

VIA PERSONAL DELIVERY

August 5, 2019

Santa Barbara County Planning Commission
624 West Foster Road
Santa Maria, CA 93455-3623

RE: Appeal of Planning Director Approval of 19LUP-00000-00050 on July 26, 2019
Aggrieved Party: John Wagner

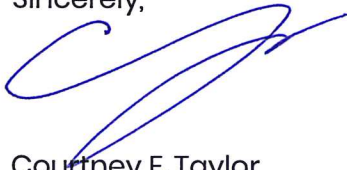
Dear Honorable Commissioners:

The following documents are attached in support of the appeal of the above-referenced Land Use Permit:

1. Appeal Form
2. Attachment to the Appeal Form
3. Map depicting locations approved and pending Land Use Permits for cannabis cultivation in relation to approved Land Use Permit

It is respectfully requested the Commission consider this appeal and deny this permit in its entirety.

Sincerely,



Courtney E. Taylor
me@courtneyetaylor.com



**PLANNING & DEVELOPMENT
APPEAL FORM**

SITE ADDRESS: 2200 Highway 246, Buellton, CA

ASSESSOR PARCEL NUMBER: 099-230-011

Are there previous permits/applications? no yes numbers: N/A
(include permit# & lot # if tract)

Is this appeal (potentially) related to cannabis activities? no yes

Are there previous environmental (CEQA) documents? no yes numbers: N/A

1. Appellant: John Wagner Phone: 323-428-9129 FAX: _____

Mailing Address: 7290 Santa Rosa Road, Buellton, CA 93427 E-mail: jbreesewagner@gmail.com
Street City State Zip

2. Owner: _____ Phone: _____ FAX: _____

Mailing Address: _____ E-mail: _____
Street City State Zip

3. Agent: Courtney E. Taylor Phone: 805-235-2706 FAX: _____

Mailing Address: 1005 Court St, #310, San Luis Obispo, CA E-mail: me@courtneyetaylor.com
Street City State Zip

4. Attorney: Courtney E. Taylor Phone: 805-235-2706 FAX: _____

Mailing Address: 1005 Court St, #310, San Luis Obispo, CA E-mail me@courtneyetaylor.com
Street City State Zip

COUNTY USE ONLY

Case Number: _____ Companion Case Number: _____
Supervisorial District: _____ Submittal Date: _____
Applicable Zoning Ordinance: _____ Receipt Number: _____
Project Planner: _____ Accepted for Processing _____
Zoning Designation: _____ Comp. Plan Designation _____

COUNTY OF SANTA BARBARA APPEAL TO THE:

BOARD OF SUPERVISORS

PLANNING COMMISSION: COUNTY MONTECITO

RE: Project Title CASTLEROCK FAMILY FARMS II, LLC - CANNABIS CULTIVATON

Case No. 19LUP-00000-00050

Date of Action July 26, 2019

I hereby appeal the approval approval w/conditions denial of the:

Board of Architectural Review – Which Board? _____

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? _____

Planning & Development Director decision

Zoning Administrator decision

Is the appellant the applicant or an aggrieved party?

Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are and “aggrieved party” as defined on page two of this appeal form:

Aggrieved party owns properties approximately 2,000 feet north of subject property, and operates
a large vineyard on said parcel. Aggrieved party and his business will be significantly impacted by
the approval of this Land Use Permit and the attendant nuisances that result.

Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County’s Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

See attachment.

Specific conditions imposed which I wish to appeal are (if applicable):


- a. N/A
- b.
- c.
- d.


Please include any other information you feel is relevant to this application.

CERTIFICATION OF ACCURACY AND COMPLETENESS Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.


I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.

Courtney E. Taylor, Law Office of Courtney E. Taylor		August 5, 2019
Print name and sign – Firm		Date

Courtney E. Taylor, Law Office of Courtney E. Taylor		August 5, 2019
Print name and sign – Preparer of this form		Date

Print name and sign – Applicant		Date
---------------------------------	--	------

Print name and sign – Agent		Date
-----------------------------	--	------

for John Wagner		August 5, 2019
Print name and sign – Landowner Aggrieved Party		Date

APPEAL ATTACHMENT

19
18LUP-00000-00050 ISSUED TO CASTLEROCK FAMILY FARMS II, LLC
2200 WEST HIGHWAY 246, BUELLTON, CA (APN 099-230-011)
APPROVAL DATE: July 26, 2019

1. The Castlerock Family Farms II, LLC Land Use Permit (“Project”) lacks indication that there has been compliance with the California Environmental Quality Act (“CEQA”) in the Director’s approval of the Project.

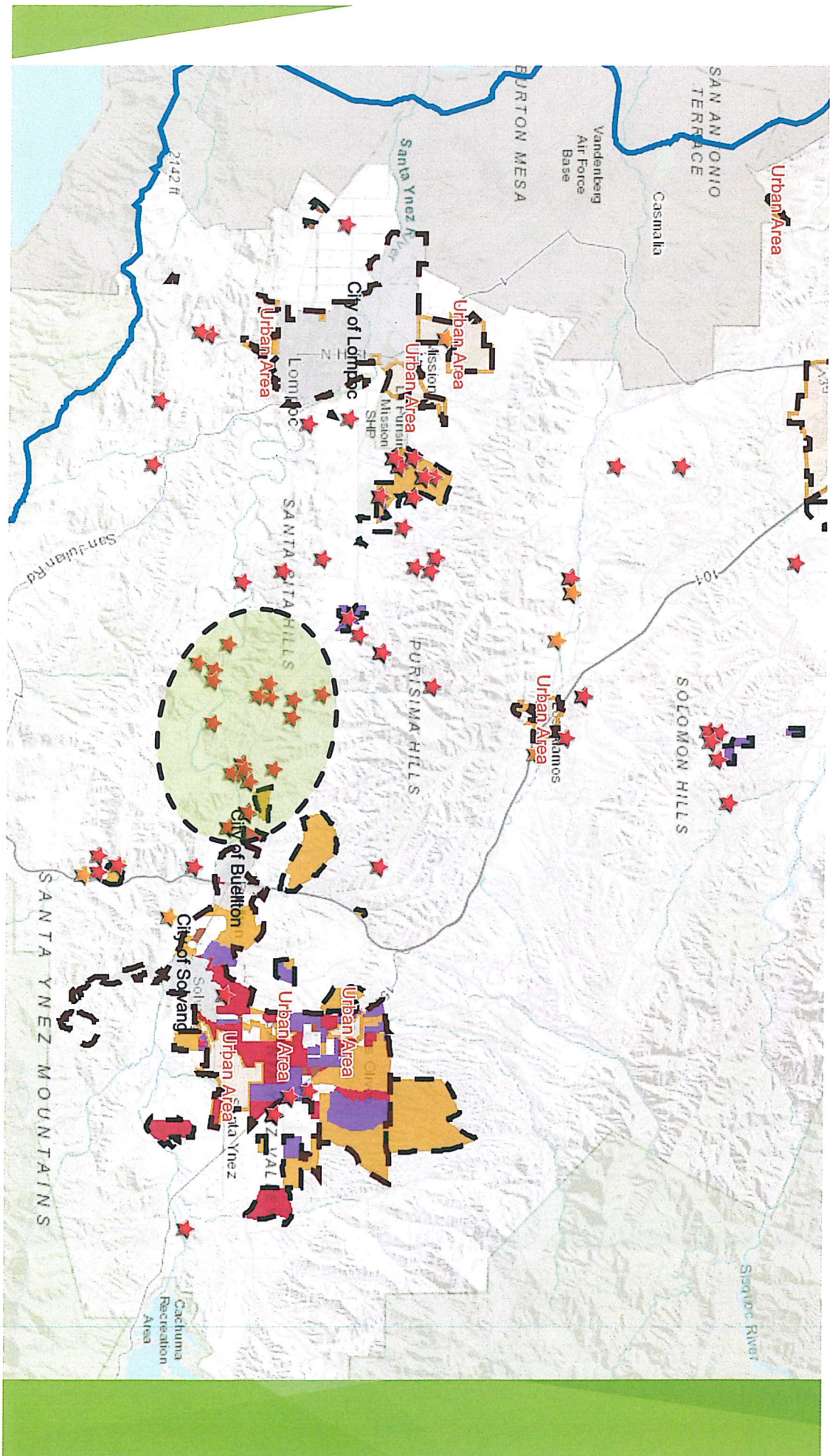
As a discretionary permit for a development project appealable to the County Planning Commission, before the Project may be approved the potential adverse impacts of the Project must be identified and, if possible, properly mitigated. Nothing in the Project documents approved by the Director on July 26, 2019 indicates that the County has either determined the Project to be exempt from CEQA review or that the County Planning & Development staff otherwise complied with the requirements of CEQA.

Further, this Project in connection with other adjacent projects for cannabis cultivation will have a significant direct and cumulative impacts to the environment that were not adequately reviewed in the Santa Barbara County’s Programmatic Environmental Impact Report for the Cannabis Land Use Ordinance and Licensing Program (“PEIR”) or by staff prior to approval of the Project. Such impacts have not been appropriately reviewed, and are not mitigated or addressed in the Project approval.

2. There are potentially significant environmental conditions present on the Project parcel that could have a potentially significant adverse impact on the environment under CEQA. These potentially significant impacts and circumstances have, apparently, not been studied, conditioned, or potentially mitigated by County staff prior to approval of the Project. These significant environmental conditions include, but are not limited to, the following:
 - The Santa Ynez River runs through the Project site.
 - That the Project site is located in the 100 year Flood Plain Hazard Area Overlay Zone for the Santa Ynez River.
 - The Project proposes onsite drying and processing of cultivated cannabis.
 - That the Project site is proximate to an Urban/Rural boundary and approximately two miles from the city limits of Buellton.
 - The Project site is adjacent to at least four other pending cannabis cultivation sites, which will have cumulative impacts on the environment.
3. The Project, as proposed, also fails to comply with a number of applicable land use regulations and the County’s General Plan.
4. The Project conditions approved by the Director are inadequate and fail to fully address concerns related to the health and safety of Project employees and the public with respect to the generation of organic air pollutants, such as volatile organic compound (“VOCs”) emissions, ozone, odors, and greenhouse gas emissions, particularly given the proposed at

least 10,220 square feet of drying and processing areas. The Project was also not apparently reviewed by the staff of the County Air Pollution Control District (“APCD”) for compliance with APCD’s rules and standards.

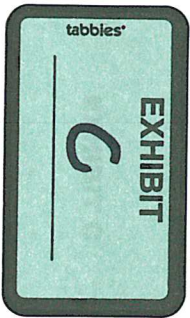
5. The Fencing, Security, and Landscaping and Screening Plans proposed by the applicants and approved by the Director are inadequate for the proper landscaping and screening of the cultivated cannabis and for security purposes, particularly with the majority of cultivation occurring under hoop structures visible from the elevations along Santa Rosa Road and along a recognized scenic corridor within the County.
6. The Noise Plan proposed by the applicants and approved by the Director is inadequate for the soundproofing so that interior noise shall not exceed 65 decibels beyond the Project site.
7. The Revegetation, Habitat and Tree Protection Plan and Wildlife Movement Plan proposed by applicants and approved by the Director are inadequate with respect to protection of sensitive habitats and species.
8. The Lighting Plan proposed by the applicants and approved by the Director is inadequate, particularly in terms of minimizing and avoiding light pollution in a scenic rural area.
9. The Site Transportation Demand Management Plan (the “STDM”) is inadequate especially with respect the traffic created during the times cannabis will be harvested and the details regarding employee carpooling.
10. Given the Project’s proximity to the Santa Ynez River, the Waste Discharge methodology proposed for use by the applicants should have been referred to, reviewed, and approved by the State Regional Water Quality Control Board for consistency with the Board’s permit requirements and for compliance with the approved SRWQCB “Cannabis Cultivation Policy.”
11. The conditions imposed on the Project for follow-up condition of approval compliance verification and mitigation monitoring are inadequate.

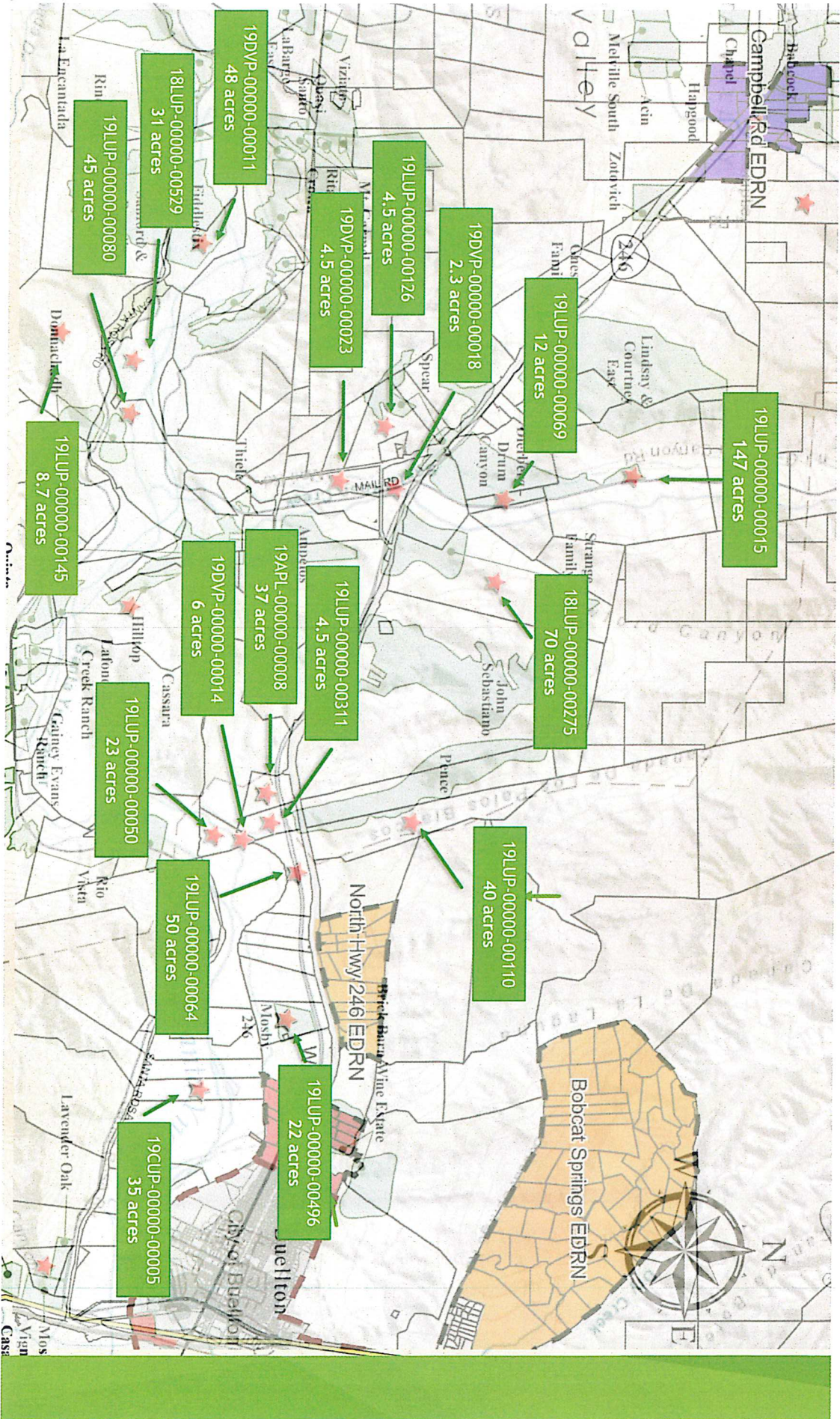


tabbles®

EXHIBIT

C







Permit Number	Acreage	Address			
East Highway 246					
19LUP-00000-00050	22.95	2200 Highway 246, Buellton, CA	099-230-011 & 099-230-034	(All under hoops)	
19DVP-00000-00014	6	2000 Highway 246, Buellton, CA	099-230-014	(Mixed-Light Greenhouse)	
19LUP-00000-00110	40	1807 Highway 246, Buellton, CA	099-190-069	(.28 acres nursery, not included in total)	
18LUP-00000-00351	37	7680 Highway 246, Buellton, CA	099-230-012	(Outdoor, 8,000 st ft seatrain containers not included in total); No hoops applied for yet	
19LUP-00000-00064	50	Highway 246, Buellton, CA	099-240-067	(45 Outdoor, 5 Nursery); No hoops applied for yet	
18LUP-00000-00496	22	1180 Highway 246, Buellton, CA	099-240-072	Appealing at 8/28 hearing; 18 acres will be under hoops	
19LUP-00000-00311	4.5	2000 Highway 246, Buellton, CA	099-230-014	Hoop structures; 2 Greenhouses	
West Highway 246					
19LUP-00000-00015	147	1551 Drumm Canyon Road, Lompoc, CA 93436	099-170-023	(Outdoor)	
19LUP-00000-00069	12	1040 Drumm Canyon Road, Lompoc, CA 93436	099-170-024	(Outdoor)	
19DVP-00000-00018	2.3	7261 Domingos Road, Lompoc, CA 93436	099-210-060 & 099-210-069	(Greenhouse)	
18LUP-00000-00275	70	7369 Highway 246, Buellton, CA 93436	099-220-017	(Outdoor)	
19DVP-00000-00023	4.5	7520 Domingos Road, Lompoc, CA 93436	099-210-022	(Greenhouse)	
19LUP-00000-00126	4.5	705 Mail Road, Lompoc, CA 93436	099-210-055	(Outdoor, 7,000 sq ft nursery not included in total)	
South Highway 246					
19DVP-00000-00011	48	Santa Rosa Road, Lompoc, CA 93436	083-150-013		
18LUP-00000-00529	30.76	5935 Santa Rosa Road, Lompoc, CA 93436	083-150-011		
19LUP-00000-00080	45	Santa Rosa Road, Lompoc, CA 93436	083-150-010		
19LUP-00000-00145	8.75	5930 Santa Rosa Road, Lompoc, CA 93436	083-150-006		
19LUP-00000-00245	1	7601 Santos Road, Lompoc CA 93436			
TOTAL ACREAGE		TOTAL PERCENTAGE OF COUNTY CAP			
556.26		37%			
TOTAL					