

Santa Barbara Coalition for Responsible Cannabis Appeal of the Cadwell Cannabis Cultivation Land Use Permit

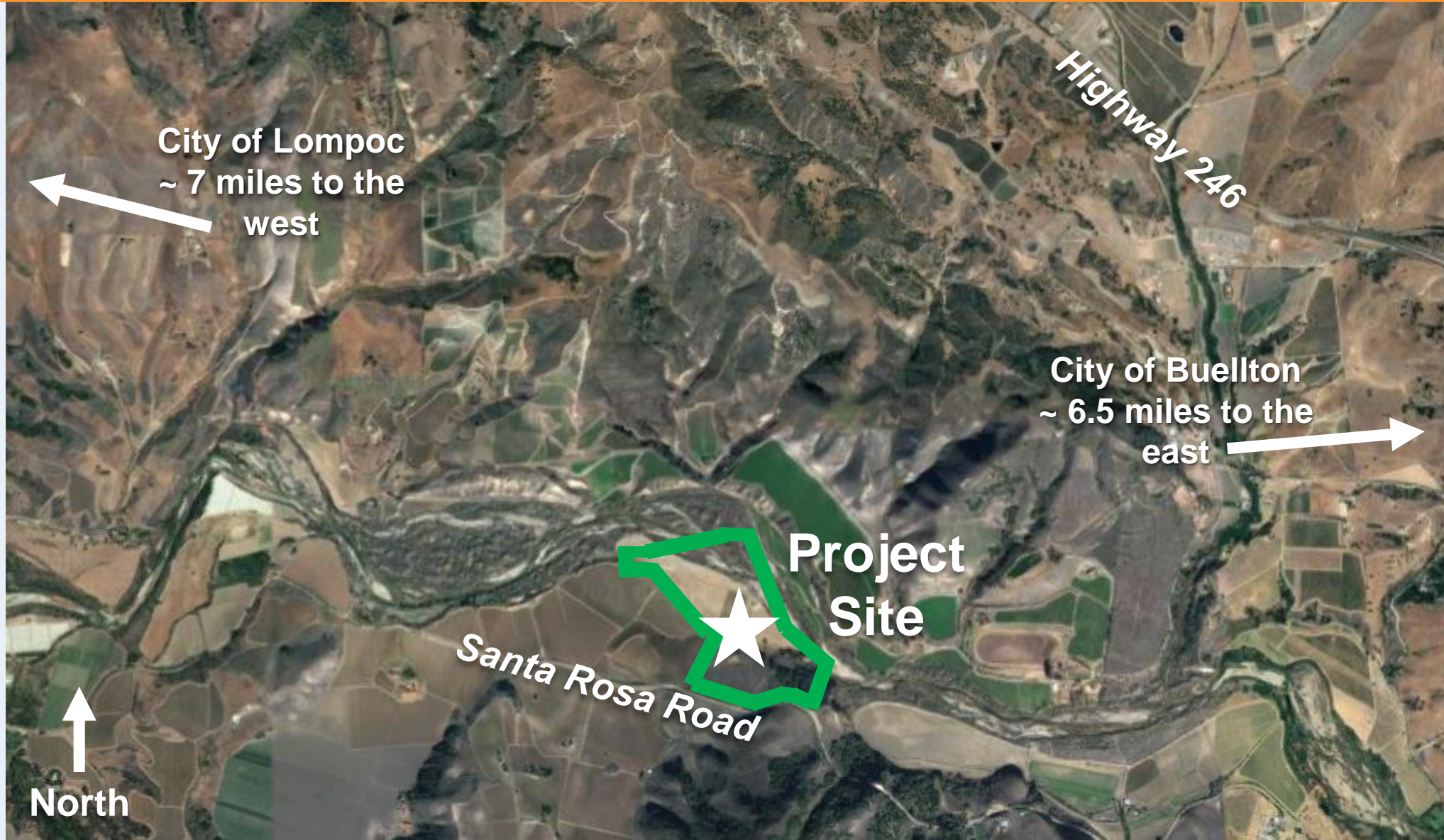
**Case Nos. 21APL-00000-00028 and 19LUP-00000-00480
Appeal by Santa Barbara Coalition for Responsible Cannabis**

**Santa Barbara County Board of Supervisors
February 15, 2022**

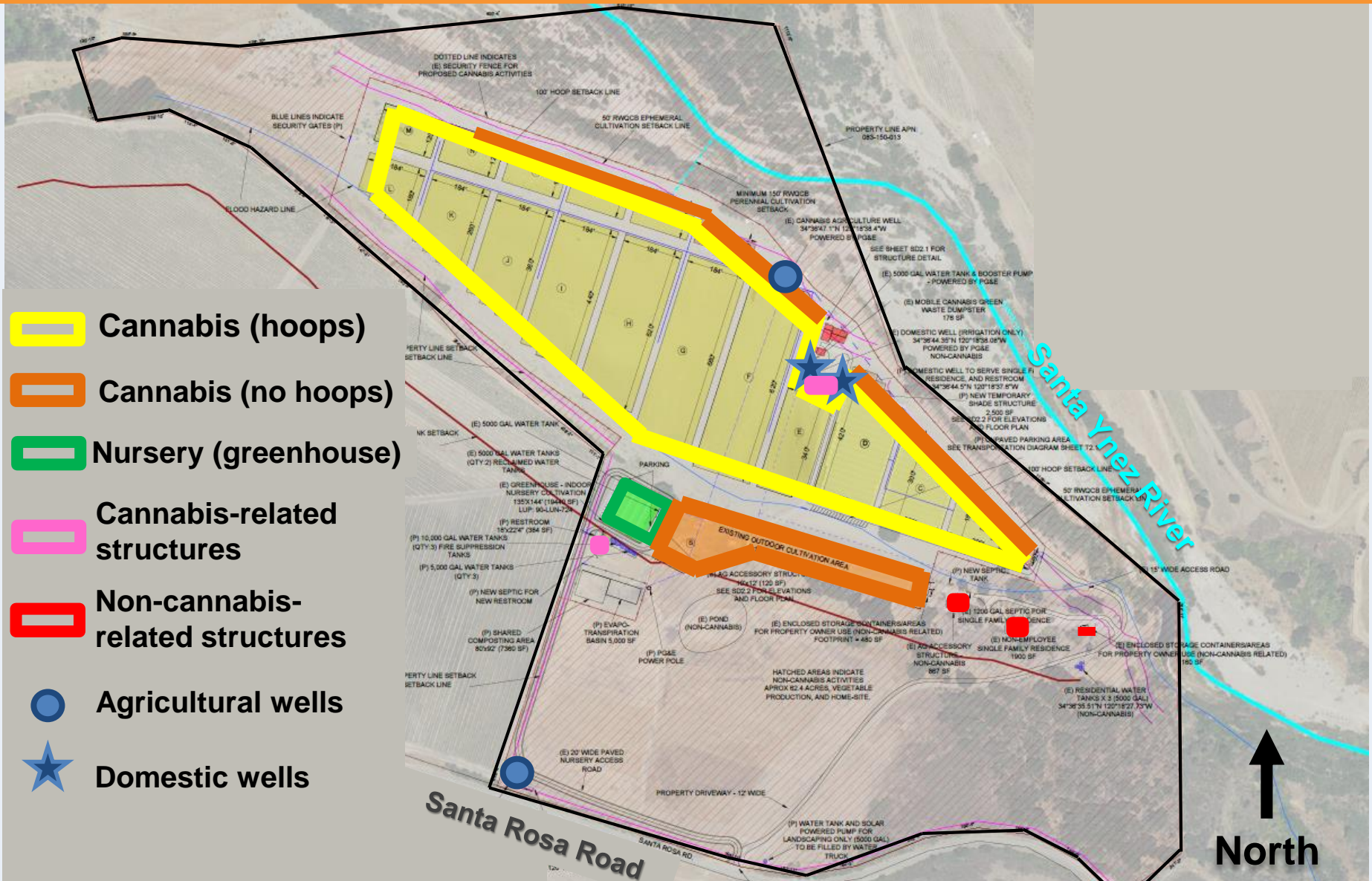


**County of Santa Barbara
Planning and Development
Gwendolyn Beyeler**

Location



Project Area



- Cannabis (hoops)
- Cannabis (no hoops)
- Nursery (greenhouse)
- Cannabis-related structures
- Non-cannabis-related structures
- Agricultural wells
- ★ Domestic wells

Project Description

- 24.45 acres of cultivation:
 - Mature cultivation under hoop structures: 20 acres
 - Mature cultivation without hoop structures (open sun): 4 acres
 - Mixed-light nursery in a permitted greenhouse: 0.45 acres (19,440 sq. ft.)
- Construction of new shade structure and restroom building
- Installation of fencing, motion sensor lighting, and water tanks
- 12,813 sq. ft. of new landscaping along Santa Rosa Road
- 10 regular full-time employees, 45 additional temporary employees
- Two harvests per year lasting three weeks each time
- Validation of four as-built containers related to existing single family dwelling

Appeal Issue 1.A

1.A Issue:

Illegal expansion of nonconforming cannabis operation. Zoning enforcement should apply to as-built generators onsite.

Response

- All violations will be corrected with approval of this LUP, consistent with standard enforcement procedure.
- No generators onsite.

Appeal Issue 1.B

1.B Issue:

- Adequate water supply is not demonstrated.
- Conversion of well to solely irrigation from domestic and irrigation is a significant change.
- State Water Resource Control Board (SWRCB) requirements for surface water users should apply.
- Applicant cancelled Statement of Diversion and Use, thereby canceling rights to use the well for irrigation.

Response

- Cannabis irrigation is proposed by same well used onsite for decades, which draws from groundwater associated with the Santa Ynez River Alluvial Corridor.
- Project is not a surface water user and Statement of Diversion of Use is not required, per SWRCB.
- Onsite 670-ft.-deep well is also available for cannabis irrigation.

Appeal Issue 1.C

1.C Issue:

- Failure to comply with Comprehensive Plan.
- Water source is unclear.
- Not compatible with surrounding environment because of substantial visual changes.
- Jeopardizes continuation of surrounding traditional agricultural, and does not minimize odor.

Response

- There is adequate water. Water use is under applicable thresholds and less than historic water usage.
- New landscaping screens Project to maximum extent feasible, and Project is subordinate to natural features.
- Project continues agricultural use of property. PEIR acknowledged odor effects, and an odor plan not required.

Appeal Issue 2.A

2.A Issue:

- Project conflicts with adjacent agricultural operations including those under Williamson Act contract.
- Outdoor cannabis substantially disrupts surrounding agriculture.
- PEIR nor Agricultural Preserve Advisory Committee (APAC) analyzed whether cannabis will displace or impair agricultural operations.

Response

- Project doesn't conflict with Williamson Act.
- All Project impacts were evaluated in PEIR.
- PEIR did not rely on APAC review to ensure compatibility with agricultural uses.

Appeal Issue 2.B

2.B Issue:

- Changed circumstances regarding water use in PEIR.
- PEIR oversimplified Santa Ynez River water issues and erroneously identifies this basin as groundwater.
- Santa Ynez River is subterranean surface water and subject to SWRCB regulations.
- CEQA Checklist doesn't consider water source.

Response

- PEIR correctly identified Santa Ynez River Alluvial Corridor as a groundwater sub-basin.
- SWRCB determined the historically-used well is groundwater, and Project is not subject to surface water regulations.
- CEQA Checklist demonstrates compliance with SWRCB regulations.

Recommended Actions

1. Deny the appeal, Case No. 21APL-00000-00028.
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 previously certified Programmatic Environmental Impact Report (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 No. 19LUP-00000-00480, subject to the conditions included as Attachment 2 of this Board Agenda Letter.