



Santa Barbara County Planning and Development Department

# Appeal Application

<b>County Use Only</b>	<b>Appeal Case No.:</b>
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### STEP 1: SUBJECT PROPERTY

083-430-014

ASSESSOR'S PARCEL NUMBER(S)

1889 Hwy 101, Buellton

PROPERTY ADDRESS (IF APPLICABLE)

BUSINESS/ESTABLISHMENT NAME (IF APPLICABLE)

### STEP 2: PROJECT DETAILS

Nojoqui Farms - Cannabis Cultivation

PROJECT TITLE

21APL-00000-00044

CASE NO(S).

County Planning Comm  8/10/22

DECISION MAKER

DATE OF ACTION

Is the appeal related to cannabis activities?

Yes  No

### STEP 3: APPEAL CONTACTS

#### APPELLANT

Sierra Botanicals LLC

NAME (if LLC or other legal entity, must provide documentation)

1999 Hwy 101

STREET ADDRESS

Buellton, CA 93427

CITY, STATE ZIP

(408) 228-2490 jeldiwany@gmail.com

PHONE EMAIL

#### AGENT

NAME (if LLC or other legal entity, must provide documentation)

STREET ADDRESS

CITY, STATE ZIP

PHONE EMAIL

#### ATTORNEY

NAME (if LLC or other legal entity, must provide documentation)

STREET ADDRESS

CITY, STATE ZIP

PHONE EMAIL

### STEP 4: APPEAL DETAILS

Is the Appellant the project Applicant?  Yes  No

If not, please provide an explanation of how you are an "aggrieved party", as defined in Step 5 on page 2 of this application form:

My licensed cannabis farm is adjacent to this project and the proposed farm will affect my farm's ability to get enough water for my already licensed, approved crop.

Please provide a clear, complete, and concise statement of the reasons or ground for appeal:

- Why the decision or determination is consistent/inconsistent with the provisions and purposes of the County's Zoning Ordinances or other applicable law;
- 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.

The change to the project description is inadequate to prevent damage to the Nojoqui Creek. The project description change does not have any means for the county to enforce, and it is reported after the damage has already been done to the water. The reporting is also on one of three identified wells, and there is nothing to prevent them from switching wells to avoid penalties for taking too much water from the area.

- The reporting must be on a monthly, or quarterly basis
- The county must have a mechanism to enforce the restricted water use
- they must report water use across all wells used for cannabis, if they use a well that is not allowed, their must be a penalty

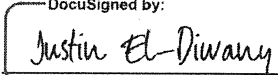
**STEP 5: APPELLANT ACKNOWLEDGEMENTS**

I hereby certify under penalty of perjury that I have read the information below and that:

1. I have carefully reviewed and prepared the appeal application in accordance with the instructions; and
2. I provided information in this appeal application, including all attachments, which are accurate and correct; and
3. I understand that the submittal of inaccurate or incomplete information or plans, or failure to comply with the instructions may result in processing delays and/or denial of my application; and
4. I understand that it is the responsibility of the applicant/appellant to substantiate the request through the requirements of the appeal application; and
5. I understand that upon further evaluation, additional information/documents/reports/entitlements may be required; and
6. I understand that all materials submitted in connection with this appeal application shall become public record subject to inspection by the public. I acknowledge and understand that the public may inspect these materials and that some or all of the materials may be posted on the Department's website; and
7. I understand that denials will result in no refunds; and
8. I understand that Department staff is not permitted to assist the applicant, appellant, or proponents and opponents of a project in preparing arguments for or against the project; and
9. I understand that there is no guarantee – expressed or implied – that an approval will be granted. I understand that such application must be carefully evaluated and after the evaluation has been conducted, that staff's recommendation or decision may change during the course of the review based on the information presented; and
10. I understand an aggrieved party is defined as any person who in person, or through a representative, appears 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; and
11. If the approval of a Land Use Permit required by a previously approved discretionary permit is appealed, the applicant shall identify:
  - How the Land Use Permit is inconsistent with the previously approved discretionary permit;
  - 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;
  - How the approval is inconsistent with Section 35.106 (Noticing).

**REQUIRED SIGNATURES**

*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.*

DocuSigned by:  
 Justin El-Diwany 8/16/2022

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SIGNATURE – APPELLANT PRINT NAME DATE

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SIGNATURE – AGENT PRINT NAME DATE

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SIGNATURE – ATTORNEY PRINT NAME DATE

Appeal applications can be submitted either via email or in person and must be accompanied by a check for the appeal fee, if required. Please contact P&D staff below for submittal instructions and to determine the appropriate fee.

For South County projects, contact us at [front@countyofsb.org](mailto:front@countyofsb.org) or (805) 568-2090.

For North County projects, contact us at [nocounte@countyofsb.org](mailto:nocounte@countyofsb.org) or (805) 934-6251.