



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: January 11, 2022
Placement: Administrative: Set Hearing
on January 11, 2022 for
January 25, 2022
Estimated Time: .75 hours on January 25,
2022
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Director, Planning and Development
Director: (805) 568-2086
Contact Info: Travis Seawards, Deputy Director, Development Review Division
(805) 568-2518
SUBJECT: Applicant Appeal of the Decker Greenhouse Project, Case Nos. 20APL-00000-00028 and 19LUP-00000-00469, Third Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

On January 11, 2022, set a hearing for January 25, 2022, to consider the Applicant's appeal, Case No. 20APL-00000-00028, filed by Steve Decker, Applicant, of the County Planning Commission's denial of the Decker Greenhouse project, Case No. 19LUP-00000-00469.

On January 25, 2022, your Board can take the following actions:

- a. Uphold the appeal, Case No. 20APL-00000-00028;
- b. Make the required findings for approval of the project, Case No. 19LUP-00000-00469 (included as Attachment 1), including California Environmental Quality Act (CEQA) findings;
- c. Determine that based on the CEQA Consistency Analysis and Examination of Environmental Effects Document (Attachment 3.B) and previously certified EIR for the Santa Ynez Valley Community Plan (Attachment 4), the project is exempt from CEQA pursuant to CEQA Guidelines Section 15183 as stated in the Notice of Exemption (Attachment 3.A); and,
- d. Approve the project *de novo*, Case No. 19LUP-00000-00469, subject to the conditions of approval (included as Attachment 2).

Summary Text:

On February 9, 2021, the County of Santa Barbara Board of Supervisors reviewed the appeal, Case No. 20APL-00000-00028, and directed staff to return to the Board after conducting additional environmental review of the proposed project. The Board Agenda Letter from the February 9, 2021 hearing is included as Attachment 5. Staff completed additional environmental review pursuant to CEQA Guidelines Section 15183, and all potential impacts have been addressed by the Santa Ynez Valley Community Plan, as discussed in Section B below and Attachments 3.A and 3.B or through elements of the project description. The Proposed Project has not changed since the February 9, 2021 hearing.

A. Proposed Project

The proposed project is a request for a Land Use Permit (Case No. 19LUP-00000-00469) to allow the construction of a 15,648-square-foot greenhouse that will be used for vegetable cultivation. The maximum height of the proposed greenhouse is 20 feet. The project includes the demolition/removal of 3,329 square foot of existing development consisting of greenhouses, sheds, and storage containers. A new fence is proposed around the greenhouse. Proposed grading is 3,200 cubic yards of cut and 3,106 cubic yards of fill. No tree or vegetation removal is proposed. Access would continue to be provided from an existing private driveway off of Fredensborg Canyon Road. Proposed parking includes 11 new spaces (1 ADA). Approximately six (6) full-time employees would be working from 8 a.m. through 5 p.m. Monday through Friday and occasional Saturdays. The proposed project includes a new private septic system and 3,930 square feet of new landscaping. Water to the new greenhouse will be provided by a new agricultural water well. Blackout curtains will be installed and used from sunset to sunrise while the grow lights are active. The greenhouse will also have a 46,741 kWh/year solar array mounted on the roof, which is exempt from Planning review. The project is located on a 5.24-acre parcel zoned Agricultural I (AG-I-5) shown as APN 137-140-033 and addressed as 988 Fredensborg Canyon Road, Solvang, CA 93463, Third Supervisorial District.

B. Environmental Review

Pursuant to Section 15183 of the CEQA Guidelines, CEQA mandates that projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as might be necessary to examine whether a project will increase the severity of a previously identified impact or whether there are significant effects which are peculiar to a project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

The Proposed Project consists of a new 15,648 square foot greenhouse on a 5.24-acre parcel zoned AG-I-5. A greenhouse is an allowable use in the AG-I Zone District with the approval of a Land Use Permit. The total development on the parcel will total less 20,000 square feet, and pursuant to Section 35.21.030.C.1 of the County Land Use and Development Code (LUDC), approval of a Development Plan is not required. The Proposed Project is consistent with all standards of the AG-I Zone District including setbacks and height requirements. For a complete discussion of the Proposed Project's consistency with

the LUDC, please refer to Section 6.4 of the Planning Commission Staff Report dated July 28, 2020 (included as Attachment 4 of Attachment 5 to this Board Agenda Letter).

The project site is located within the Santa Ynez Valley Community Plan (SYVCP) area. The SYVCP was adopted by the County Board of Supervisors on October 6, 2009 along with the SYVCP EIR and a Statement of Overriding Considerations. The project site was zoned AG-I-5 before the implementation of the SYVCP. The SYVCP kept the project site zoned as AG-I-5 and did not restrict the type of development that is allowed on the property. A greenhouse is an allowable use in the AG-I Zone District with the approval of a Land Use Permit and the proposed project is consistent with the development density established by existing zoning and the community plan for which the SYVCP EIR was certified and therefore Section 15183 applies to this project and no additional environmental review is required.

A CEQA Consistency Analysis (Attachment 3.B) was prepared to analyze the Proposed Project's compliance with Section 15183 and the SYVCP EIR. The SYVCP EIR identified fifteen areas of environmental impacts, nine of which would have unavoidable adverse impacts from implementation of the SYVCP. Mitigation Measures from the SYVCP EIR were incorporated into the SYVCP as development standards and policies. The CEQA Consistency Analysis (Attachment 3.B) considers the environmental effects that are peculiar to the project and any impacts that may have a more severe adverse impact than discussed in the prior EIR. An additional EIR is not required to be prepared if impacts are not peculiar to the parcel or the project, have been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards.

In particular, the Proposed Project will not result in impacts to water resources, traffic, or visual resources beyond those already considered in the SYVCP EIR. Water usage by the Proposed Project will be less than the applicable significance threshold. Traffic generated by the Proposed Project will not create a hazard or significantly impact the roadway system, per the County Project-Level Vehicle Miles Traveled (VMT) Calculator. The Applicant is proposing to use blackout curtains in the greenhouses between sunset and sunrise. The use of blackout curtains will reduce any potential light pollution and prevent grow lights from being visible outside the greenhouse between sunset and sunrise. The Applicant also accepted the addition of Condition No. 9 of Attachment 2, which will ensure the effectiveness of the blackout curtains.

Please refer to the CEQA Consistency Analysis (Attachment 3.B) for a complete discussion of Section 15183 and the project's compliance.

Fiscal and Facilities Impacts:

Budgeted: Yes

The costs for processing appeals are partially offset by a fixed appeal fee and General Fund subsidy in Planning and Development's adopted budget. The fixed appeal fee was paid by the Applicant in the amount of \$701.06. Funding for processing this appeal is budgeted in the Planning and Development Permitting Budget Program, as shown on page D-301 of the County of Santa Barbara Fiscal Year (FY) 2021-22 adopted budget.

Special Instructions:

The Clerk of the Board shall publish a legal notice at least 10 days prior to the hearing on January 25, 2022. The notice shall appear in the *Santa Ynez Valley News*. The Clerk of the Board shall also fulfill

mailed noticing requirements. The Clerk of the Board shall forward a minute order of the hearing, a copy of the notice, and proof of publication to the Planning and Development Department, Hearing Support.

Attachments:

1. Findings for Approval
2. Conditions of Approval
3. Environmental Review
 - A. CEQA Exemption
 - B. CEQA Consistency Analysis and Examination of Environmental Effects Document
4. Links to SYVCP and SYVCP EIR
5. Board Agenda Letter dated January 12, 2021, and Associated Attachments
6. Board of Supervisors February 9, 2021 Hearing Minute Order
7. Statement of Overriding Considerations for the SYVCP EIR

Authored by:

Ben Singer, Planner, (805) 934-6587
Development Review Division, Planning and Development Department