



**COUNTY OF SANTA BARBARA  
PLANNING AND DEVELOPMENT**

**MEMORANDUM**

TO: Santa Barbara County Planning Commission (Commission)

FROM: Jeff Wilson, (805) 568-2085  
Assistant Director, Planning & Development

STAFF CONTACT: Melanie Jackson  
Planner, (805) 934-6253

DATE: November 27, 2019

RE: Pence Appeal of Santa Barbara West Coast Farms Land Use Permit  
Case Nos. 19APL-00000-00010 / 19LUP-00000-00064  
Third Supervisorial District

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On November 6, 2019, the Commission considered the Pence Appeal of the Director's approval of the Santa Barbara West Coast Farms Cannabis Cultivation Land Use Permit application (Case No. 19LUP-00000-00064). Following presentations from staff, the appellant, and the applicant, the Chair opened the hearing up for public comment. After closure of the public comment period, the Commission heard rebuttals from the appellant and the applicant. Thereafter, the Chair brought the item back for discussion amongst the Commission and, after considering the merits of both the Appeal and the Land Use Permit, the Commission voted 3-2 to continue the Appeal to the December 4, 2019, hearing and directed staff to prepare findings for denial of the project. The Commission directed staff to prepare denial findings based on the Commission's determination that the proposed project was inconsistent with the visual impact and agricultural goals and policies of the Comprehensive Plan and the Santa Ynez Valley Community Plan. As such, staff prepared revised findings for denial (Attachment A to this memorandum).

**RECOMMENDATION**

Pursuant to the Commission's direction to staff at the November 6, 2019, Commission hearing, the Commission may take the following actions to deny the proposed project:

- a) Make the required findings, including CEQA findings, for denial of the project, Case No. 19LUP-00000-00064, included as Attachment A to this memorandum;
- b) Determine that denial of the project is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(5) and State CEQA Guidelines Sections 15061(b)(4) and 15270(a) (Attachment B to this memorandum);

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- c) Approve the Appeal, Case No. 19APL-00000-00010; and
- d) Deny the project, Case No. 19LUP-00000-00064.

Attachments:

- A. Findings for Denial
- B. Notice of Exemption

## **ATTACHMENT A: FINDINGS**

### **1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The County Planning Commission (Commission) finds that the proposed project is statutorily exempt from environmental review under CEQA [Public Resources Code Section 21080(b) (5) and State CEQA Guidelines Sections 15061(b)(4) and 15270(a)]. More specifically, a project is exempt from CEQA environmental review if the project will be rejected or disapproved by a public agency. As discussed in the memorandum from staff to the Commission, dated November 27, 2019, incorporated herein by reference, and in the administrative findings set forth below, the project will be denied by the Commission because certain findings cannot be made to approve the project and, therefore, the project is exempt from CEQA.

### **2.0 ADMINISTRATIVE**

#### **2.1 LAND USE PERMIT FINDINGS**

The Commission determined that the proposed project is not consistent with certain goals, policies, and development standards set forth in the Comprehensive Plan, including the Agricultural Element, Santa Ynez Valley Community Plan, and Land Use and Development Code and, therefore, the Commission cannot make the necessary findings for approval of the Land Use Permit application. Of the findings required for Land Use Permits, only those that cannot be met are included in this document, below:

#### **2.1.2 Findings required for all Land Use Permits. In compliance with Subsection 35.82.110.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first make all of the following findings:**

- 1. The proposed development conforms:**
  - a. To the applicable provisions of the Comprehensive Plan, including any applicable community or area plan.**
  - b. With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).**

The Commission determined that the proposed project did not conform to the applicable provisions of the Comprehensive Plan, including the provisions of the Agricultural Element and Santa Ynez Valley Community Plan. The Commission also determined that the project is not consistent with the intent of the AG-II-100 zone district stated in the Land Use Development Code. The Commission made this determination based on the project's disturbance to visual and aesthetic resources,

incompatibility with adjacent agricultural operations, and inadequate odor control, as described below.

**Visual and Aesthetic Resources**

***Santa Ynez Valley Community Plan – Visual and Aesthetic Resources:***

***Policy VIS-SYV-1:*** *Development of property should minimize impacts to open space views as seen from public roads and viewpoints and avoid destruction of significant visual resources.*

***DevStd VIS-SYV-1.2:*** *Development, including houses, roads and driveways, shall be sited and designed to be compatible with and subordinate to significant natural features including prominent slopes, hilltops and ridgelines, mature trees and woodlands, and natural drainage courses.*

The project site consists of 73-acres and is located off W. State Highway 246, a public roadway, and has historically been cultivated with agricultural crops. The site is relatively level and can be seen from the highway. The site currently has no structural development, and is a generally open area. The property contains native vegetation, particularly on the southern portion of the property that contains dense oak woodland. The property is located in a picturesque landscape in a valley surrounded by mountainous terrain and large, rolling hills to the north and south of the highway. The property is surrounded by agricultural properties and rural residences and is bounded on the east and west sides by an equestrian facility and a rural estate.

The proposed project would include a six-foot chain-link fence on the perimeter of the property and a gated entrance off Highway 246 at the property access. The project would include 40 acres of cannabis cultivation and the construction of two, 3,000 square foot agricultural accessory structures. The proposed project would include implementation of a landscape plan that depicts landscaping on the northern property line and a small portion of the western property line. The purpose of the landscaping would be to shield views of the cultivation operations from the public roadway.

However, because only a portion of the property would be landscaped, other areas of the property would be exposed to public view, including areas bordered by the proposed chain-link fence. In addition, the landscaping would not blend into the surrounding terrain and would alter the character of the agricultural expanse along Highway 246 because most properties along the highway contain natural vegetation and are not landscaped, and because the proposed landscaping would obstruct views of scenic areas. Further, the cultivation operation and the placement of fencing and landscaping would inhibit views of open areas and the surrounding, mountainous terrain. As such, the proposed project would have a negative impact

on visual resources and, as such, would not conform to Policy VIS-SYV-1 and DevStd VIS-SYV-1.2 of the Santa Ynez Valley Community Plan.

**Agricultural Resources**

***Land Use Element - Agricultural Element Goals & Policies  
Santa Ynez Valley Community Plan – Agriculture and Rural Land Use***

***Agricultural Element, Goal I:*** Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.

***Agricultural Element, Policy I.B:*** County shall recognize the rights of operation, freedom of choice as to the methods of cultivation, choice of crops or types of livestock, rotation of crops and all other functions within the traditional scope of agricultural management decisions. These rights and freedoms shall be conducted in a manner which is consistent with: (1) sound agricultural practices that promote the long-term viability of agriculture and (2) applicable resource protection policies and regulations.

***Agricultural Element, Policy II.D:*** Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands.

***Policy LUA-SYV-2:*** Land designated for agriculture within the Santa Ynez Valley shall be preserved and protected for agricultural use.

The proposed project would include the planting of 40-acres of cannabis crops and approximately 10-acres of other development, including parking areas, access gates, fencing, two-3,000 square-foot agricultural accessory structures and a septic system and leach field.

As noted above, the subject property has historically been cultivated with viable agricultural crops, including vegetables and berries. Development on the property is currently limited to power lines, dirt access roads, and an agricultural well. The property is located in an area generally zoned for rural and agricultural uses.

However, the proposed project has the potential to conflict with agricultural operations on neighboring properties, due to the potential for pesticide migration from neighboring properties onto the subject property, which could contaminate the cannabis crops, result in complaints to the Agricultural Commissioner, and, consequently, the possible curtailment of critical operations and/or the cessation of agricultural operations on the neighboring properties. Such effects could inhibit promotion of the long-term viability of agriculture on properties surrounding the

proposed cannabis activities. As such, the proposed project would not conform to Goal I, Policy I.B, and Policy II.D of the Comprehensive Plan; and Policy LUA-SYV-2 of the Santa Ynez Valley Community Plan.

**Odor**

***SYVCP Land Use Element General – Goals, Policies, Actions and Development Standards***

***DevStd LUG-SYV-8.11:*** *Future applicants for wineries or other odor generators, based on the nature of the operations, shall develop and implement an Odor Abatement Plan (OAP). The OAP shall include the following:*

- *Name and telephone number of contact person(s) responsible for logging and responding to odor complaints;*
- *Policy and procedure describing the actions to be taken when an odor complaint is received, including the training provided to the responsible party on how to respond to an odor complaint;*
- *Description of potential odor sources;*
- *Description of potential methods for reducing odors, including minimizing potential add-on air pollution control equipment; and*
- *Contingency measures to curtail emissions in the event of a continuous public nuisance.*

However, the proposed project, in conjunction with nearby cannabis operations, would result in significant malodors that would not be mitigatable by the proposed OAP. As such, the proposed project could create odors that could constitute a continuous public nuisance and would not meet the standards set forth in the land use element of the SYVCP.

## **ATTACHMENT B: ENVIRONMENTAL DOCUMENT**

### **NOTICE OF EXEMPTION**

**TO:** Santa Barbara County Clerk of the Board of Supervisors

**FROM:** Melanie Jackson, Planning & Development

The project or activity identified below is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

**APNs:** 099-210-067                      **Case No.:** 19LUP-00000-00064

**Location:** W. Highway 246, approximately 3.3 miles west of the intersection of Highway 246 and Highway 101

**Project Title:** Santa Barbara West Coast Farms Cannabis Cultivation Land Use Permit

#### **Project Description:**

The proposed project includes a cannabis cultivation operation on an approximately 50-acre portion of a 73-acre parcel (Assessor's Parcel Number 099-240-067) located off W. Highway 246, approximately 3.3 miles from the intersection of Highway 101 and W. Highway 246, in the Buellton area. The project would include approximately 40-acres of outdoor cannabis cultivation and five acres of nursery, processing, and storage areas. The processing and storage areas would be located within two-3,000 square foot agricultural accessory structures and the nursery would be located outdoors, northwest of the proposed structures. The northerly structure would be dedicated to storage and the southerly structure would include a small office, two individual restrooms, and the remainder would be dedicated to processing. An on-site well would provide irrigation to the cultivation areas.

Placement of a 6-foot chain-link fence would be located at the perimeter of the cannabis cultivation and product manufacturing areas to provide security and partial screening. Additional screening of the project site would be provided by landscaping that would be installed on the north property line, bordering Highway 246. Additional security would be provided with the installation of 12 full cut-off, downward facing, motion-sensor lights and onsite security cameras. During the harvest season, operations would be monitored by 24/7 onsite security.

The operation would include 10 full-time staff during the cultivation season and an additional 10-20 temporary employees during the harvest season. Harvest seasons would take place twice a year and last approximately one month each. Approximately 28 onsite parking stalls are proposed to accommodate employee parking, including one ADA parking stall. Hours of operation would be 6:00 a.m. to 3:00 p.m., year-round. Potable water would be provided via a second onsite well and

sewage disposal would be provided by onsite, permanent restrooms and accompanying septic system, leach field and repair area.

All products would be generated and processed onsite. Thereafter, products would be transported to licensed distributors in the San Diego area. The site would take access from Highway 246 via Highway 101. Traffic generation and vehicle trips would be reduced by implementation of a Site Transportation Demand Management Plan, that would include ridesharing incentives and compressed work schedules for employees.

**Name of Public Agency Approving Project:** County of Santa Barbara  
**Name of Person or Agency Carrying Out Project:** Santa Barbara West Coast Farms, LLC.

**Exempt Status:** (Check one)

- Ministerial  
 Statutory Exemption  
 Categorical Exemption  
 Emergency Project  
 Declared Emergency

**Cite specific CEQA and/or CEQA Guideline Section:**

PRC § 21080(b)(5), Division application to discretionary projects; non-application; negative declarations; environmental impact report preparation

(b) This division does not apply to any of the following activities:...(5) Projects which a public agency rejects or disapproves.

State CEQA Guidelines § 15061(b)(4), Review for Exemption

(b) A project is exempt from CEQA if:...(4) The project will be rejected or disapproved by a public agency.

**Reasons to support exemption findings:** The County of Santa Barbara is denying the project. CEQA does not apply to projects that a public agency disapproves.

Lead Agency Contact Person: Melanie Jackson Phone #: (805) 934-6253

Department/Division Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Acceptance Date: \_\_\_\_\_



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Distribution: Hearing Support Staff

Date Filed by County Clerk: \_\_\_\_\_.