

de la Guerra, Sheila

Public Comment



#3

From: Marc Chytilo <marc@lomcsb.com>
Sent: Friday, March 6, 2020 11:45 AM
To: sbcob
Subject: Item # 3 3-10-20
Attachments: Transcript Santa Rita PC Deliberations 11-6-19.pdf

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Clerk – attached please find a transcript of the PC’s deliberations on the Santa Rita project for submittal to the public comment on this appeal hearing, item # 3, 3-10-20

Marc

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SANTA BARBARA COUNTY PLANNING COMMISSION
COUNTY OF SANTA BARBARA, CALIFORNIA

-----X

IN THE MATTER OF:

BLAIR PENCE

Appellant,

Case No.:

19APL-00000-00008

SANTA RITA HILLS AG., INC
CANNABIS CULTIVATION (OUTDOOR)
APPEAL OF 18LUP-00000-00351

-----X

NOVEMBER 6, 2019

HELD AT: Santa Barbara County Engineering
Building, Room 17
123 Anapamu Street
Santa Barbara, CA. 93101

BEFORE: C. MICHAEL COONEY
Commissioner, 1st District

LAURA M. BRIDLEY
Commissioner, 2nd District
Vice-Chair

JOHN PARKE
Commissioner, 3rd District, Chair

LARRY FERINI
Commissioner, 4th District

DANIEL BLOUGH
Commissioner, 5th District

APPEARANCES: VIDEOTAPED PUBLIC HEARING

TRANSCRIBER: KATHERINE E. ANDERSON
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I N D E X

EXCERPTED VERBATIM TRANSCRIPT OF VIDEOTAPED HEARING OF THE
SANTA BARBARA COUNTY PLANNING COMMISSION FOR THE APPEAL OF
THE SANTA RITA HILLS AG, INC ON WEDNESDAY, NOVEMBER 6,
2019

L E G E N D:

PARTICIPANTS:

CMC: C. Michael Cooney
LB: Laura Bridley
JP: John Parke
LF: Larry Ferini
DB: Daniel Blough
SP: Susan Petrovich
MC: Marc Chytilo
DV: David Villalobos

ABBREVIATIONS:

OV: overlapping voices
PH: phonetic
UF: unknown female
UM: unknown male
UP: unknown person
UNT: unintelligible

2 [TRANSCRIPTION BEGINS AT RECORDING MARK 2:48:22.0]

3

4 JP: Uh,...Commissioner Ferini.

5 LF: Gonna be a little redundant, uh, with uh, what's
6 been said already, but...

7 JP: Well, that's what builds consensus.

8 LF: Okay, so-

9 JP: (laughs)

10 LF: --so, a-as I read through the EIR, and I know as
11 we go down this way, it's been read much more completely
12 than I ever could. Okay? So, I'm gonna look for some
13 help here. A-as I read through it, and--and looking in
14 the--in the Ag--the Ag portion of it, it--it does talk about
15 odor. And--and it does--and then the Board did make a
16 decision of overriding consideration to--to throw that out.
17 It never does talk specifically about the chemical makeup
18 or the terpenes. And their potential damage on the
19 neighboring crops. It never does really talk about the
20 potential negative impacts, financially, or--or production-
21 wise, so part of--part of producing the crop is for it to
22 go to its ultimate use. And um, I don't see an overriding
23 consideration anywhere that says, 'Yeah, grow it and then
24 throw it away.' Because of perception? Or because of
25 fact. So--so as we start to say hey, w-well, it--we don't
26 have the scientific data, but we do have some potential
27 financial data. Right? Where--where there is a potential

2 for an endangerment of these existing businesses. Um, to
3 me, it's like sayin', it's okay to put that feedlot in the
4 middle of this neighborhood, because it's Ag property.
5 Well, you know you're gonna cause conflict. I don't see
6 how I can be a part of helping cause conflict. And, um,
7 that there's enough here for me to put-to put big doubts
8 on moving forward with this until we get further
9 information. And, um, maybe that's too emotional, but I
10 can't find it in the EIR. That says this is okay.

11 UF: M-Mr. Chair, Commissioner Ferini, I do wanna
12 just-I do understand your concerns, first I wanna say
13 that. But I also want to, um, inform you about why that's
14 not in the EIR? One is, th-the-particularly the question
15 about fiscal impacts? The EIR doesn't cover fiscal
16 impacts, it's only about the project's impact on the
17 environment. So you-

18 LF: Not to interrupt, but let's just stay on that,
19 'cause you-

20 UF: Yeah.

21 LF: -you're helpin' me along.

22 UF: Yeah, physical impacts.

23 LF: But-but we do talk about the-the ag viability.
24 Right? And-and go back to all the things discussed in the
25 different parts in our Ag Element. And-and so, by...by that
26 path, they're saying they're not affected. Right? But
27 yet they're not getting specific. But I don't think the

2 intent of anyone was to ruin an industry. By allowing a
3 new one in.

4 UF: M-Mr. Chair, Commissioner Ferini, I mean, I-I'm
5 sure you're correct, that nobody had any intention of-

6 LF: So maybe it's not an EIR...

7 JP: You get a-

8 LF: ...discussion?

9 JP: --you get a second bite at the apple when you
10 look at the policies.

11 UF: Right. Right.

12 UM: Right.

13 UF: So-

14 JP: So we'll get to that.

15 UF: --i-it's a-it's a-it's a question? It
16 wasn't necessarily-it-it's not required to be covered
17 in the EIR? That doesn't mean it isn't a pertinent
18 question.

19 LF: No, I agree with you-

20 UF: Yeah.

21 LF: -it's very helpful-

22 UF: Yeah.

23 LF: -to say, hey, you're lookin' at the wrong-
24 it's not there.

25 UF: Right.

26 LF: And it doesn't need to be there.

2 UF: Right.

3 LF: Right? So, as, Mr. Klemman suggested, so go
4 look somewhere else. Right?

5 JP: Yeah. So just—where we are in the process
6 here and now, this is where we, ask questions of
7 staff, and if we're beyond that in the deliberations,
8 I'd like to call it deliberations, we'll close the
9 public hearing now. Um, any further, uh, comments,
10 questions of staff? Otherwise let's get into
11 deliberations. [pause] No. Well, let's—let's do that.

12 Um, I'm gonna start, it's my district. I know
13 there's been some uh, controversy over the years that
14 my district was gerrymandered to get voters. I think
15 it was gerrymandered to get all the difficult
16 projects, and—

17 [laughter]

18 JP: -throw 'em into the third district, um, so,
19 there ya go. I believe what I believe. Um, I wanna
20 go through this somewhat thoroughly, including some of
21 the legal issues, 'cause I th—I think it's important.
22 First of all, as to, what we're doing here, in
23 general, y—you know, that we—we get this statement
24 that the ordinance is so complete and these projects
25 all comply with the ordinance, so what are we doing

2 here with these long hearings. And, y—you know, the
3 ordinance is a—it's a very pro-industry ordinance,
4 probably the most pro-industry ordinance in the—in the
5 state, and it does say a lot. But it also—basically,
6 the Board left it to the Planning Commission and our
7 whole Planning apparatus to take each individual
8 project, look at its environmental impacts, look at
9 the planning issues, and vote on it. So, what I think
10 we're doing the legitimate thing, or I wouldn't be
11 here. Um...I—I don't like being rushed, and I feel
12 rushed here, because I think there's some very
13 important issues that are somewhat unresolved. It was
14 interesting that, uh—uh, applicant's own attorney, Ms.
15 Ash talked about that some things might need to be
16 studied some more. Well, there's a lot of things need
17 to be studied some more for us to make a reasonable
18 decision. Uh, so, what happens when... for example, the
19 Agricultural Commission issue or—or information, and
20 that bears to an issue that has compatibility between
21 other forms of agriculture, and—and, uh, this form,
22 goes beyond terpenes and odor, um...we're about to get
23 some recommendations on it, but we're asked to vote on
24 this today. Um, I really don't wanna be that person,
25 who, says 'yeah, you know, I knew they were missing

2 important information, but I voted for it anyway just
3 to get it off my plate.' That doesn't seem like the
4 proper way to do things. So I--I do have that deep and
5 abiding concern that we lack important information at
6 this point in time. Uh, that would make me think that
7 were I an applicant, I'd wanna delay my hearing and--
8 and, uh, and wait 'til these things came in front of
9 the Commission so they can make a more intelligent,
10 reasonable decision. But the applicants wanna go
11 forward, and this applicant wants to go forward. So,
12 okay, let's go forward. But, uh, for me that's going
13 forward, uh, knowing that some of these issues are as
14 yet unresolved. Lemme talk about some of those
15 issues.

16 Now I know that odor gets a lot of comment, and I
17 think justifiably so, uh, we should remember that our
18 ordinance has odor abatement plans for certain areas,
19 doesn't apply here. Uh, we know that we have, uh-uh,
20 certain areas within the County with our specific
21 plans that call for discussion of odor, that would be,
22 Santa Ynez, uh-uh-overlay? Uh, that's not here. But
23 that doesn't mean odor is not a consideration. Odor's
24 a consideration, you have general policies, uh, where
25 it bears on that, so, I don't think we can just say,

2 'we don't consider odor.' But I wanna, uh, touch on—on
3 other things.

4 One is that compatibility issue, I think frankly
5 that's a tougher issue than odor. But there's some
6 specific problems with this project that I see. And I
7 brought 'em up, uh, at the first hearing. There's...a—
8 tremendous clustering here. Clustering in the Santa
9 Ynez Valley, that this project represents along with
10 others. Right to the east is another applicant, for
11 cannabis. Right to the east of that, is another
12 applicant for cannabis. Right to the north, across
13 the highway is another applicant for cannabis, uh, you
14 can look at the whole Buellton to Lompoc corridor and
15 see that we have something like, is it 12 to 15
16 percent of the license applications for the whole
17 state are right there? Uh, but, right in this spot,
18 there's a—a real clustering. And, um, I think that's
19 a practical issue, that's important. But it goes
20 beyond that, because, right at that spot, 'cause it's
21 not just the Santa Ynez Valley, is what I called in
22 the first hearing, the imaginary gateway to the Santa
23 Ynez Valley. Because our Santa Ynez overlay the—the
24 boundary of it, is—is right there in between these two
25 projects we're hearing today. It's right there. And

2 as I said at the first hearing on this, if I close my
3 eyes and imagined as an old country lawyer what it
4 would look like, I'd see some poles, and some flowers,
5 and banners and saying, 'you are now at the western
6 gateway of the Santa Ynez Valley, and all it
7 represents.' And, it is there. Uh, I think that's
8 very important, because, I would not think that we
9 want, uh, that place to have a cluster of cannabis
10 projects around it. As somebody referred to it as the
11 'cannabis corridor' at the—at the first hearing. Now
12 let me get to the legal issues here.

13 I really appreciate uh, Mr. Klemman's uh,
14 comments today. I thought that, uh, but we have to
15 put them in the context of—of—of other things. One,
16 is that Mr. Klemman co-presented, uh, at length, and a
17 very well-organized presentation on October 2, that
18 addressed all of this at—uhhh—in more detail. Uh, and
19 he just sent us an email, which I think went up on our
20 website, and went to all Planning Commissioners, and
21 that was—I think it was Friday, uh—uh—uh, November 1,
22 that had a—a—a series of documents that were excellent
23 summaries of these issues that we're talking about,
24 where one could find them in the PEIR, and all that.
25 I—I really appreciate that. And, I—I think, uh, and

2 important point that Mr. Klemman has made and is
3 supported by all staff is that, you have these issues
4 on the PEIR, but don't forget, you have policies. In
5 the—under the, uh, um, uh, General Plan, that you
6 address as well as the PEIR. So, um, you know, it
7 doesn't all—all rest—rest in the PEIR.

8 Well, let's start with the PER [sic]. Just
9 because I appreciate and admire Mr. Klemman's work so
10 much, doesn't mean I have to agree with him. He knows
11 what I'm gonna say. [laughs] And, uh, frankly I don't
12 agree with him, that this issue of clustering in the
13 Santa Ynez Valley is, uh, um, handled in the PEIR. I
14 think there's sort of a reference there, to
15 concentration, and I—and I c—and I could make the same
16 argument that Mr. Klemman is making, I think it's a
17 close call. Okay? But when I get to clustering
18 around the gateway? It's totally devoid in the E-
19 PEIR. And, uh, as I see it, and I've looked, um, so I
20 think it's missing there. So, um, I-I th—I think we
21 do not have—er, rather, I—I think we have issues, uh,
22 in this project that are not addressed in the PEIR.
23 So that's an inadequate environmental review. But I
24 wanna go on.

25 Um, on the issue of, um, ah, whether this is a,

2 uh, truly an LUP or should be a CUP, uh, I'm not
3 really very well convinced by this uh-uh, argument
4 that they're gonna drive out to the west and go over
5 Drum Canyon and all its winding roads and so forth,
6 and come down there, and that's why it's-it's-it's not
7 an EDRN issue and not one where there's a CUP. If-if
8 I was to have to vote on that today, I'd say it should
9 a major CUP. Uh, but I kinda agree with what, uh, Ms.
10 Petrovich said at the last hearing, that, uh, really,
11 the LUP and CUP can be extensively conditioned, so
12 maybe it doesn't matter, although I think that with a
13 major CUP, we have that finding of compatibility in
14 all of 'em that's important.

15 Um, but I wanna move on to the policies. 'Cause,
16 uh-uh, I do agree with Mr. Klemman and the rest of the
17 staff that-that's what we need to do, uh, regardless
18 of how we come down on the PEIR. Um, here? The
19 policies that I think, uh, apply are-are visual
20 policies? And I also think that our-uh, our Ag
21 policies. Okay? Our Ag Element, that we promote
22 agriculture, and we enhance agriculture to make it
23 work. And I think that this project violates both of
24 those. Okay? Um, I think that this project is sited
25 there, possibly because it's in the Santa Rita Hills,

2 uh, but also because, frankly the Santa Ynez Valley
3 does not have the agricultural infrastructure that
4 they have in the Santa Maria Valley, and the Lompoc
5 Valley, so land rents are a lot cheaper. Um, and
6 that's great, but this is a--this is a very high value
7 crop, and it uh, makes me wonder, are we going through
8 all these gyrations so that a very high value crop can
9 be grown on what's probably the cheapest land in the
10 County other than--than the Cuyama Valley. Um, so I
11 think that this is a project that violates those--those
12 policies, so I can vote against it on policy grounds,
13 whether it was LUP or CUP, uh, to be blunt, I think
14 it's the wrong project in the wrong place. There's a
15 lot of places in the County where this project could
16 go, these are nice people, I'd like to encourage 'em
17 to go somewhere else. So I cannot support the
18 project, I can support granting the appeal, at the
19 proper motion I would grant the appeal and deny the
20 project. Normally, I like to work on projects on the
21 details, but I think this is just in the wrong place,
22 it's that simple. [pause]. Are you all stunned and
23 have nothing to say? [laughs]

24 [laughter]

25 LB: No. Are you kidding?

2 [laughter]

3 JP: There you go. You go-

4 LB: Laura's-

5 JP: -girl.

6 LB: -turn!

7 JP: Commissioner Bridley.

8 LB: [laughs] Thank you. So, the joke is, that I
9 joined the Planning Commission and I parachuted into
10 the smoke, fire, of cannabis, and I am, finding it
11 completely fascinating. I actually love all aspects
12 of it, I see uh, many sides of it. Um, this case,
13 definitely, uh, reminds me that I am not as up to
14 speed as Mr. Klemman, or Mr. Parke, or m-my other
15 Commissioners about many of the scientific issues and
16 all of the policies in the programmatic EIR. But I do
17 focus on process here. And I am just as frustrated as
18 Chairman Parke about our process. We are waiting for,
19 like, dying to get information from the Ag
20 Commissioner's office to help us mold how we function
21 here with these cases in front of us, and yet, that's
22 been delayed. And, they're doing good work, but we're
23 forced to take action on these cases. Um, I concur
24 with Commissioner Parke, I can't make the findings
25 primarily under the Agricultural Finding about

2 encouraging agriculture to, to thrive. Because, I'm
3 hearing--and, this is--I--you know, I can't find it in
4 the Development Standard, because all of the
5 checklists and everything that staff has done, line up
6 with the programmatic EIR. It's like a perfect, you
7 know, little tidy process, but it doesn't match the
8 reality that I see in the field, I smell, when I do
9 the site visits, I hear, from many, many people that
10 aren't even in this room. [laughs] So, as much as
11 the Board of Supervisors did a Class I override on
12 odor, I don't know if they would do the same thing
13 today. Based on the public outcry of--of what's
14 happened since we've started down this path. Um,
15 similarly, I concur with Commissioner Parke about
16 feeling rushed about this. I mean, I--again, if the Ag
17 Commissioner's office could come with some sort of,
18 MOU, between the different, you know, PACs that have
19 been formed, and, trying to solve this issue, it would
20 make it a lot easier, uh--for us. And what the Board is
21 looking to the Planning Commission to do, I believe,
22 is help them, come up with ordinance revisions to get
23 these things through the process without this insane
24 gerbil wheel we're on. I mean, the w--the wheel is,
25 people go by the law that's been approved, they p--they

2 file, they spend money, they get to the land use
3 permit, it's approved, it's appealed, we uh, struggle
4 with it, it's appealed to the Board of Supervisors. I
5 almost feel like we should have like a-[sniffs]-a e-
6 ticket ride gate pass straight to the Board? You
7 know, if we can't deal with it, just go to the Board.
8 I mean, it's kind of a joke. So, I ca-um, you know,
9 all that said, I'm-I'm frustrated because I wanna
10 support staff, I wanna support the good work that's
11 been done, mostly, but I really have concerns about
12 it. And, maybe that's my privilege because I came in
13 late to it. I didn't live through all the hearings
14 for the programmatic EIR, but I really have grave
15 concerns. And, my grave concerns aren't even
16 scientifically based on terpenes or anything, it is,
17 the cascade of economic impact to our existing
18 agricultural community in the Santa Ynez and the Santa
19 Maria, and the Lompoc Valley. Uh, you know, I'm a
20 little second district Commissioner in an urban area,
21 and there's probably gonna be a cannabis process I'll
22 look at in my district, but I really, have grown to
23 love and appreciate the districts of my other
24 Commissioners, because when I go up to Santa Ynez, or
25 when I visit Santa Maria, or I go to Lompoc, I don't

2 wanna have to roll up my windows and smell the stuff.
3 Frankly. And, if Class I override by the Board is
4 what they wanna stand on, and tell us that we have to
5 do that, then I will have to turn to the findings as
6 staff advised, and say that I can't make that finding
7 under, um, uh, the--the policy that--[laughs]--I took
8 off my glasses, sorry,...unt-lemme just include
9 that,...goal one under the Agricultural Element. So,
10 that's where I stand. I concur with Commissioner
11 Parke, and um, I would not be inclined to-

12 DB: Unt-

13 LB: -approve the project and actually instead
14 of-

15 DB: -unt-

16 LB: -uphold the appeal. Thank you.

17 JP: Thank you. And-and, Commissioner Blough?

18 DB: Yeah, this is a real dilemma for me. Um, I
19 was actually anticipating Commissioner Ferini making
20 some suggestion about, limita-limiting the acreage
21 they could grow cannabis on this parcel, we did that
22 with uh, the prior hearing, I think that's gonna end
23 up that way. Um, I could actually support that, only
24 because the Board put a limitation on the acreage in
25 the County. So they had some clue that they didn't

2 want to have all of the acreage that's wine grapes be
3 replaced by--by a cannabis growth. Uh,--[clears
4 throat]--so I--I'm disappointed that I didn't hear that
5 yet, 'cause I think that's gonna be the policy going
6 forward. And, I--I could support that going forward as
7 well, I mean, I--I get the idea that we don't want a
8 huge cluster of these g--these grows in a particular
9 area, but if you were to limit it to, ten, fifteen,
10 twenty--whatever the percentage was gonna be, then
11 you'd have other crops, you'd have other ag--you'd have
12 other landscape issues, you could have more open space
13 to whatever. Um, [clears throat] I have a problem in
14 putting off this applicant, waiting for other rules to
15 develop, 'cause I don't think--I don't find that fair.
16 It kind of reminds me of the parking requirements we
17 did for Old Orcutt and for Los Alamos. We changed the
18 parking regulations knowing that, if everybody in
19 Orcutt area or in Los Alamos built their commercial
20 building, that parking would be inadequate. But the
21 idea was, or the theory was, those that get there
22 first, and make a--a, uh, contribution to the community
23 would benefit by that reduction in the parking. Uh,
24 so, I--I get the fact that we--we need to get the Board
25 to reconsider that issue, maybe we do wanna have a

2 limitation on the percentage that a parcel could have
3 for, for uh, ca-cannabis growth, idea being that that
4 would stop the concentration that maybe you're
5 concerned with. Maybe that won't do it, I think it
6 might. I don't have a problem with the CUP or the
7 LUP, because I think we have the ability to have the
8 same conditions, so what's the difference. I mean,
9 and LUP was at the Director level, or, Zoning
10 Administrator level, and, the opportunity is for the
11 appellant is to, is to kick it upstairs to this
12 Commission, so we have the same ability to-to
13 condition it. Um. For me, I would go ahead and support
14 this project, and probably do the same thing with Busy
15 Bee, uh, going forward, if you wanna put the staff on
16 notice and put the community on notice that, it's not
17 likely to continue that way? I get that. At least we
18 don't have people spending hundreds of thousands of
19 dollars, thinking they're doing everything they need
20 to do, to comply with the ordinance and the
21 regulations and the staff requirements, and come to
22 find out, 'meh, we made a mistake, we didn't have the
23 rules right, and so, we're gonna put you on for six
24 months or a year, or, whatever it takes to amend the
25 ordinance.' Uh...I'm-I'm convinced that this is gonna

2 go to the Board either way, so I'm not sure it makes
3 much difference what the hell we do here today. I
4 mean, I think the appellant's gonna appeal it if we
5 deny the appeal and I think the applicant's gonna take
6 it forward to appeal to the Board. And maybe they can
7 sort that out. But, for me, I think we have to, I
8 have to take staff's recommendations and I have to
9 support the project, I don't have problems putting
10 other conditions on there, like limiting the size of
11 the growth, or, or, if you have other ones that-that
12 you might think would--[clears throat]--would help
13 approve this project. Uh, I-I agree with you that the
14 terpenes cause me some great concern, but I don't
15 think approving this project, or a few projects,
16 before we address that issue, is gonna have the a-
17 adverse affect. I do agree that if you were to-to
18 have all seventeen hundred acres, and concentration
19 next to, uh, grape vineyards' growth, that could be a
20 problem. But that's not the p-that's not the issue
21 we're solving here today. We're talking about a
22 thirty-acre parcel that's sitting over here. And-and,
23 you know, I can say-I can deal with your visual
24 things, I-I-I could do more landscaping, I could do
25 some other things to-to get it approved, but I can't

2 see turning it down because we didn't study, and
3 create the ordinance correctly. That's just not fair
4 to the constituents or to the--to the applicant to do
5 that.

6 JP: Commissioner Ferini.

7 LF: Okay. So. I think there's a project here.
8 I think it has to be heavily conditioned. And, the--
9 the problem is, once we do heavily condition the
10 project, will it still s--protect the neighbors. And
11 will it still--will it have the ability to, um, hold
12 any economic damage to the neighbors. Uh, if we use
13 Busy Bee as a comparison, that--that project is going
14 to be highly buffered, it has a lot of existing, uh,
15 plants in place to help, um, filter the odors, we
16 hope. Um. So I can see doing something like this
17 here. Um. Uh, Mr. Chytilo, this'll be two meetings
18 in a row that you and I are gonna agree on something.
19 And um, uh, I--I questioned you earlier on the criteria
20 by which you came up with--with your recommendation on
21 that percentage, and so that would be one of my
22 recommendations to incorporated that in, um, to a
23 condition for this project. Um, a highly buffered,
24 and--and highly landscaped--not just for screening, I
25 keep hearing a lot of screening, but--but I'm looking

2 for uh, proposals, probably from the applicant, on-on
3 different crops that they can incorporate in to-to
4 break up the, uh, concentration of the odor emissions
5 and the terpene emissions. And, um, I'm still gonna
6 stand by that and I thi-M-Mr. Cooney may-made the most
7 pointed discussion on it. This is not an odor issue,
8 this is a chemical issue. And um, it's-it's how do we
9 look at those chemicals that the plant does produce,
10 um, I-I think it was commonly identified as an odor,
11 and I-I think that's too innocuous for what's really
12 goin' on here. So I-I do agree with you, I think
13 there-I think there's a project there, uh, y-you'll
14 still have to be able to count to three, I don't like
15 going into Commissioner Parke's district, and tellin'
16 him, 'we're gonna do something there.' Uh, I-I really
17 don't like doin' that. So, first we'd have count to
18 three, see if it's worth time.

19 DB: Great. I had-I had one more co-

20 JP: Commissioner Blough.

21 DB: --I have one more comment I wanna make too,
22 um, this issue of the migration of the drift? Uh, f-
23 for me, it's uh, [laughs] and I-I have two lawyers
24 sitting here to my right, so we'll let them comment
25 when I get done, but um, I-I get...I-I live in Santa

2 Maria. You wanna talk about migration? How 'bout
3 just the dirt and the dust? I mean, when the wind
4 blows and the farmers—and they're in the—all in the
5 west end of the—of the city, I mean, I'm sure I'm
6 getting terpentines [sic] and every other damn thing
7 you guys put in the dirt or on your crops. But uh, so
8 I—so I don't think you can...I—I mean, if the—if it...if
9 the grower put the chemicals on his crop correctly,
10 and they fall to the ground and the wind comes up, and
11 it blows 'em around? You know, if you're tellin' me
12 that's not illegal, and there's no...I—I don't see where
13 they would have any liability. Now, if I'm a cannabis
14 grower, I could have put it in a greenhouse, and I
15 think would have not had that problem with the
16 contamination. So I'm not concerned about the cannabis
17 grower for what's called the 'migration' from the
18 wind. I mean, if you put it on there legally, and
19 the—Mother Nature decided to lift it up and move it,
20 apparently that's okay, 'cause you're allowed to put
21 those chemicals on your crop. Uh, but it's—I guess
22 we're looking to you see if we can't change your mind
23 by conditioning this properly, and we'd be doing a
24 limitation to the size of the crop and give 'em their
25 project.

2 JP: Personally, I-I had to come to the
3 conclusion that I've been telling my, uh, wine
4 industry people that, we really can't do what some of
5 them wanna do and that is deny every project. But, I
6 don't think we have to accept every project either.
7 In any form. So, we can vote yes, and no, on all of
8 'em. Um, I'm gonna make a motion, but, uh, I think I
9 wanna hear from Mr. Cooney first, 'cause that'll-might
10 save us some time as to which camp he's in today, and
11 that'll help determine what motion to make. You like
12 that responsibility?

13 CMC: I-I liked serving on the Planning
14 Commission until about two months ago, and uh-

15 LB: [laughs]

16 [laughter]

17 CMC: -so, in terms of a-a-applying uh, my
18 experience and education as a lawyer to this case, um,
19 I really feel constrained, and I think I was
20 expressing the frustration, um, that I'm feeling about
21 this project, uh, because, as Ms. Ash skillfully
22 pointed out, there are many things here that uh, or,
23 not here, that we see in other, uh, proposed projects,
24 such as hoopouses, which is, you know, is a--is a
25 problem, uh, we were told, in another project, uh,

2 hoophouses are a good thing, and—and help the crop,
3 and help the odor, even, be contained—there are no
4 hoophouses here, it's flat ground, it's um, it doesn't
5 present, uh, a lot of the concerns that I've seen with
6 other projects, so, um, I think on the legal
7 landscape, we're facing today, uh, we don't have the
8 ability to condition this project further to make it
9 palatable, um, if the applicant were to suggest, uh,
10 were to suggest changes that, um, fit more evenly into
11 sharing the available acreage, um, we could certainly
12 support the project right now. We wouldn't have to
13 wait, uh, for another appeal or a court, uh, decision
14 to come to the same place. But, I don't think we have
15 that option in the absence of the, uh, applicant's,
16 um, participation. So I'm not gonna suggest
17 conditions. If—if they were proposed, and the
18 applicant agreed, I totally would think that's a
19 better result than either flat denial, or, uh, flat
20 approval. Um, and I sense that, at least
21 Commissioners Blough and Ferini would go in that
22 direction as well. But I don't feel, um, legally,
23 without the consent, if the applicant says to us, 'up
24 or down,' um, I would vote in favor of approval of the
25 project simply because I don't have the legal basis to

2 deny it. Um, based on these facts. So, I think we
3 can agree on, uh, on differing opinions here on the
4 Commission as to what we have the legal right to do,
5 um, I do not think we're doing the right thing by
6 approving this project, but they are first in line,
7 that's the process that the Board set up, um, you
8 know, we faced the same situation in Carpinteria, and
9 thank goodness, we had the ability to condition the
10 project in a way that—that made, uh, G&K palatable,
11 um, at least under the law. So I don't see the
12 opportunity here for denial. Um. I—I would prefer
13 that it was, uh, substantially conditioned as has been
14 suggested.

15 [pause]

16 JP: First, I wanna address Mr. Blough's question
17 to the lawyers, get that out of the way. Um,
18 yesterday I thought I'd spend all day, sort of a
19 cannabis-free day, instead I wound up on the cell
20 phone for hours and hours as I stood in the field
21 watching sheep graze. Uh, talking to, uh, people that
22 had been involved in an incident that you'll hear more
23 about tomorrow, uh, wherein the cannabis grower was
24 upset by the broccoli grower's application of Round-Up
25 on their road, and then the letter goes out to the

2 applicator, you know, on a truck and trailer,
3 spraying, to stop, and then, they stop, and then of
4 course the crew that was employed by a labor
5 contractor is pulled off the job, and then, the uh,
6 cooler doesn't get the crop, it's sort of a-a chain
7 effect, uh, but, the point is, people don't wanna call
8 their lawyers and hear, oh yeah, I think that we can
9 win. It'll take you \$300,000 and three years and
10 we'll prove the point. You know, they kinda have to
11 act on what's happening right now. So, when-when-when
12 complaints are registered, uh, it-it-it will stop the
13 process sometimes. I mean, the agricultural process.
14 So it-it-it's a complicated thing. But let's move
15 beyond that. It's not real clear to me what the
16 direction is here, of-of-of the Commission, whether we
17 got votes for denial, votes for a project with
18 conditions, or votes for something. Um, I could accept
19 approval with very heavy conditions if there is no
20 denial, but I will move for denial first just to test
21 the waters. So I m-I move that we, um, uh, continue
22 this matter to staff with the instruction to prepare
23 findings uh, for, uh, approval of the appeal, or
24 granting of the appeal and denial of the project. Is
25 there a second. Commi-Mr. Wilson.

2 UM: Chair Parke, just um-[clears throat]-if we
3 could add a date for that motion, if you'd want to,
4 and that would be December 4th.

5 JP: Okay, that's fine, let's add that to the
6 motion.

7 LB: I'll second that motion.

8 JP: All right. We need any further deliberations
9 on that?

10 [pause]

11 JP: Mr. Villalobos, will you conduct a roll-call
12 vote:

13 DV: Commissioner Bridley?

14 LB: Aye.

15 DV: Commissioner Cooney?

16 CMC: No.

17 DV: Commissioner Blough?

18 DB: No.

19 DV: Commissioner Ferini?

20 LF: No.

21 DV: Chair Parke?

22 JP: Aye.

23 DV: Motion fails, two to three.

24 JP: Okay. So I would invite one of the 'no'
25 votes to, uh, um, come up with a motion, if you can't,

2 then I will, but I'd rather that one of you do it. Uh,
3 for what, uh, y-you would like to see. D-do you need a
4 short break to do that? Or do you wanna do that right
5 now?

6 DB: U-um, I-I just need a sh-I just need a quick
7 moment with Commissioner C-uh, Ferini.

8 JP: 'Kay, we'll have a-

9 UF: Mr. Chair, Commissioners, I'd recommend that
10 this would be done on the record. Not...

11 [laughter]

12 JP: I'm listening to you. As always. You-
13 [laughs]-okay-[laughs]. So, uh, go ahead, Commissioner
14 Blough.

15 DB: Uh, I'll make a-a motion to go ahead and
16 approve the project with the new limitation that, the
17 project is limited to thirty-percent acreage to be
18 planted in uh, in cannabis. The other seventy percent
19 needs to be, the house, other-other crops, uh, that
20 sort of thing. Which I think is gonna be consistent
21 with what we'll be doing with Busy Bee.

22 [pause]

23 JP: Commissioner Ferini?

24 LF: The other thing I would add to your motion,
25 is-is, uh, a more robust, uh, group of plantings,

2 of...not just screen plants, but to-to break up the path
3 of the smell.

4 DB: So, give me some idea of how many more trees
5 that is.

6 LF: Well, it's not-it-yes. It's-it's a-I can't
7 give it to you right now, I don't-I don't-what we saw
8 at Rotman's was, you know, there's--there's hedges,
9 there's--there's other, aromatics growing there. So
10 that-you know, there's a portfolio of different plants
11 and different heights. So it's not just a big, tall
12 mass of trees, right? So, it-it gets smaller as you
13 go-

14 DB: Okay, then-then I'm-

15 LF: -in them.

16 DB: -I think what I wanna do then, as I'm gonna
17 make a motion for a continuance to December 4th, uh,
18 with instructions for staff to add limitations that
19 are appropriate for additional landscape screening and
20 plants to sequester the-the terpenes, and, uh, a
21 thirty-percent limitation on the amount of the, uh,...a-
22 the amount of the uh, property that could be used for
23 cannabis. And this would also give the applicant to-
24 [clears throat]-you know, decide whether or not they
25 want to provide us with the landscape enhancements

2 that we're asking about, agreeing to the thirty
3 percent, or we can uphold the appeal a-at the next
4 hearing, and they can make the appeal to the Board.
5 [clears throat]. I--does that work?

6 UF: M-M-Mr. Chair, members of the Commission,
7 if-I would like the opportunity to try and craft
8 something over lunch, and see if it's acceptable to
9 you, and if it is, then we can move forward on a vote
10 on it, if it's not--

11 DB: We can--we can do that i-if you--that would be
12 fine, and we'll make a continuance until after lunch.

13 UF: Excellent.

14 [laughter]

15 LF: Okay, so, second--

16 DB: Second that? Okay. So we won't--

17 UM: Unt--

18 DB: --so we won't vote on it until you come back
19 and tell us whether or not we've got consensus from
20 the uh, applicant. [clears throat]

21 JP: And, do we have other comments? From uh,
22 Commissioner Cooney or Commissioner Bridley? I have
23 one.

24 [pause]

25 CMC: Um...I'm not sure if the Chair's recognized

2 me or ignoring me, but uh--

3 JP: I did, I just called on you.

4 CMC: Oh--oh, I didn't hear the--

5 JP: Yeah.

6 CMC: --the, uh, call.

7 JP: I just asked if you had a comment, so...

8 CMC: We're getting testy up here, this is uh--

9 JP: No--no--no.

10 CMC: [clears throat]

11 JP: I'm getting hungry, not--

12 CMC: --this is--

13 JP: --testy.

14 CMC: --difficult. Um,...I-I-as I stated, I would
15 much prefer to have this project go forward with
16 conditions, um, I'm--I'm not sure we have the basis for
17 it, but, uh, but I would love to entice the, um, the
18 applicants to agree to reasonable conditions, and,
19 take their project forward with--with, uh, support of
20 the Commission. However, if they, um, if they prefer
21 a--a flat denial, um, I'll add my vote to those denying
22 the project on whatever day we continue this to, or,
23 if we solve it today.

24 JP: We're gonna take a brunch--a brunch, yeah--
25 it's a--a lunch, soon, but first I'm gonna comment on

2 something. Um, I don't want to, um,...condition this
3 project in ways that are much more gentle and light
4 than what we spoke about, for Busy Bee, and that we're
5 gonna speak about tomorrow. And, one of those, f-for
6 example, that's missing in the motion, was, uh, uh,
7 obligating the applicant to do what the applicant says
8 the applicant's gonna do, and not do drying on site.
9 "Cause that'll make a bigger difference on odor than
10 anything else. And we're requiring that of Busy Bee,
11 and I don't see why we would not require that of this
12 as well. And, one thing we'll be looking at, uh,
13 tomorrow, and you saw it in the staff memo that's been
14 sent out, was that there be a, uh, a-a-a two-year
15 duration to the LUP, for Busy Bee, um, but staff, uh,
16 with my discussion with them, by the way, a-at length,
17 has come up with an even better way of doing it, a-a
18 two-year review, and I would expect all that, and this
19 as well before I could support it. So I-I don't know
20 why you would heavily condition Busy Bee but not this
21 one. S-so. There you go. You can think about that
22 all at lunch, uh, do we need to discuss any further
23 right now, or we discuss it after lunch?

24 DB: Well, I think I can help you with that. I'm
25 not gonna make that part of my motion and I'm not

2 gonna support that for Busy Bee either. And I don't
3 think they're going to, uh, agree to that, um, as I
4 understand it. I mean, I-I-there's no way I'm
5 spending a hundred thousand dollars for going through
6 the process, to find out that I gotta do it all over
7 again two years from now. And that's what you're
8 asking them to do. Once we have their approval, if
9 they don't—if they comply with all the conditions that
10 we set forward, and they operate as they should, they
11 should be allowed to continue. If they don't operate
12 with the conditions that we set, we revoke their
13 permit, and, they can stop operations. But, I'm not—
14 I'm not agreeing to bring 'em back here in a two-year
15 period of time.

16 JP: Unt—

17 DB: And the staff can monitor the conditions all
18 they want to, they don't need our—they don't need 'em
19 to come back, or do that, they—that's their obligation
20 to do that.

21 JP: It's not a matter of compliance with
22 conditions, it's a matter of do we know what we're
23 doing when we approve these, not knowing about the
24 effects of this kind of agriculture on other forms of
25 agriculture. But, we'll—what am I listening to?

2 Throw it outside. Um, but we'll debate that after
3 lunch.

4 UM: What time are we coming back?

5 JP: We're gonna come back at uh, one-thirty.

6

7 [Audio cuts out at recording mark 3:29:53.8]

8 [Audio resumes at recording mark 4:56:58.4]

9

[Background Noise]

10 JP: Tell us what you've got, what you've been
11 doing.

12 UM: Chair Parke, uh, members of the Commission,
13 thank you for allowing us a little extra time to, uh,
14 make some additional revisions. So I'm gonna turn it
15 over to Mr. Klemman to walk through the, uh,
16 conditions that we've drafted over the break.

17 UM: Yeah, Chair Parke and Commissioners, uh,
18 pursuant to the direction that's been provided so far,
19 is, um, what we did is try to take a crack at, um,
20 revising condition number 7 of the land use permit,
21 which is, the condition that set for the landscape
22 plan and screening plan requirements? And then we
23 added a new condition, number 27. So, taking the
24 first, um,...

25 UM: Unt-

2 UM: -sorry, excuse me. Um, so, uh, the revisions
3 are shown in underscore bold font, and as you can see,
4 um, what we have added to the beginning of the
5 condition, is to clarify that um, the, uh, the
6 landscape plan that was already stamped 'zoning
7 approved,' um, would be revised pursuant to, um, the
8 additional requirements as to the condition of
9 approval. And those additional requirements are set
10 forth below under subsection A, under 'Timing.' And,
11 uh, since—while they're getting it up on the screen,
12 I'll just read it, I guess, for the record. And, the
13 additional language is, 'prior to the issuance of this
14 land use permit, the l-applicant shall revise the
15 landscaping plan to include additional plantings
16 within 30 feet of the subject property line, to buffer
17 the subject property from surrounding agricultural
18 properties. The plantings shall include a mix of
19 native and non-invasive drought tolerant trees and
20 shrubs'...and there should be—actually, we should delete
21 that second "trees," [laughs] in there, um, 'such as,
22 mint, lavender, oak trees, and olive trees. Prior to
23 issuance of this land use permit, the applicant shall
24 submit a revised landscape plan that includes the
25 additional plantings.' So, for the record, obviously,

2 we wanna strike that second "trees," that was a typo.
3 Um, and then turning to the back of the page, um, the
4 new Condition 27, um, this would limit the cultivation
5 area to thirty percent of the property site—pro—thirty
6 percent of the subject property size, and it says,
7 'the amount of outdoor cannabis cultivation set forth
8 in Condition number 1 of this land use permit shall be
9 reduced to 12.75 acres, the outdoor cannabis
10 cultivation area shall be located within the central
11 portion of the lot in order to locate the outdoor
12 cannabis cultivation area as far as possible from
13 surrounding agricultural properties. Timing: prior to
14 the issuance of this land use permit, the applicant
15 shall submit a revised site plan that identifies the
16 location of the 12.75 acre outdoor cultivation area.'
17 And then we have a monitoring compl—uh, component to
18 that. And I'll read that into the record. So once
19 again, this is uh, intended to capture, um, what was
20 discussed before the lunch break, I'm more than happy
21 to revise these or answer any questions you may have
22 with regard to them.

23 JP: Commissioner Ferini?

24 LF: So, thank you Mr. Klemman, I think you
25 captured it very well. Um, no good deed goes

2 unpunished. Uh,...i-in the Busy Bee, uh, report we got
3 yesterday? That has the Director review clause in it?
4 And um,...so that would—I would like to see that
5 incorporated in, too, with everyone else's agreement.

6 [pause]

7 LF: So that's possible, if I...if they agree, unt-

8 DB: Do—do we run them by the applicant? Did you
9 see that? Probably not. Um...

10 UF: M-

11 [pause]

12 LF: Time out.

13 UF: Well, Mr. Chair, um, Commissioner Ferini, we
14 haven't really presented any of that information to
15 the public yet, but now that you're asking the
16 question—I mean, it's released, but, we haven't—

17 LF: Yeah.

18 UF: -talked about it today. There's two con—two
19 options that are, uh, available for the Busy Bee
20 application, and one is, uh, possible two-year review
21 about the effectiveness of s-specific conditions, one
22 regarding odor, and—with respect to Busy Bee, and the
23 other, regarding , um, impacts to adjacent
24 agriculture—or between—conflicts between the
25 agriculture. I al—and that would be a two-year

2 review, by the Director, to check the efficacy of the
3 conditions, and then then tweak the conditions if
4 necessary. The alternative to that, is, that there
5 are sections in the, uh, business license ordinance,
6 Chapter 50, that I think give us the power to be able
7 to, check in on those conditions on an annual basis?
8 So that we—we don't necessarily have to have a
9 condition of approval that we attach to each project?
10 But that we would rely on those sections that, uh,
11 discuss the annual renewal of the business license,
12 and the revocation of a business license. And in that
13 memorandum, staff cited those sections that talk
14 about, um, you know, you can, um, I m—I m—I might get
15 it wrong here, but, there—if you're creating a
16 nuisance? If-if the project or the grow is creating a
17 nuisance? Then there is--there are grounds for
18 revocation or non-renewal. If there's impacts to the
19 general welfare of the employees or the public? Then
20 there are grounds for similar action. So, those are
21 in-in conversations with the CEO's office, are broad
22 enough, that it allows us to go back and look at these
23 conditions of approval to make sure that they're
24 effective.

25 LF: That sounds great. And when you say 'us,'

2 just to clarify, does that mean-

3 UF: That-

4 LF: -you as the Director of P and D have an
5 input on the business licensing?

6 UF: Correct. Correct.

7 LF: Okay, I-

8 UF: So, when somebody comes back for an-

9 JP: But we don't-

10 UF: -annual renewal. The Planning Commission
11 doesn't, but the Department has input into that and we
12 are required to be [audio blip] -ing and doing
13 compliance work. Once permits are issued. So, I
14 think-I think there is-you-there are regulations in
15 place that will allow for a similar review? So I
16 wanted to put that as an option for the Planning
17 Commission to consider.

18 JP: And that's a decision made by, not the
19 Planning Department or the Planning Commission, it's
20 made by-

21 UF: By the CEO's office.

22 JP: -by the CEO's office.

23 UF: That's correct.

24 JP: So it's-it's different. And there are other
25 alternatives as well. We propose. But it's a good-

2 DB: Good. That's--

3 JP: -an interesting point.

4 DB: -unt.

5 LF: Go ahead, Dan.

6 JP: Oh.

7 DB: Well, I-I was just gonna comment that, um--

8 JP: Commissioner Ferini. I mean--no.

9 Commissioner Blough.

10 DB: Given that--given that information, I don't
11 think we need any other, conditioning for this
12 particular project. I know that Commissioner Parke had
13 talked about, um, having the Planning Commission
14 review. I don't have a problem with us doing a
15 review, but I have a problem with any language in the
16 conditions that talk about, modifying the conditions.
17 As far as I'm concerned, you have a--a method towards -
18 if there is obnoxious, or, damaging conditions that
19 apply, you have a way to revoke their license, that's
20 good enough for me. If you wanna have a s--if you
21 wanna have them come back,--[clears throat] -to where
22 they prove up that they, uh, did the--they complied to
23 the conditions that we set, I don't have a problem
24 with that. I think it's kind of unnecessary, but, as
25 long as there's no cost to the applicant, I don't

2 care. Because the al-reality is, if there's something
3 that they're not complying with, on the conditions we
4 set here, you have the ability to issue a notice, and,
5 and revoke their PD permit if it's not-if it's not
6 cured. [clears throat] So, with that, I think, my
7 motion is set, we-do we need to do anything with uh,
8 the appellant or the applicant at this point?

9 [pause]

10 UM: Chair Parke, members of the Commission, if
11 you would like to have the applicant address these
12 conditions, that would be fine, within your discretion
13 to do that. Um, and then, for the motion, um,-
14 [clears throat] -just to revise the motion to indicate
15 that the last recommended action to-if you're gonna-if
16 the motion is to approve the project, then it would be
17 with the conditions as revised today. Um, or with the
18 revised Condition number 7 and number...

19 DB: Twenty-seven.

20 UM: Twenty-seven.

21 DB: [aside] Do you want to invite the applicant
22 up, or do you...?

23 JP: No. I'm not going to invite the applicant
24 up unless we open it up to the appellant and other
25 public comment, I mean, it's-it's kinda silly to ask

2 just one side to say something.

3 DB: So-well-c-

4 JP: I-If you wanna do that, we-

5 DB: [clears throat]

6 JP: -we can go ahead and do it.

7 DB: I guess w-what my concern is, is that,
8 typically, if there's a change in the conditions, of-
9 and, the-and neither one of 'em knew about 'em before,
10 now they should both be able to comment on them, I
11 think, I just-like to hear. I don't know.

12 UF: Mr. Chair, Commissioners, it's up to the
13 discretion of the Chair. I think that you could open
14 it up to the applicant and the appellant without
15 requiring public testimony.

16 JP: Okay. Five minutes each. Go. [pause]
17 Appellant first, then applicant.

18 [pause]

19 MC: [in background] With all due respect your
20 honor- [laughs] -uh, Mr. Chair, I think we'd like to
21 hear the applicant before the appellant, because, s-
22 since we're-if they're accepting it-

23 JP: Okay, good.

24 MC: -it's a different thing that unt-

25 JP: Good. Sit down. Applicant.

2 DB: [clears throat]

3 [pause]

4 UM: Uh, thank you Chair Parke and members of the
5 Committee—Commission, rather-um, so, w-like you, we
6 feel a little bit rushed, we left—we went to lunch,
7 and um, you know, we support the, uh, the condition
8 for the uh, thirty-foot setback around the perimeter?
9 And, uh, that's been added as a condition to the land
10 use permit. Um, you know, we did have a chance to
11 look at some of the economics, uh, of shrinking the
12 um, the cultivation area to the thirty-percent? Um,
13 it's a relatively high fixed-cost operation, um, you
14 know, we have uh, security and fencing, perimeter, and
15 uh, the lease, um, and so, we were hoping, um, you
16 know, to propose a slightly larger area than the
17 thirty percent? Um,...and just, you know, ask the
18 Commission if they'd be willing to, uh, nudge that
19 number from, you know, thirty to fifty percent.
20 We..we-we feel that um, you know, if you approve this,
21 then, you know, we have a viable entity, viable
22 business. And, uh, you know, you're putting us at a,
23 you know, slight disadvantage with the, uh, the yield
24 that we would need to overcome those fixed costs, so.
25 So we're—we're simply asking if you would consider

2 nudging that number from thirty to-to fifty percent.

3 JP: Stay at the podium, I'm gonna recognize
4 Commissioner Blough.

5 DB: Yeah, thank you. Um, i-it's a bit
6 problematic for me, I-I don't think I've got the three
7 votes here, to-to do that. And I'll tell you how I
8 came up with the thirty percent. Uh, that's about
9 what Busy Bee is gonna be conditioned to do,--

10 UM: Mm-hmm.

11 DB: -and I've talked to two other operators that
12 are coming before us in the near future, and both of
13 'em are doing that same thing. And, quite frankly,
14 what I think may happen, uh, to-and, what-the Board
15 will have to decide this, but, I think we're gonna
16 have to cure this issue of the cumulative impact of,
17 of having a whole bunch of these operations together.
18 And-and the concern is, if everybody th-has thirty
19 percent of their parcel in cultivation, that means
20 we've got seventy percent that's not in cannabis
21 production, and I'm hoping that helps to solve the
22 odor problem, and maybe the terpene problem. It-it may
23 not, but I think it's a good start for now, um, and at
24 least I think we, you know, we kinda listened to the-
25 to the vineyard gr-growers, and I think we're doing

2 it, so I think we're gonna stick with the thirty
3 percent.

4 UM: Okay.

5 DB: Okay?

6 UM: 'Kay, thank you, that--I--at lunch we--we were
7 questioning the--the arbitrary nature of the unt--

8 DB: It--it wasn't arbitrary. I'm--I--we--we've got
9 some precedent here--

10 UM: Sure.

11 DB: --so I'm gonna rely upon that, it's kinda
12 like, be fair to the last one, and the next one that's
13 coming up, 'cause they're gonna be in that same--

14 UM: Sure.

15 DB: --boat. And they volunteered it.

16 UM: I understand that now that you explained it,
17 so,--

18 DB: Okay. Thanks.

19 UM: --thank you for..

20 JP: Thank you, Mr. Harris. Mr. Chytilo?

21 MC: Thank you, Mr. Chair, um, we do not like the
22 proposed conditions, and we would ask that your staff
23 reject the motion and deny the project. Um, it uh-
24 fails to address the substantive issues that are
25 before you. There's significant ev--there's--there's

2 substantial evidence in the record of a potentially
3 significant effect, that was not covered in the EIR,
4 that's based on new information, that this project is
5 going to adversely affect agricultural viability on
6 adjacent and surrounding parcels. You heard from, uh,
7 Tyler Thomas [phonetic] with respect to, their
8 evidence of terpene contamination from an adjacent
9 grow, um, you've seen the windrose data that shows
10 that the wind is gonna blow from this site directly
11 onto the Pence vineyard and others. Uh, and um, the
12 agricultural viability issue I think has really been
13 one of the core issues that your Commission has been
14 wrestling with here. And, this doesn't solve any of
15 that. There is no, um, there's no evidence that it
16 does, and, you still have the CEQA issue that has to
17 be overcome. You can't just brush that away. You've
18 gotta deal with it. Um, and I—obviously I disagree
19 with staff on this, but, it's very clear that under
20 15162, when there is signifi-when there is new
21 information of a significant new-new impact that could
22 not have been detected or known at the time that the
23 EIR was adopted. And that's what this terpene
24 contamination issue is. It was developed because of
25 an illegal grow that was adjacent to a winery that

2 caused contamination of the grapes. That's the new
3 information that opened this whole issue up. And
4 there's no way that, if you give thirty percent to
5 each of these growers out here, that you're going to
6 avoid that significant impact to the existing vineyard
7 industry. I also object to the reference to Busy Bee,
8 first of all, we have not--ev--none of us have seen
9 that, the--the information that you have, and that's a
10 hearing for tomorrow. So I don't think it's
11 appropriate to predispose that that is a standard that
12 should be applied, but remember, that Busy Bee, they
13 had mature landscaping. That was a very, very
14 different circumstance. They had a regenerative
15 agricultural program, where, they as farmers on the
16 ground, had committed to substantially improving that--
17 that land, and had accomplished that to date. I--and--I
18 think your Commission recognized the significance of
19 that.

20 This is a leased operation, with a five-year
21 business plan. And I don't think that it's
22 appropriate in any way to reference back to Busy Bee
23 as being an appropriate, um, uh, model for this. Uh,
24 this--these two conditions fail to address, uh, the
25 issue of the adequacy of the alternative--er, the

2 transportation demand management plan, we're gonna
3 have 55 people on site, during harvest periods, um,
4 jostling for, potentially 13 parking spaces, uh,
5 inside the fence. Um, it does not identi—it doesn't
6 meet what the EIR said you still needed to be doing.
7 And I think that it's important for your Commission to
8 give—since this is the first case, in this Ag II aread
9 outside of the Santa Ynez, uh, Community Plan area.
10 It's important that you do set a standard that's gonna
11 be an appropriate one for other projects coming
12 forward. So I—while I can appreciate, um, the desire
13 to get to a solution, I think we're all, um,
14 challenged by late-breaking data, we don't—I mean, I—
15 how are we really supposed to analyze this, and how
16 are you supposed to know that taking it to this
17 acreage and with this additional condition, you can
18 sustain the findings that are required to be made in
19 order to—to address these issues. So, um, we would
20 not support these changes, and—and the proposed motion
21 and ask that the project instead be denied.
22 Alternatively, that it be sent back for a conditional
23 use permit, so that there's a pro—with the—a negative
24 declaration or environmental review, so that these
25 substantive environmental issues can actually be

2 developed. I mean, right now, we are just shootin' in
3 the dark with respect to comin' up with solutions like
4 this to problems that really have not been fully
5 qualified. Thank you Mr. Chair.

6 JP: All right, now we're in deliberations on
7 this motion. Anyone want to start? Or shall I start?
8 Anyone else is lighting up? I'll light it up. Uh, it
9 is astonishing to me, that we would accept the
10 representations from this applicant that no, we won't
11 dry on site, we're gonna change how we do things, and
12 not require that as a condition. Is it a condition?
13 I haven't seen it yet, it wasn't one spoken of by
14 either of these-

15 UF: M-M-

16 JP: -gentlemen.

17 UF: -Mis-Mr. Chair,--

18 JP: You might make-

19 UF: -it is-

20 JP: -it one.

21 UF: -it is in the project description, which is
22 the first condition, of approval, and so they're bound
23 by what is in their project description. [clears
24 throat]

25 JP: So be it. Uh, I-I think with-this is still-

2 we're not considering as-as heavy of conditions on
3 this as we looked at on-on Busy Bee. And, yet it's s-
4 not nearly as good a project, so, I-I-I cannot support
5 this. And I'm-I'm-I'm still mortified that we are
6 rushing to approve projects when we know so little
7 about certain important subjects. And-a-we're-we're
8 not even gonna find out what the Agricultural
9 Commissioner has to say for their recommendations
10 which may be any day now. So I won't support it.

11 JP: Commissioner Cooney.

12 CMC: Uh, Mr. Chair, I-[sighs]-certainly agree
13 that we can all come to different conclusions on this
14 same project, particularly on the timing. You know,
15 it would be ideal if we had, a couple of years of
16 experience, um, not only in the North County but in
17 the-in the South County as well. We'd be much better
18 at judging what the potential danger, what the
19 potential benefit is of-of these um, various projects.
20 What we do know, right now, is that there's a gold
21 rush going on for available property, to uh, be first
22 in the door. To compete for the acreage limits. So,
23 unless we're gonna issue a moratorium and-and stop
24 everything in its tracks, I think we need to, refer
25 this to the Board of Supervisors and let them make the

2 legislative decision that um, that a majority of them
3 agree on. Um, now how's the best way to send it to
4 the Board? Uh, straight denial? Um, straight
5 approval? Or, at least making an attempt to
6 incorporate in the project some of the concerns we've
7 expressed with solutions. It may not be agreed upon
8 there. But at least it is a start. And, uh, I was—I
9 was uh, I felt compelled to approve the project
10 because they have been playing by the rules that we
11 have, and I don't wanna make up something to say they
12 violated it. That's—that's just a...an opinion of mine,
13 that um, that they were entitled to, um, approval and
14 denial, albeit appealed to the Board, would be uh, the
15 wrong message to send, so. I like anything we can do
16 to reduce the scope of the project. And uh, and I
17 think Commissioner Blough with his experience, and—and
18 uh, weighing the various issues involved here has come
19 up with something that's better, than either a
20 straight approval or a straight denial, so I—I'm
21 prepared to support his motion.

22 JP: Anyone else wanna comment before we vote?

23 Commissioner—

24 LB: Um...

25 JP: -Bridley?

2 LB: I am a little surprised that this is where
3 I'm gonna come down, but I'm probably not gonna
4 support the motion, with all due respect, and I really
5 appreciate the thinking that's going through it on all
6 sides. Um, I still have concerns about the overriding
7 odor, you know, um, findings from the PEIR, and, don't
8 wanna get into all of the CEQA stuff that Mr. Chytilo
9 brought up, but, um, I find that the transportation
10 demand program in this is laughable. Um, and as much
11 as they checked off everything with the box of the
12 ordinance checklist, it's still not very robust, so,
13 we'll see how it goes, it's probably going to be
14 appealed anyway. So, um, there's probably even more
15 of it, but it doesn't ta-require time to say, so...thank
16 you.

17 JP: Right. Any other comments before we vote?

18 DB: Unt.

19 JP: Okay. Uh, Mr. Villalobos, will you conduct
20 the roll-call vote?

21 DV: Commissioner Bridley?

22 LB: No.

23 DV: Commissioner Cooney?

24 CMC: Aye.

25 DV: Commissioner Blough?

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DB: Aye.

DV: Commissioner Ferini?

LF: Aye.

DV: Chair Parke?

JP: No.

DV: Motion passes, three to two.

[TRANSCRIPTION ENDED AT RECORDING MARK 3:19:19.7]

C E R T I F I C A T E

I, KATHERINE ANDERSON, certify that the foregoing transcript of proceedings in the COUNTY OF SANTA BARBARA PLANNING COMMISSION on OCTOBER 30, 2019, Case No. 19APL-00000-00012 is a true and accurate record of the proceedings.

Signature _____

Date November 12, 2019