

Stassinos Appeal of the 3508 Via Real Cannabis Cultivation and Processing Project

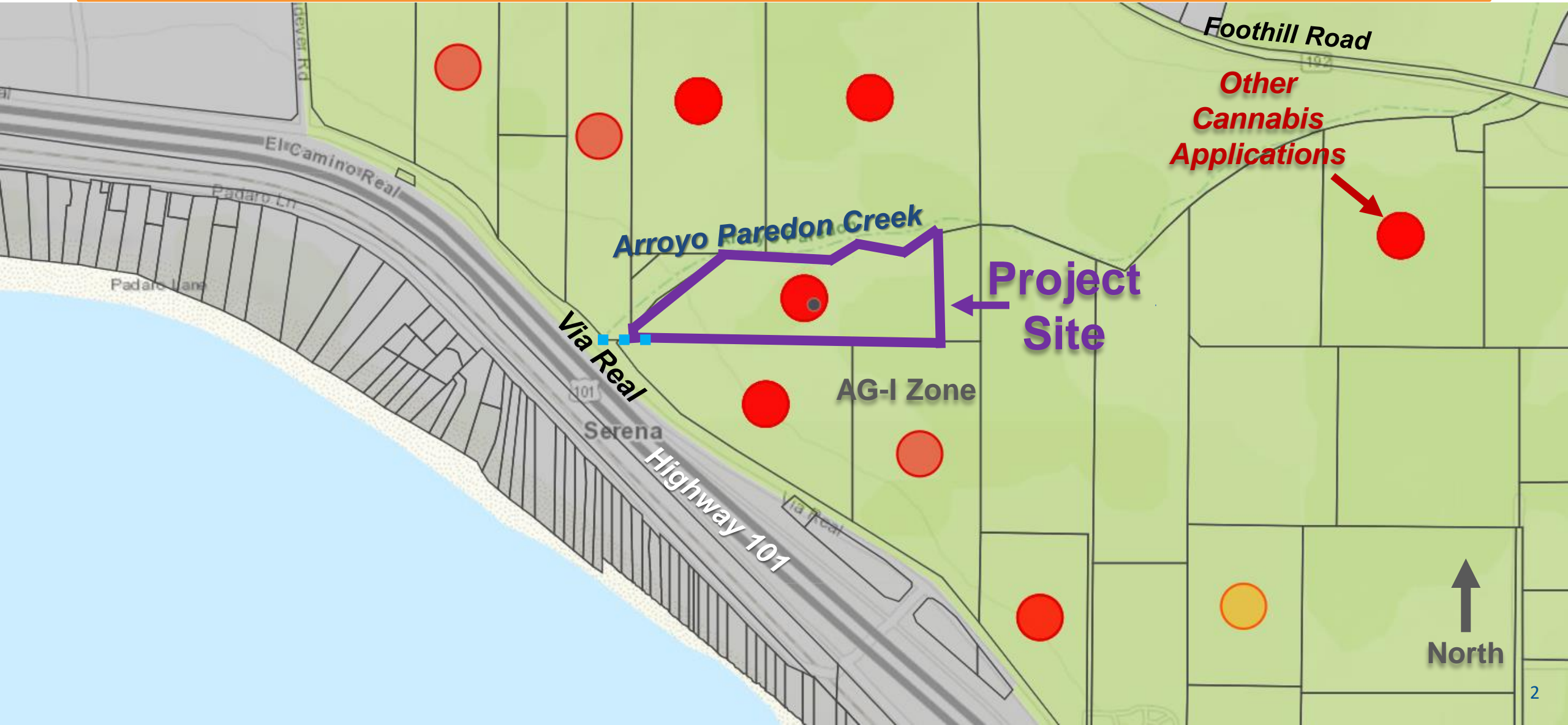
Case Nos. 22APL-00000-00006, 19DVP-00000-00020,
22CUP-00000-00005, & 19CDP-00000-00027

Santa Barbara County Board of Supervisors
May 24, 2022



County of Santa Barbara
Planning and Development
Gwendolyn Beyeler

Location



Aerial



Arroyo Paredon Creek

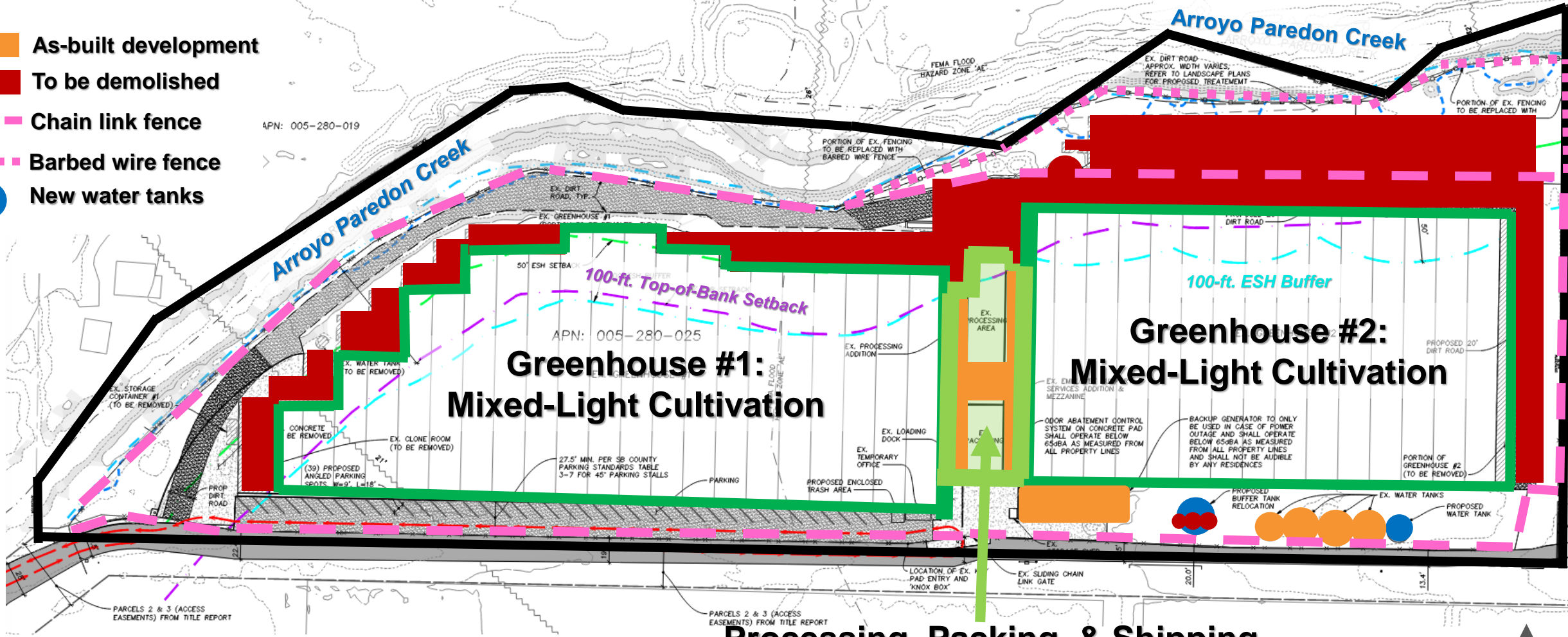
3508 Via Real,
Carpinteria, CA 93013

Via Real
Highway 101

↑
North

Site Plan

- As-built development
- To be demolished
- Chain link fence
- Barbed wire fence
- New water tanks

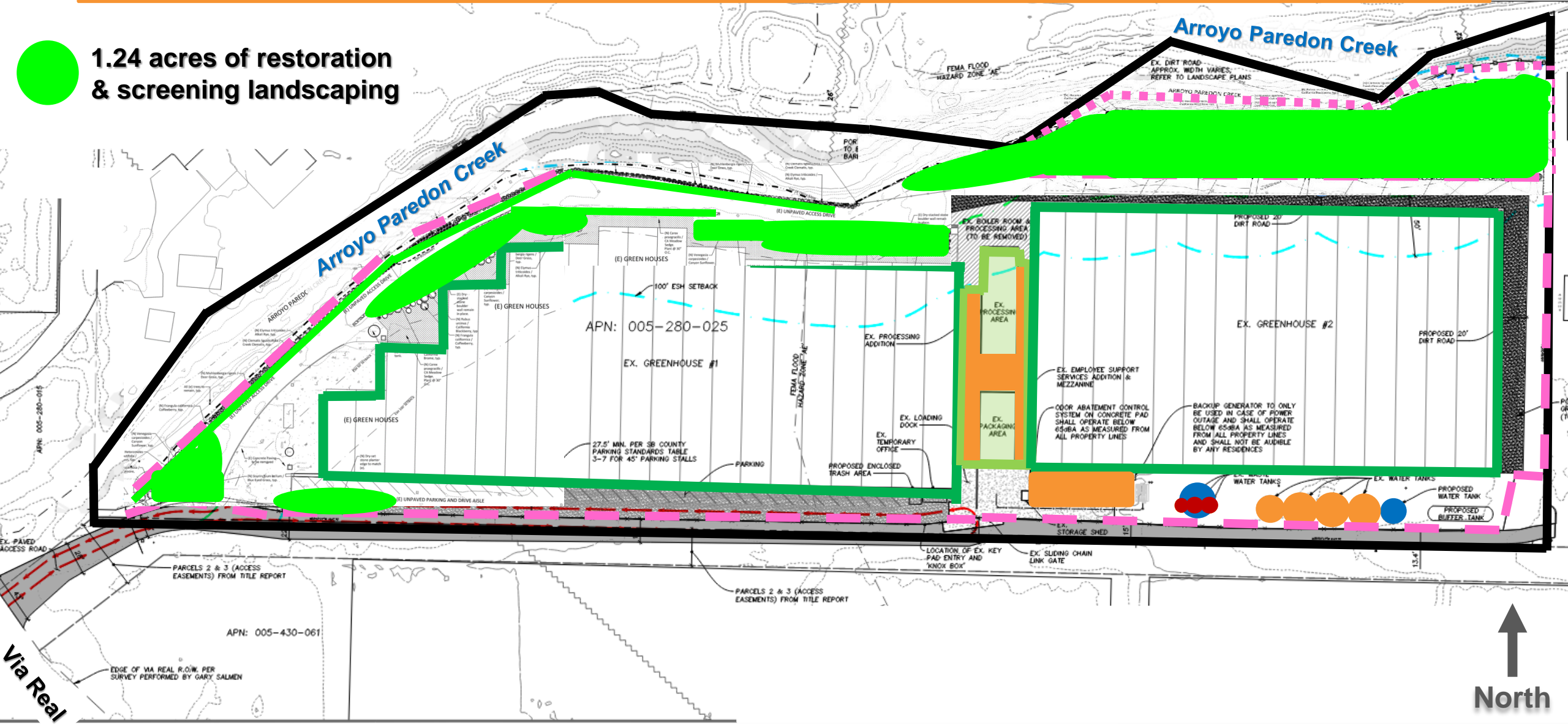


Processing, Packing, & Shipping



Landscaping & Restoration Plan

1.24 acres of restoration & screening landscaping



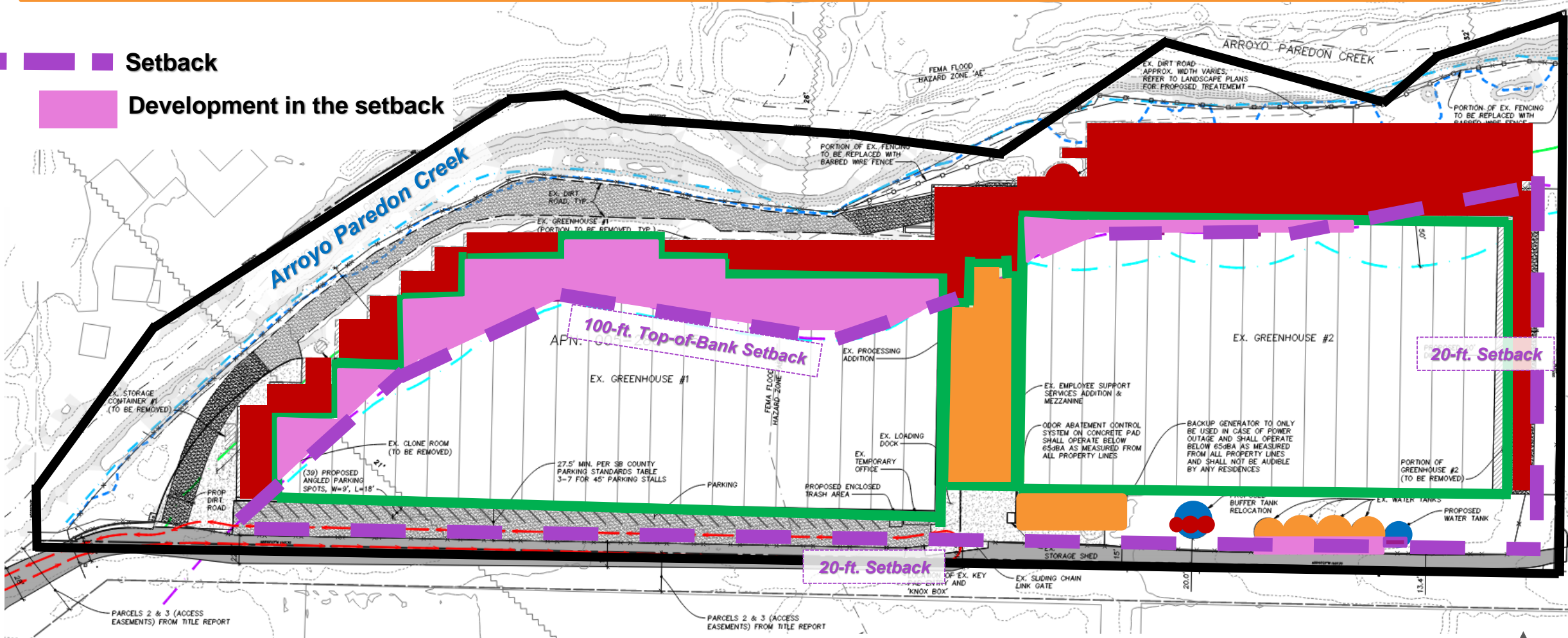
Project Description

- 4.15 acres of cultivation: 3.96 acres of cultivation and 0.19 acres of processing
- Increase the height of permitted greenhouses to 22 ft. tall
- 50 full-time employees 6:30am-3:30pm Monday-Friday, 6:30am-11am Saturday
- 1.24 acres of native habitat restoration in ESH buffer area and screening
- OAP: carbon filtration and regenerative carbon scrubbers
- Water usage: 11.33 AFY (*less than historic usage of 12.32 AFY*)
- Additions to packing and shipping facility
- Demolish 43,000 sq. ft. of greenhouses, processing, boiler, water tank, storage containers
- 120 CY of cut and fill

Development Plan Setback Modification

 **Setback**

 **Development in the setback**



Environmental Review

- PEIR prepared for the Cannabis Land Use Ordinance and Licensing Program evaluated the Project pursuant to CEQA Guidelines Section 15162.
- The Project is within the scope of the PEIR as documented by the written checklist (Attachment 3) prepared pursuant to CEQA Guidelines Section 15168.
- No additional environmental review is required.

Appeal Issue 1

Issue:

- Modification to 100-ft. top-of-bank setback will adversely affect Arroyo Paredon habitat & species in the ESH buffer.

Response

- As-built development in 100-ft. ESH buffer will be demolished.
- Development to remain was permitted in '70s & '80s, height increased to 22-ft.
- 1.24 acres of native riparian landscaping will restore ESH buffer.
- Wildlife Movement Plan, Habitat Protection Plan, & Tree Protection Plan will protect ESH.

Appeal Issue 2

Issue:

- Odor may adversely affect fish and birds in Arroyo Paredon watershed.

Response

- CDFW, USFWS, State Water Board, third-party biologist, and County peer reviewer determined that Project will not adversely affect Arroyo Paredon.
- PEIR anticipated potential for nuisance odor impacts, and Project includes all required mitigation.
- OAP is consistent with Article II.

Appeal Issue 3

Issue:

- Odor creates a public nuisance.
- Inability to identify source of odor in residential areas poses enforcement problems.
- Health Risk Assessment is needed to remedy air quality concerns.

Response

- OAP meets Article II standards.
- Enforcement staff will track and respond to all odor complaints.
- Air Pollution Control District determines whether a Health Risk Assessment is needed prior to permit issuance.

Appeal Issue 4

Issue:

- Lack of enforcement of regulations related to posted notices.
- Rewarding operators by allowing as-built development sets a bad precedent and will encourage others to disregard the ESH buffer.

Response

- Noticing for Project meets all Article II requirements.
- No as-built development will remain in the ESH buffer or top-of-bank setback.
- As-built development includes processing, packing, and shipping additions, irrigation room, and water tanks.

Appeal Issue 5

Issue:

- New average daily trips will create safety and road maintenance concerns.

Response

- Project is consistent with Article II.
- 60 new trips mostly outside of peak hours due to 6:30am-3:30pm work shifts.
- County Roads Division, Fire District, and Caltrans did not have further comments regarding traffic, road safety, or maintenance.

Recommended Actions

1. Deny the appeal, Case No. 22APL-00000-00006.
2. Make the required findings for approval of the Project as specified in Attachment 1 of this Board Agenda Letter, including CEQA findings.
3. Determine that the PEIR (17EIR-00000-00003) is adequate and no subsequent environmental review is required pursuant to CEQA Guidelines 15162 and 15168(c) (Attachment 3 and Attachment 4).
4. Grant *de novo* approval of the Project, Case Nos. 19DVP-00000-00020 and 19CDP-00000-00027, subject to the conditions included as Attachment 2 of this Board Agenda Letter.