

Pence Request – Uphold PC - Deny Permit

PC Denied because Westcoast's large grow exceeds site capacity and conflicts with nearby vineyards and EDRN

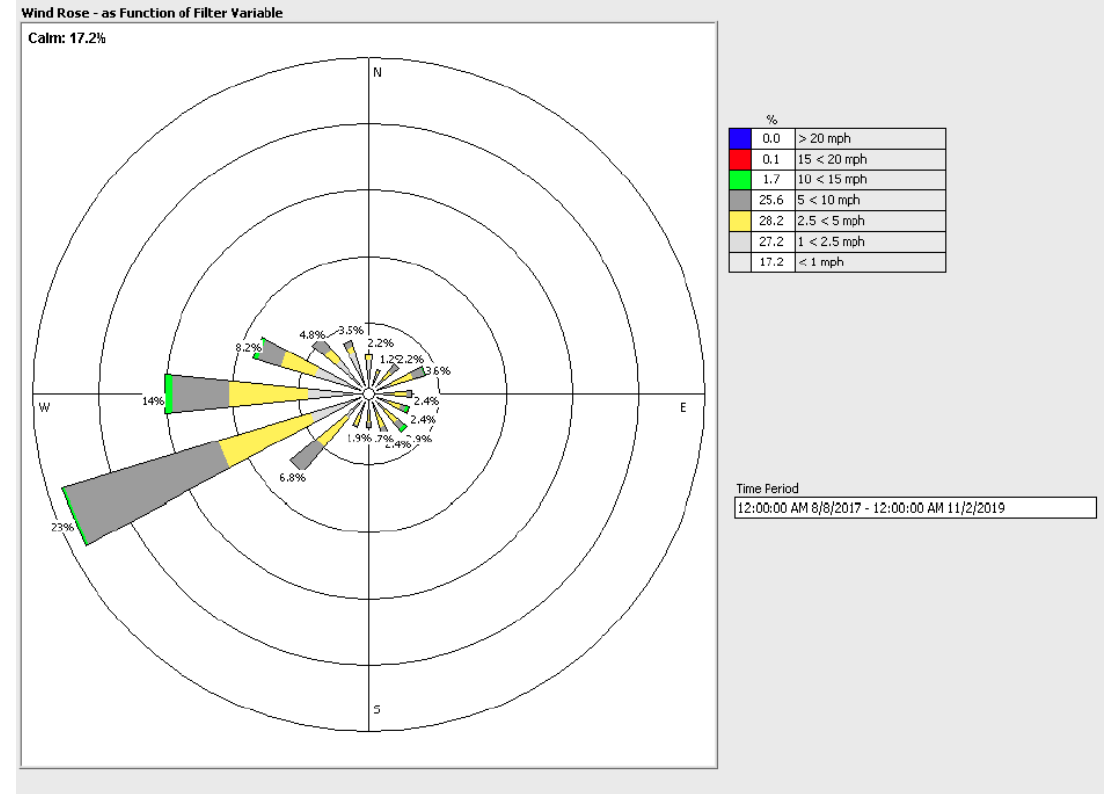
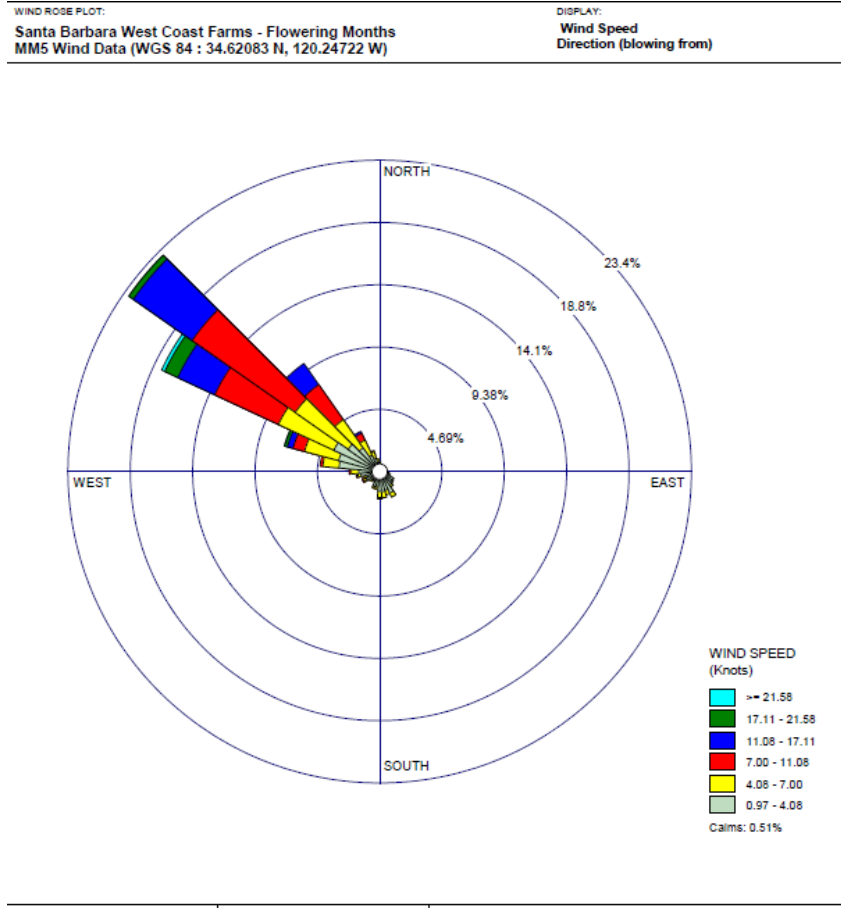
Board should deny because:

- **Agricultural conflicts not identified**
- **Williamson Act defect**
- **Project Level Environmental Review Required**
- **Odor Plan Based on Wrong Wind Data**
- **Cumulative Odors Interfere with Wine Tasting in Sta. Rita AVA**

Wind Rose Comparison

Westcoast Synthetic

Actual SVY Data



Agricultural Use vs. Compatible Use

Agricultural Use = Use that produces an "agricultural commodity"

- BPC Section 26069(a): cannabis is an "agricultural commodity" only for the purposes of the BPC (Williamson Act is in the Gov. Code)
- Cannabis is not an "agricultural commodity" under the Food & Agricultural Code or Government Code
- SB527 makes this designation clear = "The rules adopted pursuant to this section may provide that commercial cultivation of cannabis...may constitute a compatible use on contracted or noncontracted lands." (Response to counties concerns that Cannabis was completely prohibited on contracted lands.)
- In 2018, Hemp was federally legalized with the passage of the 2018 Farm Bill
 - Bill classified Hemp as an "agricultural commodity"
 - 2020 amendment to Williamson Act to expressly include Hemp as an "agricultural commodity" and expressly declined to do so for Cannabis – by express omission and BPC limitation
- Per State Law: Cannabis is not an "agricultural commodity" and cultivation is thus not an "agricultural use" under Williamson Act



Compatible Use = Any use that is not an "Agricultural Use" above

Project-specific Environmental Review is Required

CEQA compliance here: Program EIR + CEQA Checklist

- Subsequent Use of PEIR allowed ONLY IF PROJECT'S IMPACTS WERE ANALYZED IN PEIR
- Project-level environmental review required because the Project may result in new or substantially more severe impacts due to changed circumstances or new information (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307)
- New and substantially more severe impacts not in the PEIR
 - (1) changed circumstances – February 2018 Uniform Rules Amendment, labelling cannabis a “qualifying use” causing severe agricultural conflicts with surrounding ag;
 - (2) New impact of terpene taint on nearby wine grapes;
 - (3) New agricultural conflict from pesticide migration threatening viability of legacy agriculture near the Project;
 - (4) Land use incompatibility with adjacent agriculture; and
 - (5) Odors interfering with wine tasting from concentration of cannabis projects west of Buellton and wineries.