

ATTACHMENT 1: FINDINGS OF DENIAL

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Board of Supervisors (Board) finds that the proposed project is statutorily exempt from environmental review under CEQA [State CEQA Guidelines Sections 15061(b)(4) and 15270(a)]. More specifically, a project is exempt from CEQA environmental review if the project will be rejected or disapproved by a public agency. As discussed in the memorandum from staff to the Planning Commission, dated December 4, 2019, Attachment 8 to the Board Agenda Letter dated April 21, 2020, incorporated herein by reference, and in the administrative findings set forth below, the project is denied by the Board because certain findings cannot be made to approve the project and, therefore, the project is exempt from CEQA.

2.0 ADMINISTRATIVE

2.1 LAND USE PERMIT FINDINGS

The Board determined that the proposed project is not consistent with certain goals, policies, and development standards set forth in the Comprehensive Plan, including the Agricultural Element, Santa Ynez Valley Community Plan, and Land Use and Development Code and, therefore, the Board cannot make the necessary findings for approval of the Land Use Permit application. Of the findings required for Land Use Permits, only those that cannot be met are included in this document, below:

2.1.2 Findings required for all Land Use Permits. In compliance with Subsection 35.82.110.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first make all of the following findings:

- 1. The proposed development conforms:**
 - a. To the applicable provisions of the Comprehensive Plan, including any applicable community or area plan.**
 - b. With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).**

The Board determined that the proposed project does not conform to the applicable provisions of the Comprehensive Plan, including the provisions of the Agricultural Element and Santa Ynez Valley Community Plan. The Board also determined that the project is not consistent with the intent of the AG-II-100 zone district stated in the Land Use Development Code. The Board made this determination based on the project's disturbance to visual and aesthetic resources,

incompatibility with adjacent agricultural operations, and inadequate odor control, as described below.

Visual and Aesthetic Resources

Santa Ynez Valley Community Plan – Visual and Aesthetic Resources:

Policy VIS-SYV-1: *Development of property should minimize impacts to open space views as seen from public roads and viewpoints and avoid destruction of significant visual resources.*

DevStd VIS-SYV-1.2: *Development, including houses, roads and driveways, shall be sited and designed to be compatible with and subordinate to significant natural features including prominent slopes, hilltops and ridgelines, mature trees and woodlands, and natural drainage courses.*

The project site consists of 73-acres and is located off W. State Highway 246, a public roadway, and has historically been cultivated with agricultural crops. The site is relatively level and can be seen from the highway. The site currently has no structural development, and is a generally open area. The property contains native vegetation, particularly on the southern portion of the property that contains dense oak woodland. The property is located in a picturesque landscape in a valley surrounded by mountainous terrain and large, rolling hills to the north and south of the highway and is located at the western entrance to the Santa Ynez Community Plan area and the design control overlay. The property is surrounded by agricultural properties and rural residences and is bounded on the east and west sides by an equestrian facility and a rural estate.

The proposed project would include a six-foot chain-link fence on the perimeter of the property and a gated entrance off Highway 246 at the property access. The project would include 46.12-acres of cannabis cultivation, and 4-acres of nursey and additional cannabis related development, including the construction of two, 3,000 square foot agricultural accessory structures and parking areas. The proposed project would include implementation of a landscape plan that depicts landscaping on the northern property line and a small portion of the western property line. The purpose of the landscaping would be to attempt to shield views of the cultivation operations from the public roadway.

However, because only a portion of the property would be landscaped, other areas of the property would be exposed to public view, including areas bordered by the proposed chain-link fence. In addition, the landscaping would not blend into the surrounding terrain and would alter the character of the agricultural expanse along Highway 246 at the western entrance to the Santa Ynez Community Plan area. Most properties along the highway contain natural vegetation and are not landscaped, and the project's landscaping as proposed, in conjunction with

adjacent operations with a similar landscape plan would establish a nearly 5,000 foot long vegetation screen along the Highway which would obstruct views of scenic areas. Further, the cultivation operation and the proposed placement of fencing and landscaping would inhibit views of open areas and the surrounding, mountainous terrain. As such, the proposed project would have a negative impact on visual resources and, as such, would not conform to Policy VIS-SYV-1 or DevStd VIS-SYV-1.2 of the Santa Ynez Valley Community Plan.

Agricultural Resources

Land Use Element - Agricultural Element Goals & Policies Santa Ynez Valley Community Plan – Agriculture and Rural Land Use

Agricultural Element, Goal I: Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.

Agricultural Element, Policy I.B: County shall recognize the rights of operation, freedom of choice as to the methods of cultivation, choice of crops 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, Policy II.D: Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which encourage the retention of highly productive agricultural lands.

Policy LUA-SYV-2: Land designated for agriculture within the Santa Ynez Valley shall be preserved and protected for agricultural use.

The proposed project would include the planting of 46.12-acres of cannabis crops and approximately 4-acres of other development, including a cannabis nurse, two-3,000 square-foot agricultural accessory structures for cannabis processing, parking areas, access gates, fencing, and a septic system and leach field.

As noted above, the subject property has historically been cultivated with viable agricultural crops, including vegetables and berries. Development on the property is currently limited to power lines, dirt access roads, and an agricultural well. The property is located in an area generally zoned for rural and agricultural uses.

However, the proposed project has the potential to conflict with agricultural operations on neighboring properties, due to the potential for pesticide migration

from neighboring properties onto the subject property, which could contaminate the cannabis crops, result in complaints to the Agricultural Commissioner, and, consequently, the possible curtailment of critical operations and/or the cessation of agricultural operations on the neighboring properties. Such effects could inhibit promotion of the long-term viability of agriculture on properties surrounding the proposed cannabis activities. As such, the proposed project would not conform to Goal I, Policy I.B, or Policy II.D of the Comprehensive Plan; or Policy LUA-SYV-2 of the Santa Ynez Valley Community Plan.

Odor

SYVCP Land Use Element General – Goals, Policies, Actions and Development Standards

DevStd LUG-SYV-8.11: *Future applicants for wineries or other odor generators, based on the nature of the operations, shall develop and implement an Odor Abatement Plan (OAP). The OAP shall include the following:*

- *Name and telephone number of contact person(s) responsible for logging and responding to odor complaints;*
- *Policy and procedure describing the actions to be taken when an odor complaint is received, including the training provided to the responsible party on how to respond to an odor complaint;*
- *Description of potential odor sources;*
- *Description of potential methods for reducing odors, including minimizing potential add-on air pollution control equipment; and*
- *Contingency measures to curtail emissions in the event of a continuous public nuisance.*

However, the proposed project would result in significant malodors that would not be reduced or curtailed by the proposed OAP. As such, the proposed project could create odors that could constitute a continuous public nuisance and would not meet the standards set forth in the land use element of the SYVCP.