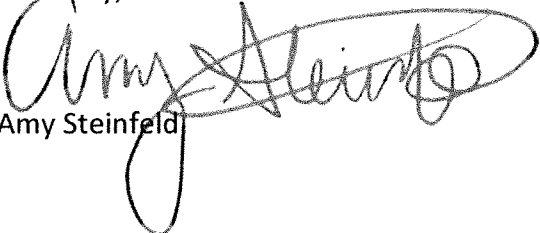
Appellant raised a concern to the Planning Commission about the lack of legal access to the northern portion of the subject property via Long Canyon Road. Although Applicant holds an easement to utilize Long Canyon Road for access, roads, and utilities (See 2000 Deed (APN 101-070-069)), access is no longer at issue because the Project is no longer proposing to use Long Canyon Road (via the easement) for Project purposes (to access the Northside of the Property).

¹ Of the 5.2 acre cultivation area, 4.15 acres will be dedicated to cultivation after accounting for roads and walkways. Considering the dimensions of the pots and the layout of plants within the hoops, the net area occupied by pots, where plants will be grown, is 0.83 acres.

III. CONCLUSION

We respectfully request that the Board approve the Project. We are happy to answer any questions or provide additional information.

Sincerely,



Amy Steinfeld