



COUNTY OF SANTA BARBARA

Planning and Development

www.countyofsb.org/plndev

Appeal to the Board of Supervisors or Planning Commission (County or Montecito)

APPEAL TO THE BOARD OF SUPERVISORS OR PLANNING COMMISSION (APL) on the issuance, revocation, or modification of:

- All Discretionary projects heard by one of the Planning Commissions
- Board of Architectural Review decisions
- Coastal Development Permit decisions
- Land Use Permit decisions
- Planning & Development Director's decisions
- Zoning Administrator's decisions

THIS PACKAGE CONTAINS

✓ APPLICATION FORM

✓ SUBMITTAL REQUIREMENTS

AND, IF ✓'D, ALSO CONTAINS

South County Office 123 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2000 Fax: (805) 568-2030	North County Office 624 W. Foster Road, Suite C Santa Maria, CA 93455 Phone: (805) 934-6250 Fax: (805) 934-6258	Clerk of the Board 105 E. Anapamu Street Santa Barbara, CA 93101 Phone: (805) 568-2240 Fax: (805) 568-2249
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SUBMITTAL REQUIREMENTS

- _____ 8 Copies of the attached application.
- _____ 8 Copies of a written explanation of the appeal including:
 - If you are not the applicant, an explanation of how you are an “**aggrieved party**” (“Any person who in person, or through a representative, appeared at a public hearing in connection with the decision or action appealed, or who, by the other nature of his concerns or who for good cause was unable to do either.”);
 - A clear, complete and concise statement of the **reasons or grounds for appeal**:
 - Why the decision or determination is consistent with the provisions and purposes of the County’s Zoning Ordinances or other applicable law; or
 - There was error or abuse of discretion;
 - The decision is not supported by the evidence presented for consideration;
 - There was a lack of a fair and impartial hearing; or
 - There is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.
- _____ 1 Check payable to County of Santa Barbara.

Note: There are additional requirements for certain appeals including:

- a. **Appeals regarding a previously approved discretionary permit** – If the approval of a Land use permit required by a previously approved discretionary permit is appealed, the applicant shall identify: 1) How the Land Use Permit is inconsistent with the previously approved discretionary permit; 2) How the discretionary permit’s conditions of approval that are required to be completed prior to the approval of a Land Use Permit have not been completed; 3) How the approval is inconsistent with Section 35.106 (Noticing).
- b. **Appeals regarding Residential Second Units (RSUs)** – The grounds for an appeal of the approval of a Land Use Permit for a RSU in compliance with Section 35.42.230 (Residential Second Units) shall be limited to whether the approved project is in compliance with development standards for RSUs provided in Section 35.42.230.F (Development Standards).



PLANNING & DEVELOPMENT
APPEAL FORM

SITE ADDRESS: 4874 Hapgood Rd, Lompoc, CA 93436

ASSESSOR PARCEL NUMBER: 099-150-065

Are there previous permits/applications? no yes numbers: 19LUP-00000-00312
(include permit# & lot # if tract)

Is this appeal (potentially) related to cannabis activities? no yes

Are there previous environmental (CEQA) documents? no yes numbers: 17EIR-00000-00003

1. Appellant: Chad Melville Phone: 805 735 7030 FAX: 805 735-5310

Mailing Address: 5185 E Hwy 246 Lompoc CA 93436 E-mail: chad@melvillewinery.com
Street City State Zip

2. Owner: same Phone: _____ FAX: _____

Mailing Address: _____ E-mail: _____
Street City State Zip

3. Agent: Kurt Ammann Phone: 805 735 7030 FAX: 805 735-5310

Mailing Address: 5185 E Hwy 246 Lompoc CA 93436 E-mail: kurt@melvillewinery.com
Street City State Zip

4. Attorney: NA Phone: _____ FAX: _____

Mailing Address: _____ E-mail _____
Street City State Zip

COUNTY USE ONLY

Case Number: _____ Companion Case Number: _____
Supervisorial District: _____ Submittal Date: _____
Applicable Zoning Ordinance: _____ Receipt Number: _____
Project Planner: _____ Accepted for Processing _____
Zoning Designation: _____ Comp. Plan Designation _____

RECEIVED
2019 SEP 11 10:14 AM
COUNTY OF SANTA BARBARA
PLANNING & DEVELOPMENT
1000 STATE STREET
SANTA BARBARA, CA 93101

COUNTY OF SANTA BARBARA APPEAL TO THE:

BOARD OF SUPERVISORS

___ PLANNING COMMISSION: ___ COUNTY ___ MONTECITO

RE: Project Title SFS Farms OpCo 1, LLC Cannabis Cultivation

Case No. 20 APL - 00000 - 00024

Date of Action 02/03/2021

I hereby appeal the ___ approval ___ approval w/conditions denial of the:

___ Board of Architectural Review – Which Board? _____

___ Coastal Development Permit decision

___ Land Use Permit decision

Planning Commission decision – Which Commission? County

___ Planning & Development Director decision

___ Zoning Administrator decision

Is the appellant the applicant or an aggrieved party?

___ Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are and “aggrieved party” as defined on page two of this appeal form:

See attached

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

See Attachment A and B

Specific conditions imposed which I wish to appeal are (if applicable):

- a. _____
- b. _____
- c. _____
- d. _____

Attachment A

Ron and Chad Melville with Dan Gainey are appealing the Planning Commission's decision to deny our appeal for the following reasons:

- The concentration of cannabis cultivation in Santa Rita Hills.
 - Santa Rita Hills is an area of 32,720 acres. Santa Barbara County is an area of 2,424,960 acres which makes Santa Rita Hills 1.3% of the county. According to the County's, Cannabis Cultivation Cap Tracking:
 - There are applications for 1085.44 acres of cannabis cultivation in the Santa Rita Hills. If approved this would be 68.9% of the total 1575 acres available outside Carpinteria
 - Currently according to the same report there are 389.04 acres approved in Santa Rita hills out of the 684.93 total approved acres. This is 56.8%
- We assert that the Boards of Supervisors decision to accept and use the PIER (17EIR-00000-00003) did not have the correct assumptions to adequately evaluate the "unavoidable adverse environmental effects identified (Agricultural resources, Air Quality (Terpenes, odor), Noise, transportation and traffic)"
 - The cumulative effects of these unavoidable consequences are being concentrated in an area of less than 1.3% of the county
- Locating 86.6 acres of cannabis are located at the western end of the transverse Santa Rita Hills valley. The acknowledged air pollution is going to be blown east into Buellton and Solvang. This impacts more residents, local businesses, and a massive number of tourists. The potential harm to the residents, local businesses and tourism was not adequately considered in the PIER.
- A cannabis cultivation of this size, 86.8 acres with only a 50-foot setback requirement, is incompatible with the Agricultural Element of Santa Barbara County's Comprehensive Plan which repeatedly states the goals of "preserving", "protecting", "maintaining", and "conserving" existing agriculture.
 - Both the Planning Commission and the Board of Supervisors have acknowledged terpenes are oils produced by plants. Terpenes produced by cannabis have strong aromas of skunk. The 86.6 acres of cannabis are located at the western end of the transverse Santa Rita Hills valley. The terpenes and odors will be pushed east by the daily winds (7-10 MPH). These terpenes will leave the cannabis cultivation property and will potentially negatively impact both Melville and Gainey's ultra-premium wine grape productions. This could result in both companies losing our initial investments of millions and our current farming expenses of over a million annually. The SB County Comprehensive Plan's Agricultural Element specifically states in its Goals and Purposes Section, Goal 1, Policy 1.A. "The integrity of agricultural operations shall not be violated by recreational or OTHER NON-COMPATIBLE USES." In the Plan's Issues and Concerns section, it states as one of its goals to "assist farmers to CONTINUE farming".
 - The project and surrounding parcels are in all ag preserve pursuant to the Williamson Act and APAC did not review the project for compatibility to adjacent ag, a process that the PEIR assumed would occur and relied on to address compatibility issues between crops.

- Changes to Right to Farm laws now allow odor mitigation on these ag parcels to be feasible.
 - There is incompatibility between grapes, which ultimately are consumed, and cannabis with the use of chemicals on the different crops and the potential from drift or waft that can result. The 50-foot setback does not significantly address the incompatibility at this location in a transverse valley with daily east to west winds and morning fog.
 - Tasting rooms are supportive agricultural uses for direct sales of ag products and play a critical role as our main revenue source. We have invested over \$10,000,000 in our tasting room and estate winery, and have spent 24 years building our reputation here. 70% of our revenue is from Direct-to-Consumer business. Without the Direct-to-Consumer revenue we would not be able to continue to operate our winery. Tasting rooms are unique, allowing visitors to smell and taste the product, creating a lasting experience and connection with new and existing customers. At Melville, we conduct 95% of our tastings outside, which we have found exponentially increases consumer's connection with Melville, our wines, our land, and the uniqueness of Santa Rita Hills A.V.A. We cannot simply relocate our vineyards, winery, and tasting room to a different location. The SB County Comprehensive Plan's Agricultural Element specifically states in Policy 1.E. "The county shall recognize that the generation of noise, smoke, ODOR, and dust is a natural consequence of the normal agricultural practices PROVIDED that the agriculturalists exercise REASONABLE MEASURES TO MINIMIZE SUCH EFFECTS." The applicant has no plans to minimize the intense odors they will be producing through an OAP or other efforts.
- It is negligent to continue to approve any additional cannabis cultivation in the county without a entirely independent research project on the impact of terpenes produced by cannabis. The County is already generating revenue from cannabis and it is their duty and obligation to investigate and understand completely the impacts before allowing more Cannabis to be planted.

Attachment B





Please include any other information you feel is relevant to this application.

CERTIFICATION OF ACCURACY AND COMPLETENESS Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.

I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

Print name and sign – Firm		Date
<u>Kurt Ammann</u> 		<u>2/11/2021</u>

Print name and sign – Preparer of this form		Date
<u>Chad Melville</u> 		<u>2/11/2021</u>

Print name and sign – Applicant		Date
<u>Kurt Ammann</u> 		<u>2/11/2021</u>

Print name and sign – Landowner		Date
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COUNTY OF SANTA BARBARA

X 2143801

COB

Department

Date 2/11/21

Received from Melville Winery, LLC

In Payment of 4877 Highway Rd, Tempco Land-Use Appeal

Seven Hundred One and 00/100 Dollars \$ 701.00

Received original of the above numbered receipt

CREDIT CARD	
CASH	
CHECK	<input checked="" type="checkbox"/>

[Signature]

SIGNATURE OF PAYOR

[Signature]

AUTHORIZED SIGNATURE

-147

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM

MELVILLE WINERY, LLC
P. O. BOX 1315
CARPINTERIA, CA 93014

4405

16-24/1220 6640

DATE 2/11/2021

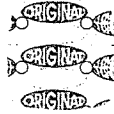
PAY TO THE ORDER OF County of Santa Barbara

\$ 701.06

Seven hundred and One dollars ⁰⁶/₁₀₀

DOLLARS

WELLS FARGO
Wells Fargo Bank, N.A.
California
wellsfargo.com



FOR appeal Fee

[Signature]

⑈0000004405⑈ ⑆122000247⑆ 6760361482⑈

Details on Back
Security Features Included