

Appeal of Planning Commission Denial of Decker Greenhouse

***PLANNING COMMISSION'S BASIS FOR DENIAL
NOT FOUND IN THE LAW.***

***THE PLANNING COMMISSION HAS MISINTERPRETED
POLICY LUA-SYV-3 TO DENY APPELLEANT'S LAND
USE PERMIT.***

“We submit that the policy findings for denial of the project, as determined by the County Planning Commission, are faulty.”

“The community plan consistency analysis of the proposed project under Santa Ynez Valley Community Plan Policy LUA-SYV-3...is flawed.”

Brian A. Tetley, Senior Planner
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Former Senior Planner
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Santa Ynez Valley Community Plan Project

PROJECT ISSUES NOW RESOLVED AND IMPORTANT RESOURCE PRESERVATION AND FURTHER NEIGHBORHOOD COMPATIBILITY FEATURES ADDED:

- 1. Policy VIS-SYV-3, night sky protection from light pollution, has been resolved and accepted by staff with the addition of light deprivation curtain technology and time of use requirements. Making this issue moot.*
- 2. Although not required for a land use permit, the project will install a 46,741 kWh/year solar array mounted on the roof of the facility. Substantially reducing its carbon footprint.*
- 3. 684 linear feet of Carolina Cherry screening planted along the contiguous property lines of the two nearest homes. Not required by the Land Use Ordinance. Adding to the ecological soundness and neighborhood compatibility of the project.*

ZONING FOR AGRICULTURE

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County Land Use Development Code (LUDC) Section 35.21.020 - Purposes of Agricultural Zones

The purposes of the individual Agricultural Zones and the manner in which they are applied are as follows:

- A. AG-1 (Agricultural 1) zone. The AG-1 zone zone is applied to areas appropriate for agricultural use within Urban, Inner Rural, and existing Developed Rural Neighborhood areas, as designated on the Comprehensive Plan maps. The intent is to provide standards that will support agriculture as a viable land use and encourage maximum agricultural productivity.

The interpretation of Santa Ynez Valley Community Policy LUA-SYV-3, by the Santa Barbara County Planning Commission in this matter, contravenes the intent of the County to zone appropriate lands for agricultural use to encourage maximum agricultural productivity.

Greenhouses are an allowable land use on agriculturally zoned lands. LUDC 35.21.030 A. – Agricultural Zone Allowable Land Uses, Table 2-1

COMPREHENSIVE PLAN, AGRICULTURAL ELEMENT, GOALS AND POLICIES

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GOAL 1. Santa Barbara County shall assure and enhance continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged.

Policy 1B. The County shall recognize the rights of operation, freedom of choice as to the methods of cultivation, choice of crop types 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, page 6 & 7, emphasis added.

(1) Appellant's greenhouse project is a sound, modern, state-of-the-art cultivation system that promotes long-term agricultural viability. (2) Today's technologically advanced greenhouses, along with solar generated electricity, and year-round cultivation on far less land space, protects environmental resources.

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A Community Plan must include or reference each of the General Plan's seven mandatory elements, and must be internally consistent with the overall General Plan.

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Page 3, Section 3, What Is A Community Plan, Santa Ynez Valley Community Plan (SYVCP), October 6, 2009, emphasis added.

“The Santa Ynez Valley Community Plan augments these various elements of the Comprehensive General Plan to provide region specific policy direction, however countywide policies remain in effect.”

Page 8, SYVCP, Section E, Existing County Plans and Policies, emphasis added.

Santa Ynez Valley Community Plan

Valley Blueprint Goals

Agricultural: Encourage and enhance the diversity, growth and evolution of agricultural enterprises.

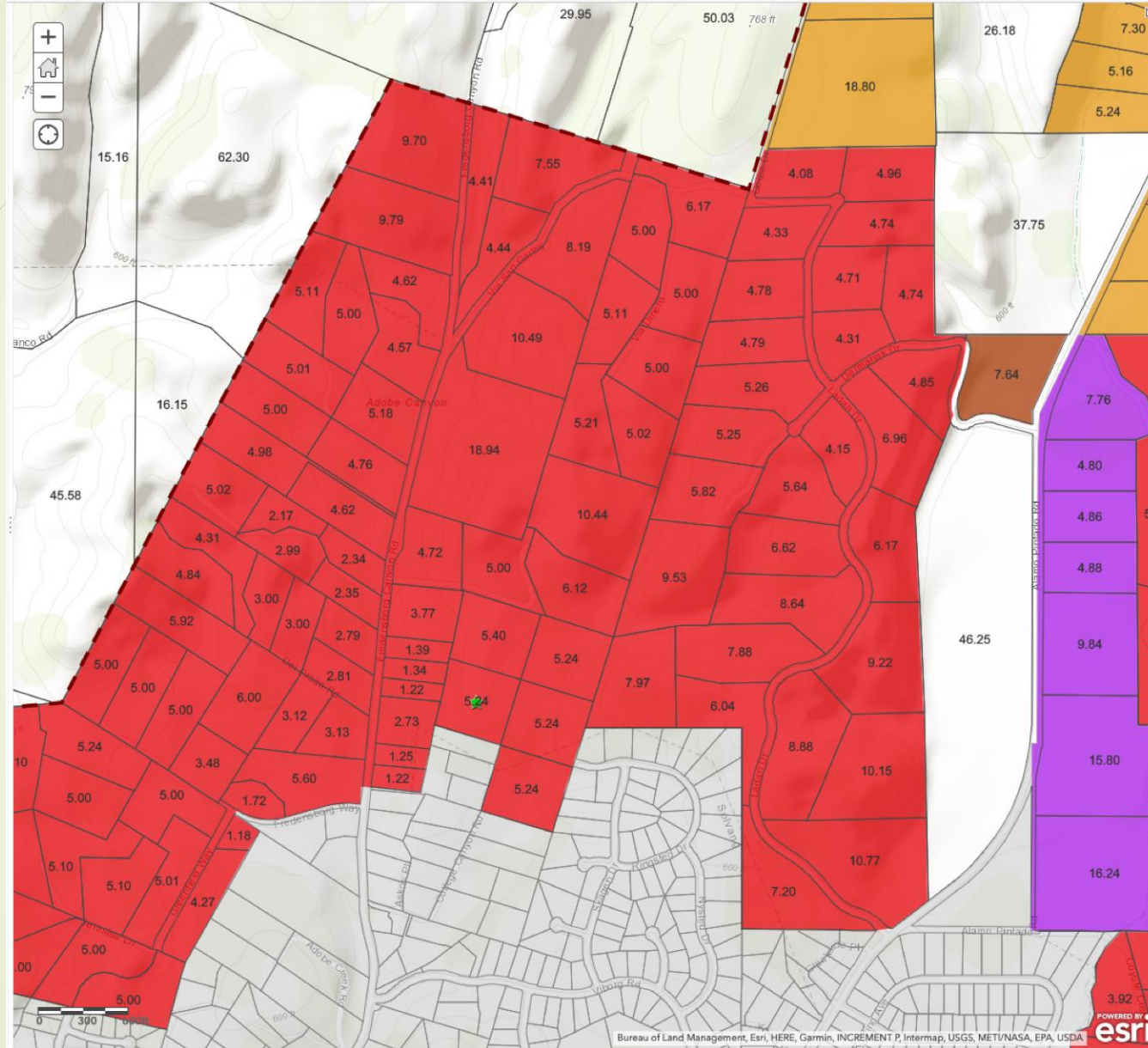
Keep agriculturally zoned lands agriculture.

SYVCP, Page 6, Table 1: Valley Blueprint Goals

The basis for the Planning Commission's denial of Appellant's agricultural project, otherwise permitted and previously approved under County's Land Use Ordinance, contravenes these Community Plan goals.

- Goal LUA-SYV: Protect and Support Agricultural Land Use and Encourage Appropriate Agricultural Expansion.
- Policy LUA-SYV-1: The County shall develop and promote programs to preserve agriculture in the Santa Ynez Valley Planning Area.
- Policy LUA SYV-2: Land designated for agriculture within the Santa Ynez Valley shall be preserved and protected for agricultural use.
- Policy LUA-SYV-3 New development shall be compatible with adjacent agricultural lands.
- DevStd LUA-SYV-3.1 New non-agricultural development adjacent to agriculturally zoned property shall include buffers, such as trees, shrubs, walls and fences, to protect adjacent agricultural operations from potential conflicts and claims of nuisance. The size and character of the buffers shall be determined through parcel-specific review on a case-by-case basis

SYVCP, Section 3. Agriculture and Rural Land Goals, Policies, Actions and Development Standards, emphasis added.



All surrounding County parcels are zoned agriculture.

The Planning Commission misapplied Policy LUA-SYV-3. The interpretation of the policy in this manner egregiously contravenes the following General Plan and SYVCP goals and policies:

General Plan, Agricultural Element, Goal 1 and Policy 1.B.: Assure and enhance the continuation of agriculture as a major viable industry and assure the rights of operation and freedoms of choice of methods of cultivation.

SYVCP Goal LUA-SYV and Policy LUA-SYV-2: Protect and support agricultural land use and preserve and protect land designated for agricultural use for agricultural use.

A Community Plan “must” be internally consistent with the General Plan. The use of the wording of Policy LUA-SYV-3, to deny appellant’s project, makes that policy inconsistent with the General Plan’s goals and policies relating to agriculturally zoned lands. Additionally, it contravenes the SYVCP stated policy of ensuring and enhancing the continuation of agriculture and assuring the rights of operation and cultivation choices.

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A policy is a specific statement that guides decision making that is based on a general plan's goals and objectives as well as the analysis of data. Policies should be clear and unambiguous.

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Page 4, Section 2, SYVCP.

The Planning Commission's decision was not based on the general plan's clear and unambiguous goals and objectives to protect, preserve and encourage agricultural uses, nor that of the Santa Ynez Community Plan goals and objectives to do the same.

Nowhere in the Santa Barbara County Comprehensive Plan is it required that agricultural structure projects be compatible with the scale and nature of structures in the surrounding area. The County LUDC sets what is allowed, therefore that is the standard of compatibility. Not comparing the proposed project with what exists. Particularly with the existence of residential uses on adjacent agriculturally zoned lands.

If that were the measure of approving projects, nothing could get built ever again, beyond the scale and nature of what is already in the surrounding area. That would end the encouragement and enhancement of the diversity and evolution of agricultural enterprises in the Santa Ynez Valley. Which are the stated goals and mandates of the Community Plan.

The proposed greenhouse will be remarkably unobtrusive.

1. The tallest of the greenhouse structure is the 20' headhouse. The eight greenhouses are 16' at their highest point. That is the height of virtually all single story and related structures in the area. ***The LUDC places no height limits on agricultural structures.***
2. The structure will not be seen from any public street.
3. The nearest residential structures will be 50' and 80', respectively.
4. Greenhouse structure setbacks are 25-50% greater than required.
5. There will be 684 linear feet of fast-growing Carolina Cherry planted along the common proper line of the two nearest contiguous properties mentioned above. ***Not required by the LUDC.***
6. At 15,648 s.f., or 0.36 acre, the structure will occupy only **6.8%** of the entire 5.24-acre parcel.
7. Neither staff nor the Planning Commission argued the project would generate too much traffic, noise, dust, odor, or other potential nuisance.
8. Without any objective evidence presented, the scale and nature of the project being the only argument against its approval.

Agriculture is the number one contributor to Santa Barbara County's economy. There is a total of 185,940 acres zoned for agriculture in the the Santa Ynez Valley.

It is a glaring omission to the project review process that neither staff nor the Planning Commission have provided even a passing acknowledgement of the overwhelming policy support, in the Agricultural Element and the SYVCP, for agricultural projects like this.

Denial of this appeal, based on the Planning Commission's misinterpretation of Policy LUA-SYV-3, sets a precedent that threatens every agricultural landowner from developing an agricultural structure operation for any-and-all agricultural uses in the future.

That the intent of Policy LUA-SYV-3 is to regulate new non-agricultural development adjacent to agriculturally zoned property is confirmed by Brian Tetley, former Senior Planner, Santa Barbara County Office of Long-Range Planning in his letter to this Board, dated January 22, 2020.

Also, you have the County of Santa Barbara Agricultural Advisory Committee's letter, of December 9, 2020, in which the committee states the importance of the Comprehensive Plan's Agricultural Element Policy 1.B., granting the unequivocal rights and freedoms of agricultural land users in their choice of cultivation methods.

For the foregoing reasons, my appeal of the denial of my project by the Planning Commission should be upheld and the project's Land Use Permit, as revised, approved. Thank you.