

# **NORTH FORK RANCH FROST PONDS PROJECT**

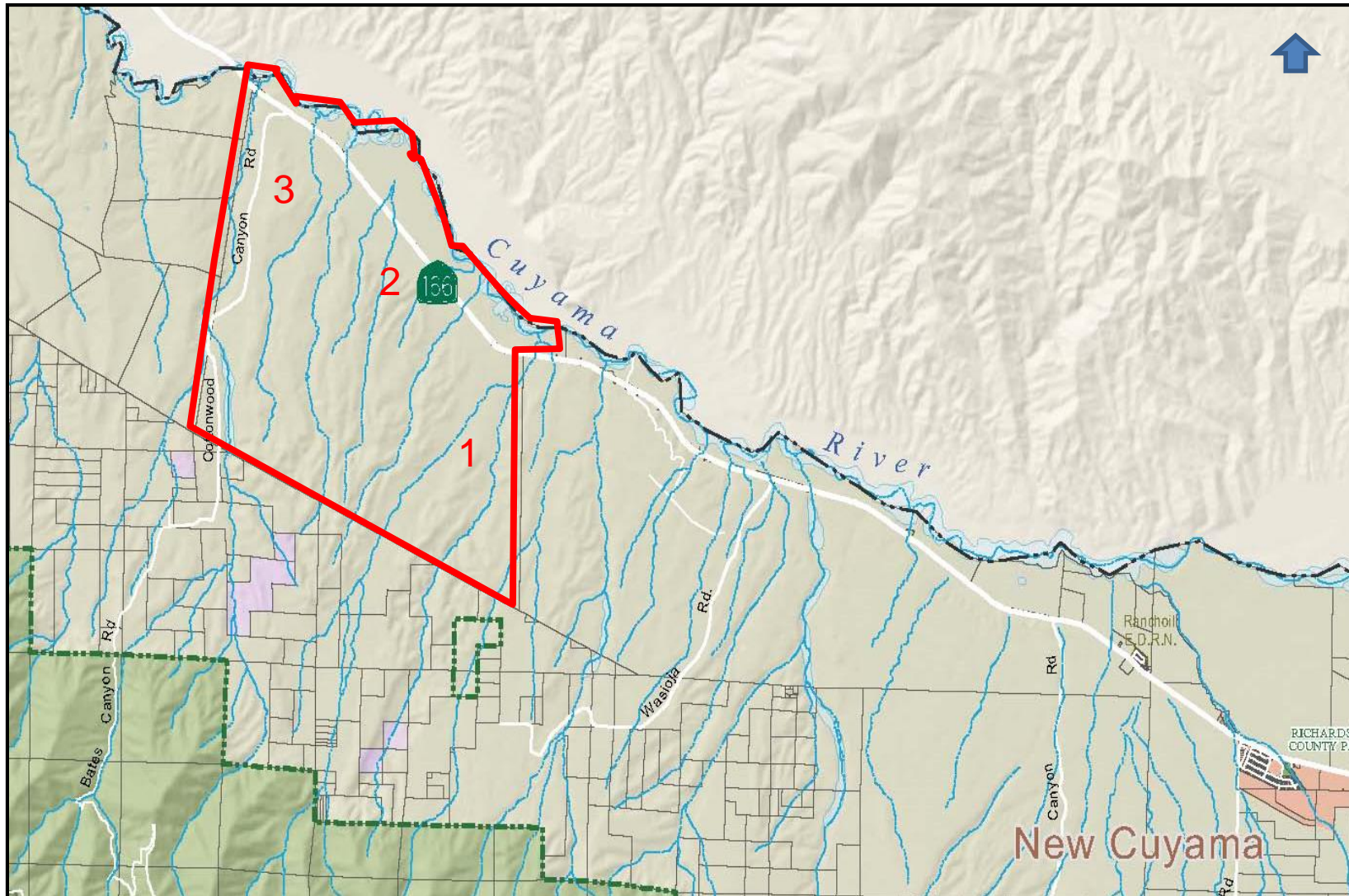
**Case Nos. 23APL-00000-00023 and 16CUP-00000-00004  
EIR No. 21EIR-00000-00002  
SCH No. 2017061009**

**Board of Supervisors  
October 10, 2023**



**County of Santa Barbara  
Planning and Development  
Steve Rodriguez, Planner**

# Project Site



# Proposed Project

- Construct and operate three water storage reservoirs on a project site that has been planted with approximately 840 acres of vineyards.
- Each proposed reservoir would have a footprint of approximately five acres and each would store approximately 44 acre feet of water.
- Water stored in the reservoirs would be supplied by existing agricultural wells. Those wells are currently used to irrigate the vineyard and to operate the vineyard's existing spray irrigation frost protection system.
- Construction of the reservoirs requires approximately 131,000 yd<sup>3</sup> of cut and 127,000 yd<sup>3</sup> of fill. Proposed grading would be balanced on the project site.

# Project History

- **September, 2017:** The Zoning Administrator adopted an MND prepared for the Project and approved 16CUP-00000-00005.
- **September, 2018:** The County Planning Commission considered an appeal of the ZA approval and directed P&D to prepare a Focused EIR for the Project.
- **February, 2019:** The Board of Supervisors considered an appeal of the Planning Commission decision and affirms that a Focused EIR is required for the Project.
- **October, 2021 to March, 2023:** A Draft, Revised Draft, Second Revised Draft and Final EIR were prepared.
- **March 29 and May 10, 2023:** The County Planning Commission considered and denied the Project because six of the seven findings required for the approval of a Conditional Use Permit could not be made.

# Appeal Issues

The Appellant (the Project applicant) asserts that the Planning Commission erred when they denied the Project because the administrative record supports an affirmative determination for each of the Conditional Use Permit findings required for approval of the Project.

The appeal issues are focused on the Project's use of groundwater and mitigation of impacts to native grassland.

# Appeal Issue No. 1

**CUP Finding No. 1:** *The site for the proposed project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed.*

The Appellant asserts this finding can be made and the Planning Commission did not consider the size of the proposed reservoirs relative to the 840-acre project site vineyard that would be served.

Staff Response: The Planning Commission found that the project site's location and physical characteristics are not adequate due to the size of the Project and the potential for it to use up to 103 acre-feet of water per year from the critically overdrafted Cuyama Valley Groundwater Basin.

# Appeal Issue No. 2

**CUP Finding No. 2:** *Within the Inland area significant environmental impacts will be mitigated to the maximum extent feasible.*

The Appellant asserts this finding can be made because implementation of the proposed native grassland restoration plan mitigation measure would reduce Project-related impacts to native grasses a less than significant level.

Staff Response: The Planning Commission found that the proposed grassland restoration mitigation measure did not reduce the Project's native grassland impacts to the extent feasible because the Project could be revised so that the impact would be avoided.

# Appeal Issue No. 3

**CUP Finding No. 3:** *There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the proposed project.*

The Appellant asserts this finding can be made because adequate water supply is available to serve the Project.

Staff Response: The Planning Commission found that the Project's long-term water supply would be from the critically overdrafted Cuyama Valley Groundwater Basin, therefore adequate water supply resources are not available to serve the Project's potential demand of up to 103 acre-feet per year.



# Appeal Issue No. 4

**CUP Finding No. 5:** *The proposed project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.*

The Appellant asserts this finding can be made because groundwater conditions in the Project area are “fairly stable.”

Staff Response: The Planning Commission found that the Project’s use of water will contribute to recent declines in groundwater levels that have been documented at the project site, resulting in a long-term water supply impact that will detrimentally affect the general welfare of the Project area.

# Appeal Issue No. 5

**CUP Finding No. 6:** *The proposed project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.*

The Appellant asserts this finding can be made because the Project would be consistent with applicable policies of the Comprehensive Plan.

Staff Response: The Planning Commission found that the Project's water use would not be consistent with the following Comprehensive Plan policies:

- Land Use Policy No. 4
- Conservation Element Policies 3.5 and 3.6
- Agricultural Element Policy 1B

# Appeal Issue No. 6

**CUP Finding No. 7:** *Within Rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic character of the area.*

The Appellant asserts this finding can be made because it would conflict with the Land Use Development Code and Agricultural Element to find that an agricultural use, such as the proposed Project, is not subordinate to the agricultural character of the project area.

Staff Response: The Planning Commission found that the Project would be incompatible with the rural/agricultural character of the area because it's water use would contribute to existing declines in groundwater levels and detrimentally affect future agricultural operations and the general welfare of the region.

# Recommended Actions

- Make the required Findings for denial of the Project, Case Number 16CUP-00000-00005, as specified in Attachment 1 of the Board Agenda Letter dated October 10, 2023;
- Determine that denial of the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15270 (Statutory Exemption for Projects that are Disapproved) as described in Attachment 2 of the Board Agenda Letter dated October 10, 2023.
- Deny the Project, Case Number 16CUP-00000-00005.