

Bien Nacido Vineyards Appeal of the Canna Rios, LLC Cannabis Cultivation Land Use Permit

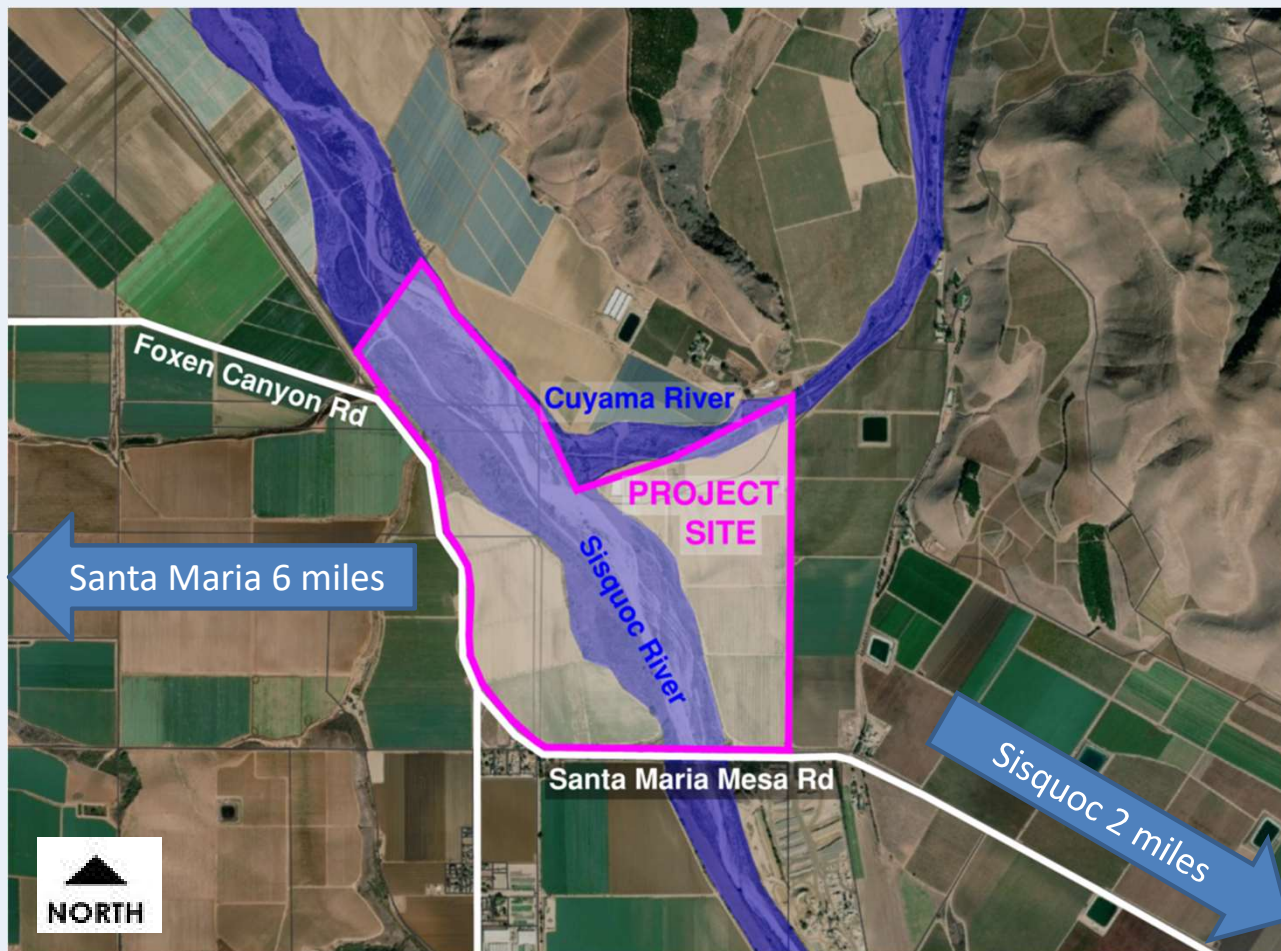
Case No(s). 21APL-00000-00027 and 19LUP-00000-00116

Santa Barbara County Board of Supervisors,
December 14, 2021



County of Santa Barbara
Planning and Development
Alia Vosburg

Vicinity Map



Revisions

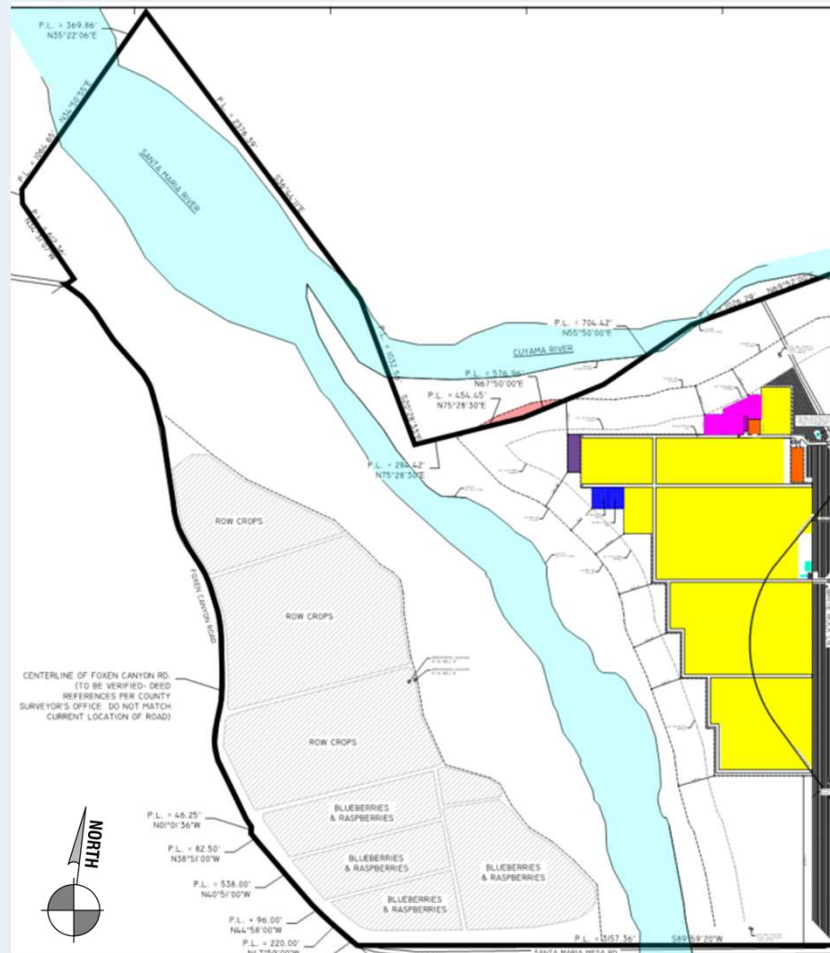
Project revisions include:

1. Project layout reconfigured to provide 1,000-ft. setback from Appellant's tasting room
2. Staging area and compost and waste storage area reduced
3. Flash freezing component removed
4. Additional hoop structures added

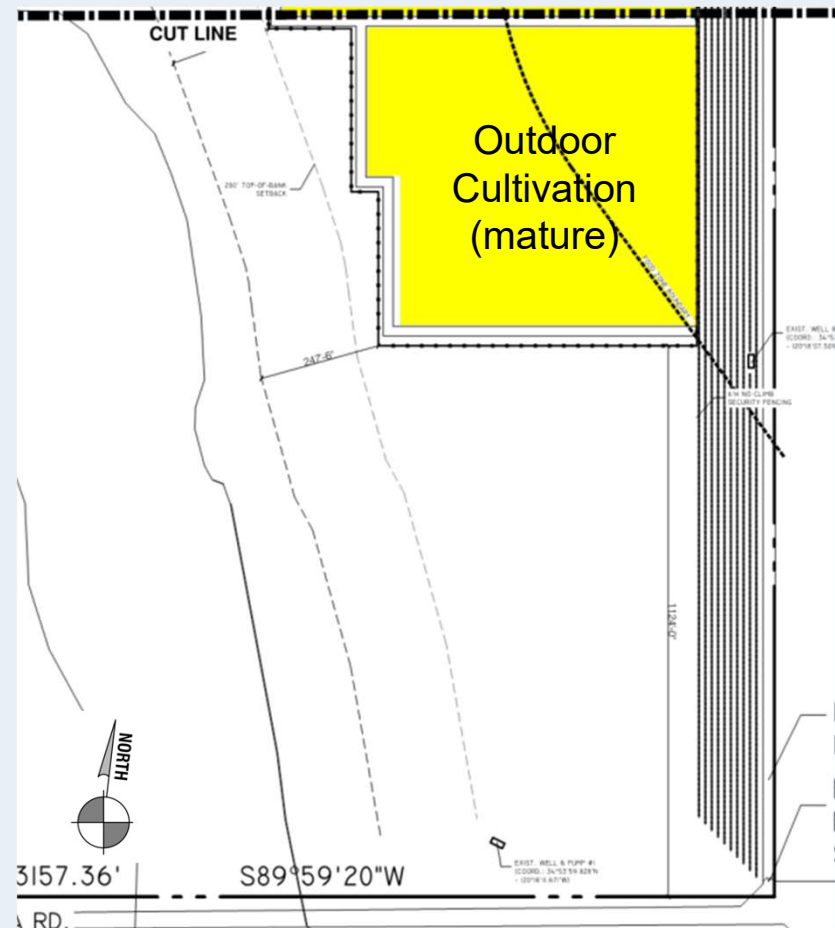
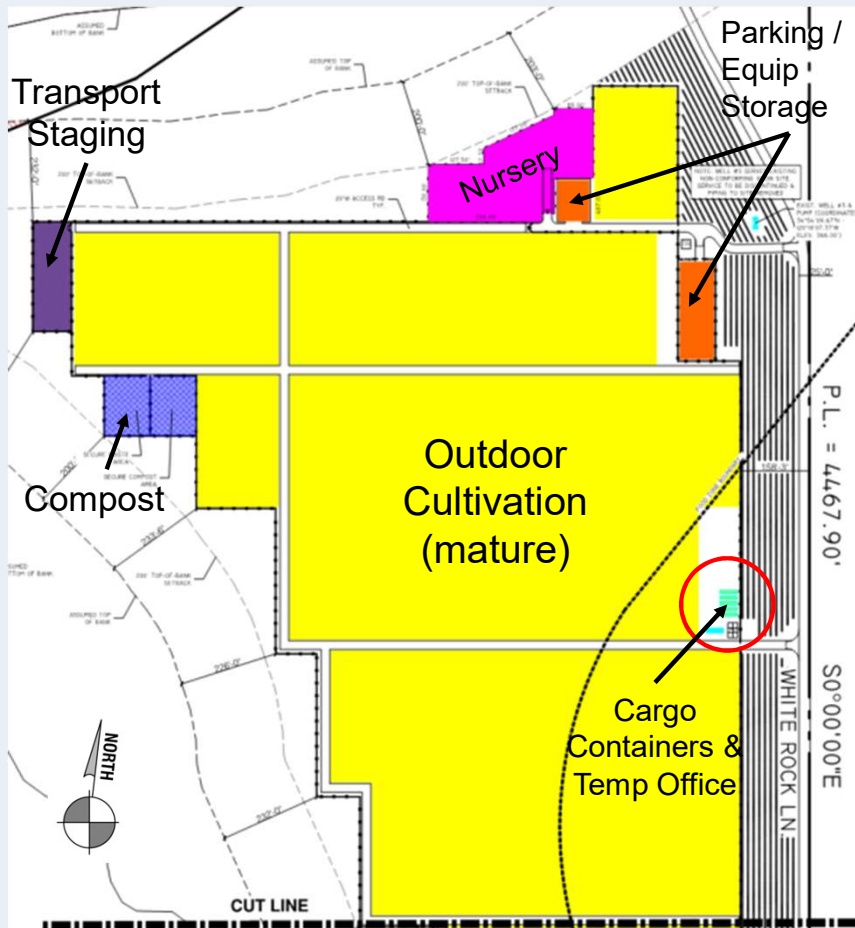
Project Description

- 431.22-acre property zoned AG-II-100 with historic agricultural use
- Proposed Commercial Cannabis Cultivation Operation:
 - 46.29 acres outdoor (mature plant) cannabis cultivation
 - 1.45 acres cannabis nursery
 - 0.50 acre transport staging area (open area for weighing & loading)
- Proposed Support Structures and Improvements:
 - Five 280 sq. ft. storage containers
 - One 224 sq. ft. temporary office trailer
 - Installation of fencing, lighting, and landscape screening
- 24 regular full-time employees, 43 additional seasonal employees

Site Plan



Site Plan



Appeal Issues Raised

Issues 1 and 3:

Inconsistent with Comprehensive Plan, LUDC, and fails to comply with Williamson Act

Response:

- Project approved in compliance with the LUDC and the Comprehensive Plan
- APAC reviewed and found the Project consistent with the Uniform Rules and compliant with the Williamson Act

Appeal Issues Raised

Issue 2:

- Failure to comply with CEQA
- Uniform rules amendment represents changed circumstances
 - Right to Farm amendments make odor mitigation on AG-II now feasible
 - New information regarding severity of agricultural conflicts and air quality impacts

Response:

- The PEIR anticipated amendments to the Uniform Rules and did not rely on APAC compatibility review
- Right to Farm did not preclude odor mitigation on AG-II
- No substantial evidence supporting new or increased significant effects

Appeal Issues Raised

Issues 4 & 5:

Project site not in compliance with all laws, regulations, and rules pertaining to uses:

- Expanded beyond legal non-conforming status
- Unlawfully modified Cuyama River

Response:

- Upon approval, Project will be in full compliance with all laws, rules, and regulations
- Appellant did not provide any evidence to substantiate claim
- No NOV exists on the property
- Required findings for approval can be made

Appeal Issues Raised

Issue 6:

Conflicts with Shared Well Agreement

Response:

- Well Sharing Agreement does not require Applicant to obtain consent from Appellant for use of subject wells
- P&D does not adjudicate private agreements
- Applicant has demonstrated adequate water service for the Project

September Supplemental Appeal Issues

Issues:

New information regarding the severity of air quality impacts

Inadequate consideration of hydrofluorocarbon (“HFC”) emissions from Project’s freezing operations

Response:

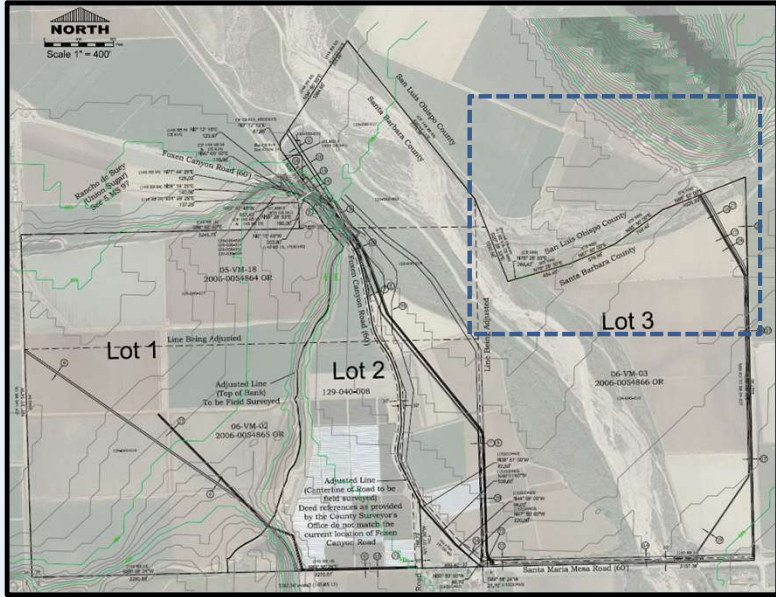
- No substantial evidence
- Formation of ground level ozone discussed in PEIR
- Fluctuations in attainment classifications do not result in increase impacts
- Project no longer includes freezing operations

Recommended Actions

1. Deny the appeal, 21APL-00000-00027.
2. Make the required findings for approval of the modified Project, including California Environmental Quality Act (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).
4. Grant *de novo* approval of the Project, Case No. 19LUP-00000-00116, subject to the Conditions of Approval.

Project Timeline

- **Director Approval:** February 8, 2021
- **Appeal Filed:** February 18, 2021
- **Planning Commission Approval:** May 5, 2021
- **Appeal Filed:** May 17, 2021
- **BOS Continuance:** August 31, 2021
- **BOS Continuance:** October 19, 2021



Lot Line Adjustment 16LLA-00000-00005
Survey Map dated January 19, 2017

