

SB County Coalition for Responsible Cannabis Appeal of the Castlerock Family Farms II, LLC Cannabis Cultivation Project

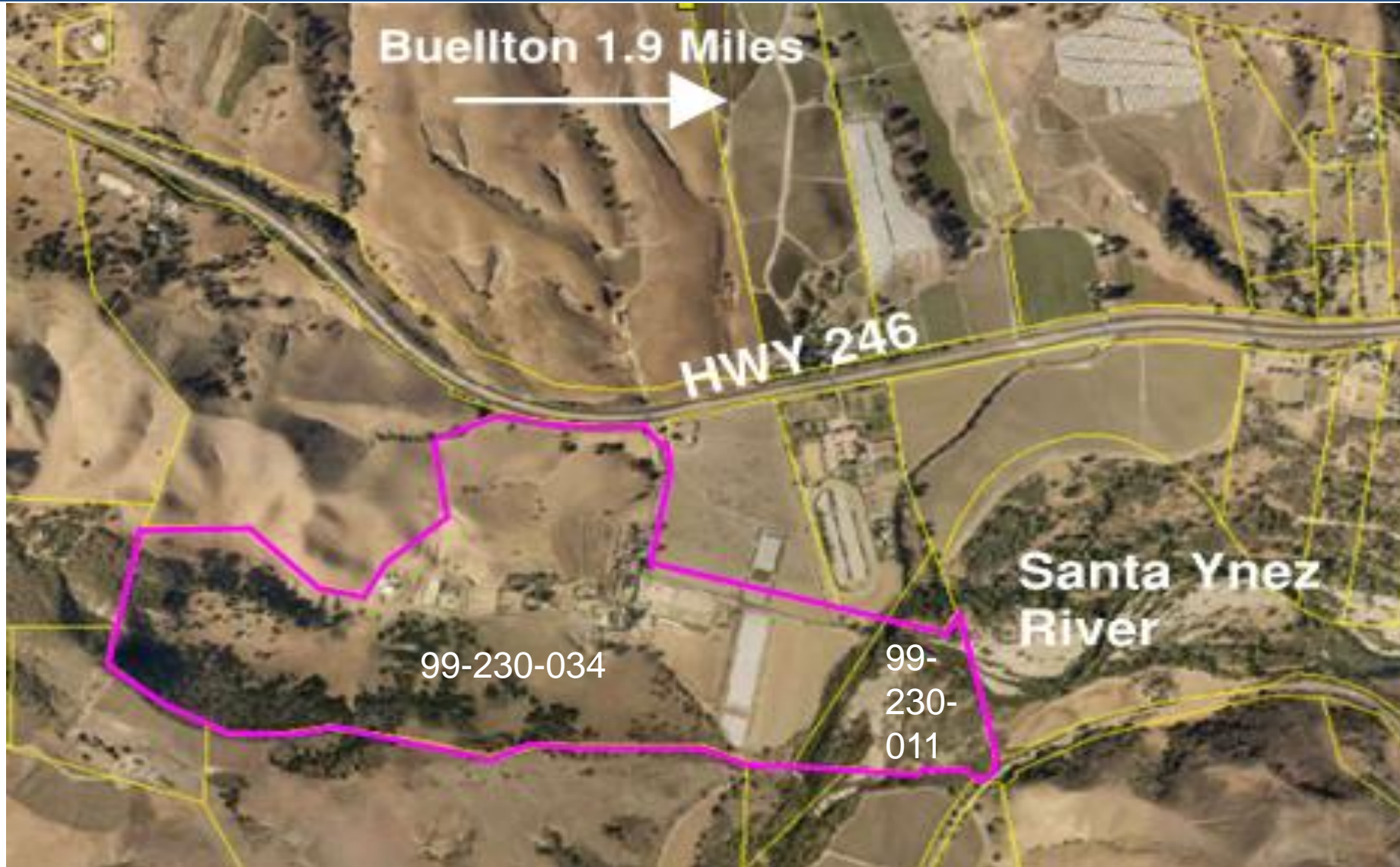
**Case Nos. 20APL-00000-00019 and
19LUP-00000-00050**

**Santa Barbara County Board of Supervisors
October 6, 2020**



**Stephen Peterson
Planner**

Vicinity Map



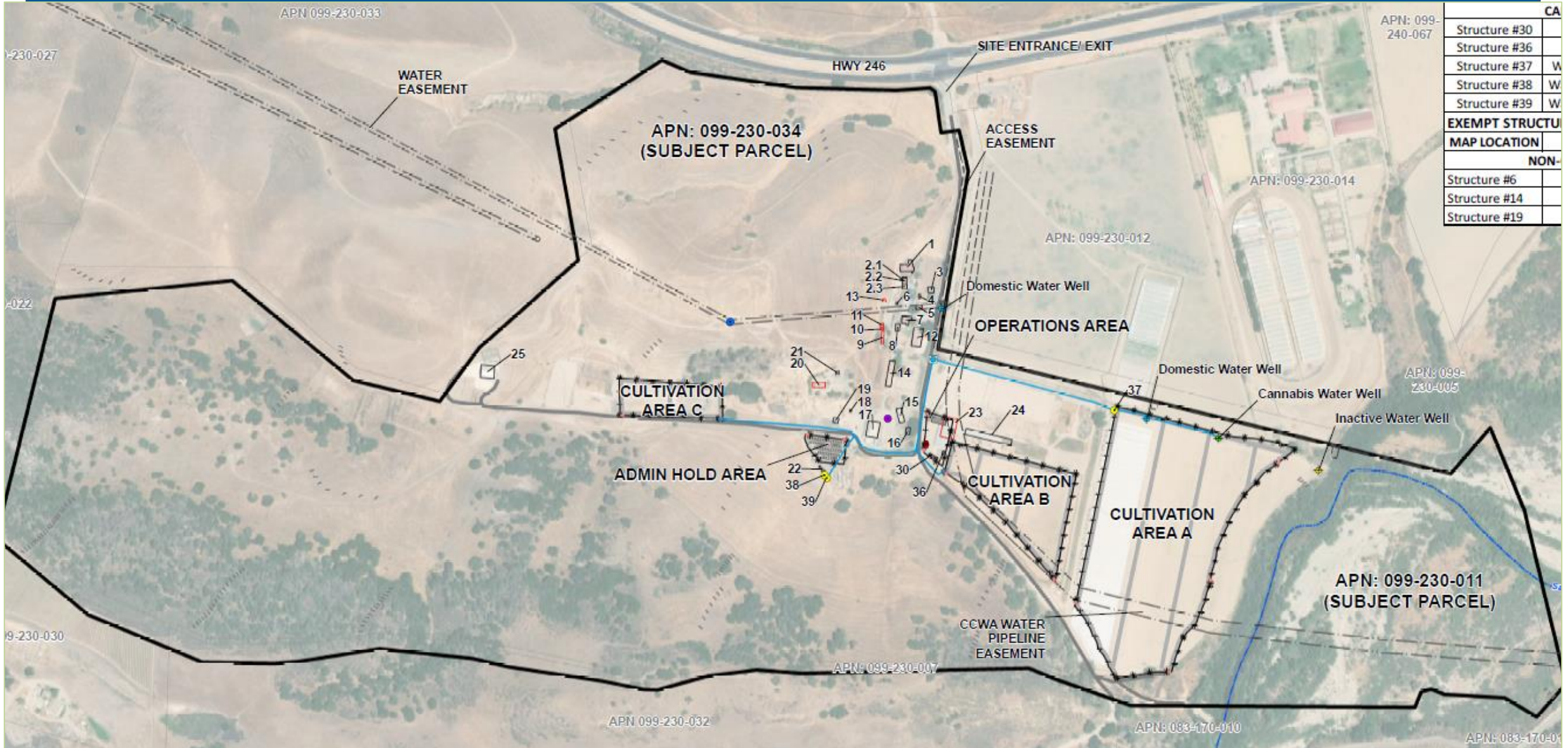
Project Timeline

- **July 26, 2019** – LUP approved
- **August 5, 2019** – LUP appealed
- **May 19, 2020** – Revised project description
- **July 8, 2020** – Planning Commission approval
- **July 20, 2020** – Appellant filed timely appeal to BOS

Project Description

- 22.95 acres of cannabis cultivation under hoops
 - No on-site processing
 - No new structures
- 5 full time staff, +15 temporary staff during 3 annual harvests
- Mandatory carpool/vanpool for temporary staff
- 3.28 acres of habitat restoration along Santa Ynez River
- Landscape screening from 246 and Santa Rosa Road
- No Odor Abatement Plan required or provided

Site Plan



EXEMPT STRUCTURE MAP LOCATION	CA
Structure #30	
Structure #36	
Structure #37	W
Structure #38	W
Structure #39	W
Structure #6	NON-
Structure #14	
Structure #19	

Appeal Issue #1

CEQA review inadequate

Response:

- BOS certified the PEIR on February 6, 2018
- Statement of Overriding Considerations adopted regarding the significant and unavoidable impacts
- No legal challenge to the adequacy of the PEIR

Appeal Issue #2

CEQA – changes to Uniform Rules and Right to Farm Ordinance necessitate further environmental review

Response:

- Changes to the Uniform Rules were anticipated in the PEIR
- Changes to the Right to Farm Ordinance did not introduce new or newly feasible mitigation measures

Appeal Issue #3

CEQA – PEIR did not consider pesticide drift issues and their impact on non-cannabis agriculture

Response:

- Pesticide drift is illegal
- State and federal laws regulate pesticide drift and they are unchanged since the PEIR was certified
- Pesticide drift from other farms onto the Castlerock project are not an environmental impact of this project and wouldn't be evaluated under CEQA

Appeal Issue #4

CEQA – PEIR did not consider odor impacts to tasting rooms

Response:

- Presence of tasting rooms was plainly known at the time the PEIR was certified
- Impact AQ-5 identified significant and unavoidable impacts from cannabis odors
- Statement of Overriding Considerations adopted
- PEIR certified – no legal challenge

Appeal Issue #5

CEQA – PEIR did not anticipate the cluster of cannabis projects west of Buellton, so cumulative impacts were not properly analyzed

Response:

- PEIR assumed concentrations of cannabis in certain areas of the County, specifically the Santa Ynez Valley
- Cumulative impacts were analyzed in the PEIR
- Class 1 impacts associated with cumulative effects were mitigated or overridden

Appeal Issue #6

CEQA – County’s CEQA Checklist does not evaluate unique site conditions or special aspects of the Project’s operations, and does not provide evidence to support the conclusions

Response:

- The CEQA Checklist evaluates unique or special aspects of the project
- Evidence to support conclusions is provided throughout the record, including the application and all supporting materials

Appeal Issue #7

Project is inconsistent with Goal 1
of the Ag Element

“SBCounty shall assure and enhance the continuation of agriculture as a major viable production industry... Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.”

Response:

- Project will continue ag use of the property, will not convert ag land
- No new structures

Appeal Issue #8

Cannabis cultivation is occurring on the property and has expanded beyond the limits of the legal non-conforming cannabis area, so Finding 2.1.2.3 cannot be made

The subject property is in compliance with all laws, regulations and rules pertaining to uses.

Response:

- Cannabis was eradicated in 2018
- P&D has conducted several site visits, most recently on September 11, 2020 and no cannabis was observed
- This application does not qualify as legal non-conforming
- Applicant does not claim legal non-conforming status

Recommended Action

1. Deny the appeal, Case No. 20APL-00000-00019.
2. Make the required findings for approval of the Project, Case No 19LUP-00000-00050, as specified in Attachment 1, including CEQA findings;
3. Determine that the previously certified Program EIR (17EIR-00000-00003) constitutes adequate environmental review and no subsequent Environmental Impact Report or Negative Declaration is required pursuant to CEQA Guidelines Sections 15162 and 15168 (c)(2) (included as Attachments 3 and 5-H); and
4. Grant *de novo* approval of the Project, Case No. 19LUP-00000-00050 subject to the conditions of approval (included as Attachment 2).

this concludes the staff presentation

Questions?