

Gaillard Appeal of the Suarez Outdoor Cannabis Cultivation Project

Case No(s). 21APL-00000-00018 and 19LUP-00000-00327

Appeal by Jean Gaillard

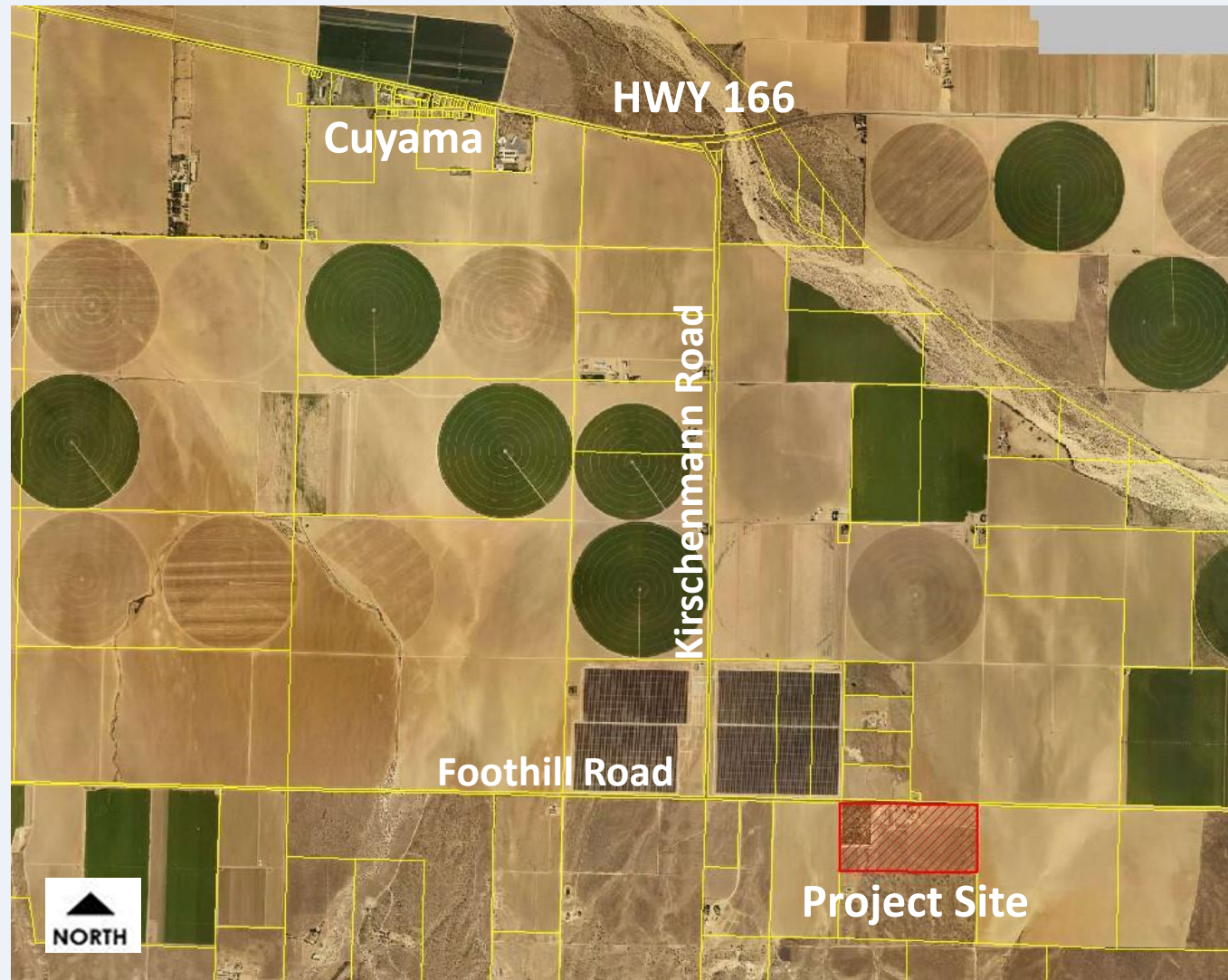
Santa Barbara County Board of Supervisors

July 13, 2021



County of Santa Barbara
Planning and Development
Tina Mitchell

Vicinity Map



Project Timeline

- **October 23, 2020:** Land Use Permit approval
- **October 30, 2020:** Appeal to Planning Commission filed
- **March 31, 2021:** Planning Commission *de novo* approval
- **April 12, 2021:** Appeal to Board of Supervisors filed
- **July 8, 2021:** Settlement Agreement and Updated Project Materials Submitted

Revisions to Project Description

- Revisions included in Memorandum dated July 9, 2021:
 - Specification that offset farm must be in same groundwater Threshold Region as project site
 - New 1:1 groundwater offset farm location proposed
 - Ventucopa offset farm is no longer an alternate location
 - Applicant commitment to comply with Cuyama Valley Cannabis Advisory Committee Guidelines for Cannabis Operations
 - Water Offset Memo has been updated
- Appellant supports approval of the project as revised

Project Description

- 34.7 acre commercial cannabis cultivation operation; grown outdoors under hoop structures
- 1:1 groundwater offset program
- Demolition of six unpermitted agricultural structures; one existing 120 sq. ft. storage shed will remain onsite
- Proposed Support Structures and Improvements:
 - Three new structures, each under 200 sq. ft.
 - Two 5,000 gal. water tanks
 - Access road, 12-space parking lot, and associated grading
 - Installation of fencing, gates, lighting, and screening landscaping
- 4 full time employees with an additional 20 temporary employees during harvest
- Other minor revisions on appeal to the Board:
 - Staging/loading area added to site plan
 - Security fencing height reduced from 8 ft. to 6 ft. tall

Site Plan

APN#: 149-160-033



Site Photos

Photo A

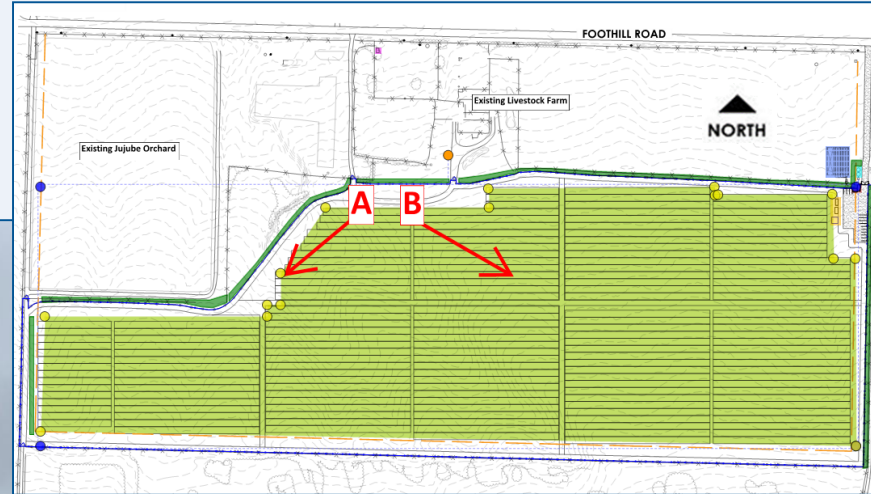
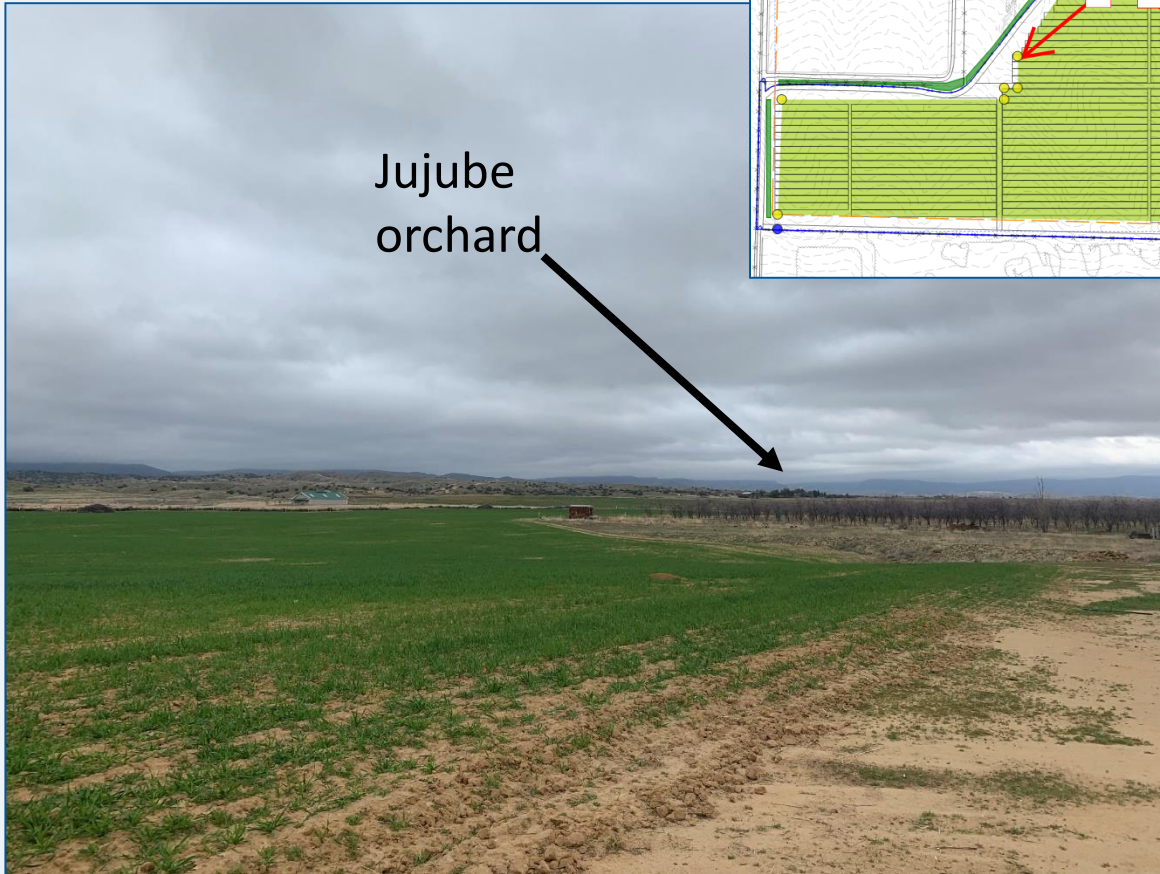
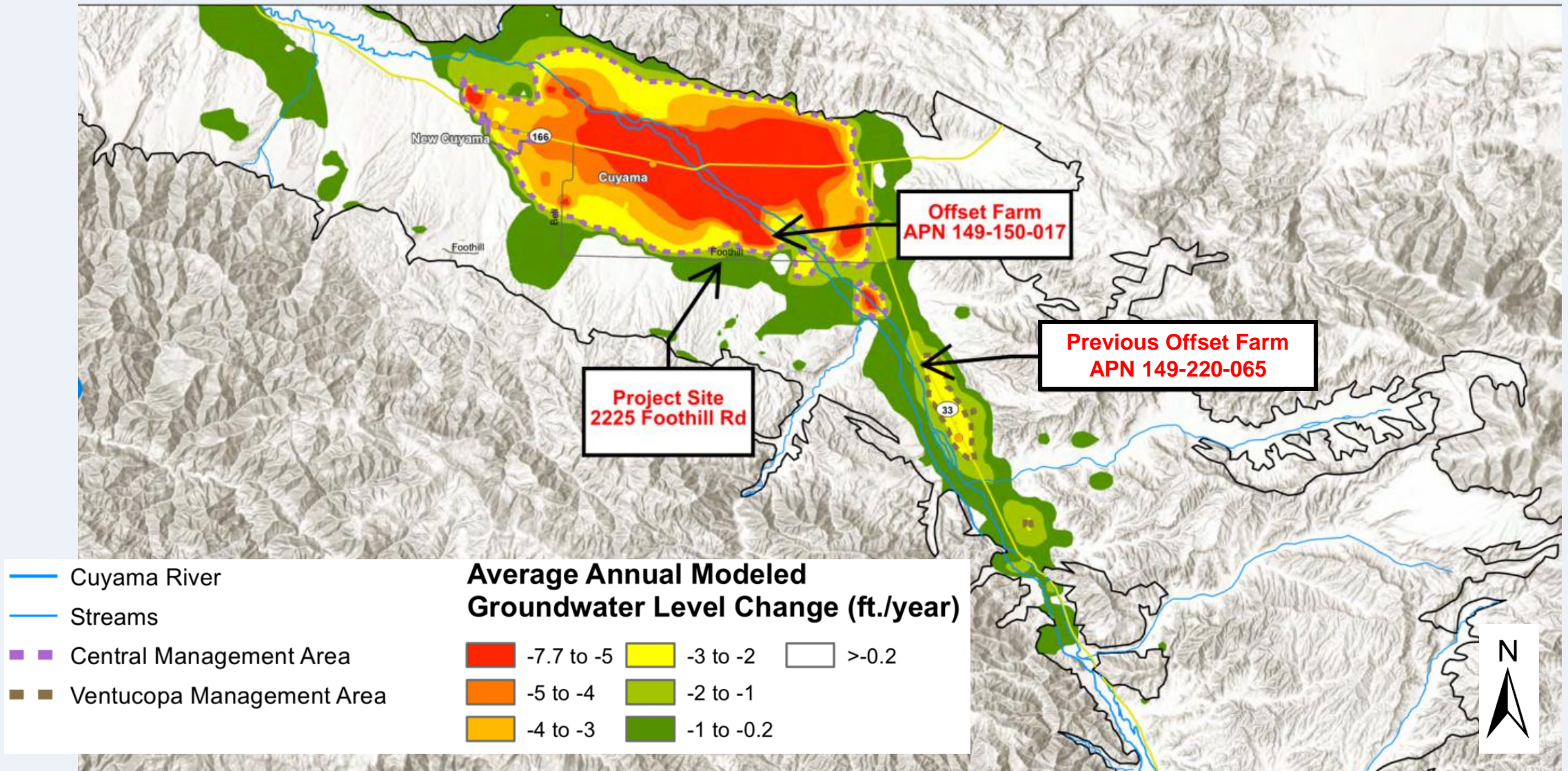


Photo B



Project and Offset Farm Location



Appeal Issues Raised

1. Issue:

The proposed 1:1 groundwater offset program is inadequate to resolve the Project's impacts to the Cuyama Groundwater Basin.

Response

- New offset farm location proposed; located less than 1 mile north east of the project site
- Continuous GSA oversight
- PEIR analyzed and discussed groundwater demand impacts
- Preparation of the CEQA Checklist during project review determined that the proposed project will not create a new environmental impact

Appeal Issues Raised

2. Issue:

There is inadequate water available to support the Proposed Project, and therefore Land Use Permit Finding 2.2.1 (adequate public or private resources) cannot be made. Groundwater pumping will cause harm to surrounding wells.

Response

- Two wells proposed for use; EHS confirmed both wells are adequate for domestic uses
- Two technical reports prepared by a Certified Hydrologist conclude that groundwater resources are adequate to support the project without harm to surrounding wells
- County does not adjudicate water rights

Appeal Issues Raised

3. Issue:

The project is inconsistent with the following Comprehensive Plan Policies:

- A. Land Use Element – Development Policy 4
- B. Conservation Element – Groundwater Resources Policies 3.5 and 3.6
- C. Land Use Element – Visual Resources Policy 2
- D. Agricultural Element – Goal I

Response

- A. Project adequately served by public/private resources, including water
- B. 1:1 Offset Program and GSP address groundwater policies
- C. Project was approved in compliance with AG-II Zone height and setback requirements; Landscape and Screening Plan required
- D. Project will not convert any agricultural lands to non-agricultural development

Appeal Issues Raised

4. Issue:

Three issues related to the Project's non-compliance with CEQA:

- A. Use of the CEQA Checklist is flawed
- B. Environmental Justice impacts are not addressed in PEIR
- C. New information regarding agricultural land use conflicts

Response

- A. The Project was adequately analyzed under CEQA
- B. CEQA statute and CEQA Guidelines do not require consideration of Environmental Justice (EJ) impacts; County has not adopted EJ Element
- C. Project is compatible with surrounding agriculture; no new information of substantial importance has been provided

Appeal Issues Raised

5. Issue:

Improper receipt and failure to disclose *ex parte* evidence

Response

- During the Planning Commission hearing on March 31, 2021, all *ex parte* communications were disclosed by the Planning Commission and captured in compliance with County procedures

Recommended Actions

- A. Deny the appeal, Case No. 21APL-00000-00018;
- B. Make the required findings for approval of the revised Project as specified in Attachment 4 of the memorandum dated July 9, 2021, including California Environmental Quality Act (CEQA) findings;
- C. Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) is adequate and no subsequent environmental review is required pursuant to CEQA Guidelines 15162 and 15168(c)(2) (Attachment 4 to the Board Letter and Attachment 5 to the memorandum dated July 9, 2021); and
- D. Grant *de novo* approval of the revised Project, Case No. 19LUP-00000-00327 subject to the conditions included as Attachment 6 of the memorandum dated July 9, 2021