

SBCRC Appeal of the Central Coast Agriculture Cannabis Cultivation Project

**Case Nos. 21APL-00000-00003, 19CUP-00000-00005, and 19DVP-
00000-00010**

Appeal by Santa Barbara Coalition for Responsible Cannabis

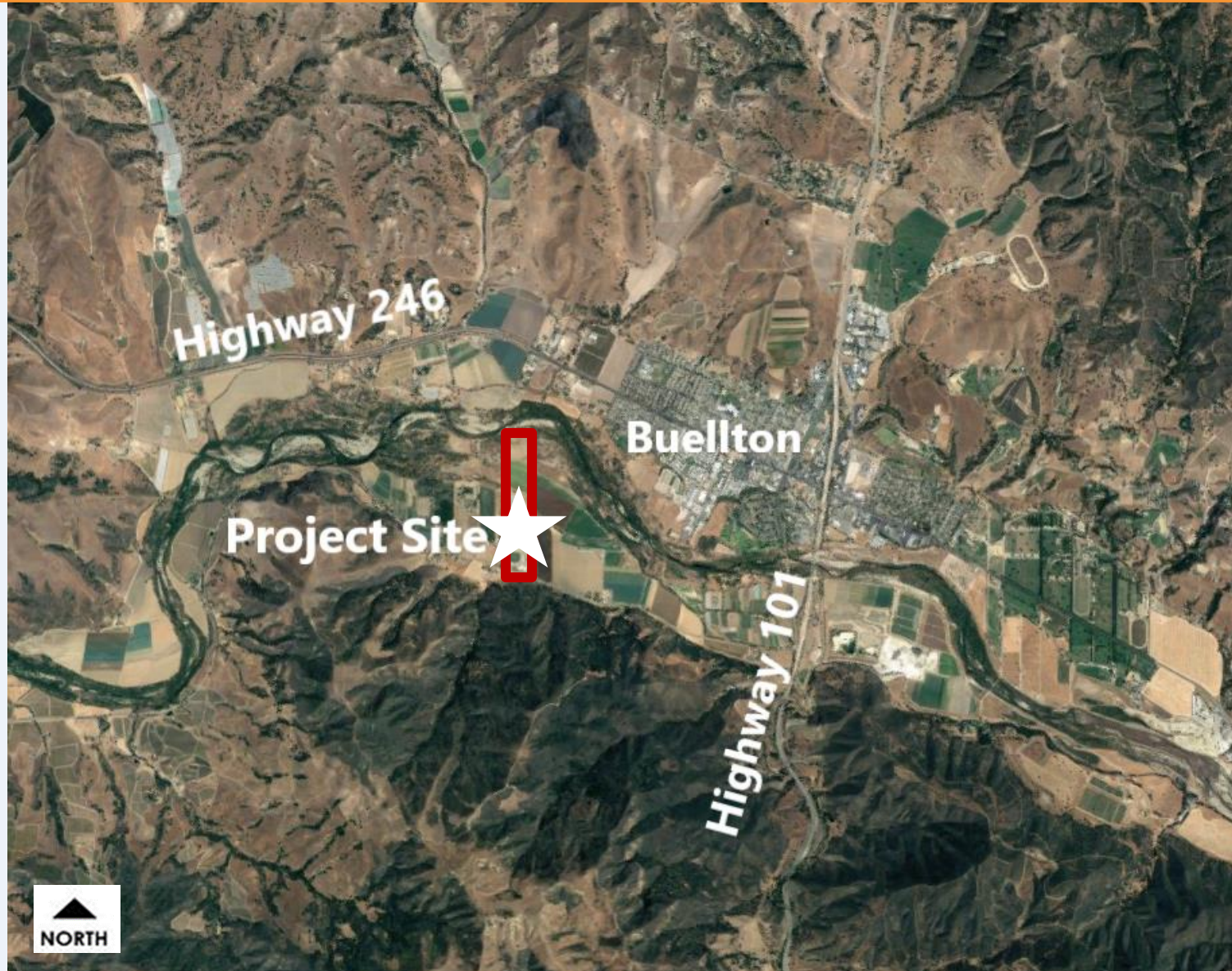
Santa Barbara County Board of Supervisors

May 4, 2021



**County of Santa Barbara
Planning and Development
Gwen Beyeler**

Vicinity Map



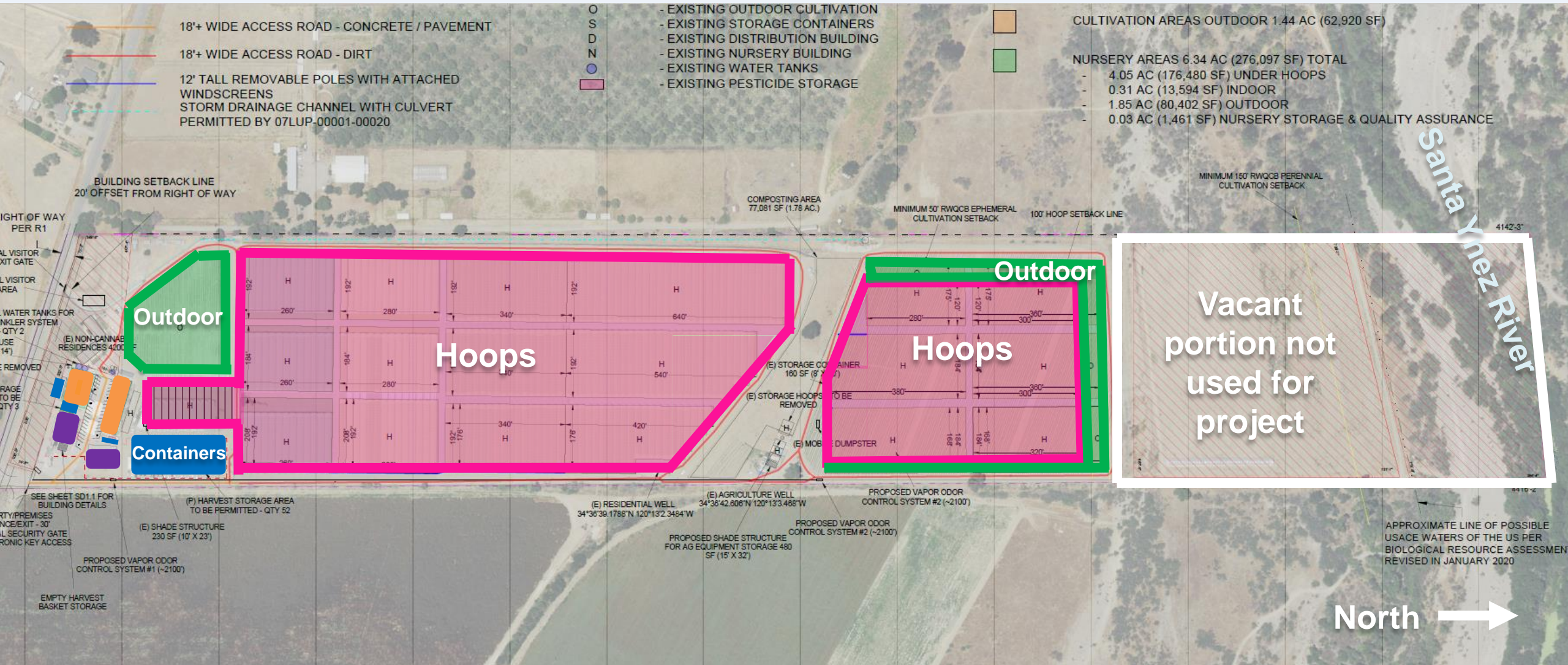
Project Timeline

- **October 28, 2020:** Planning Commission continuance
- **December 2, 2020:** Planning Commission continuance
- **January 13, 2021:** Planning Commission approval
- **January 25, 2021:** Appeal filed

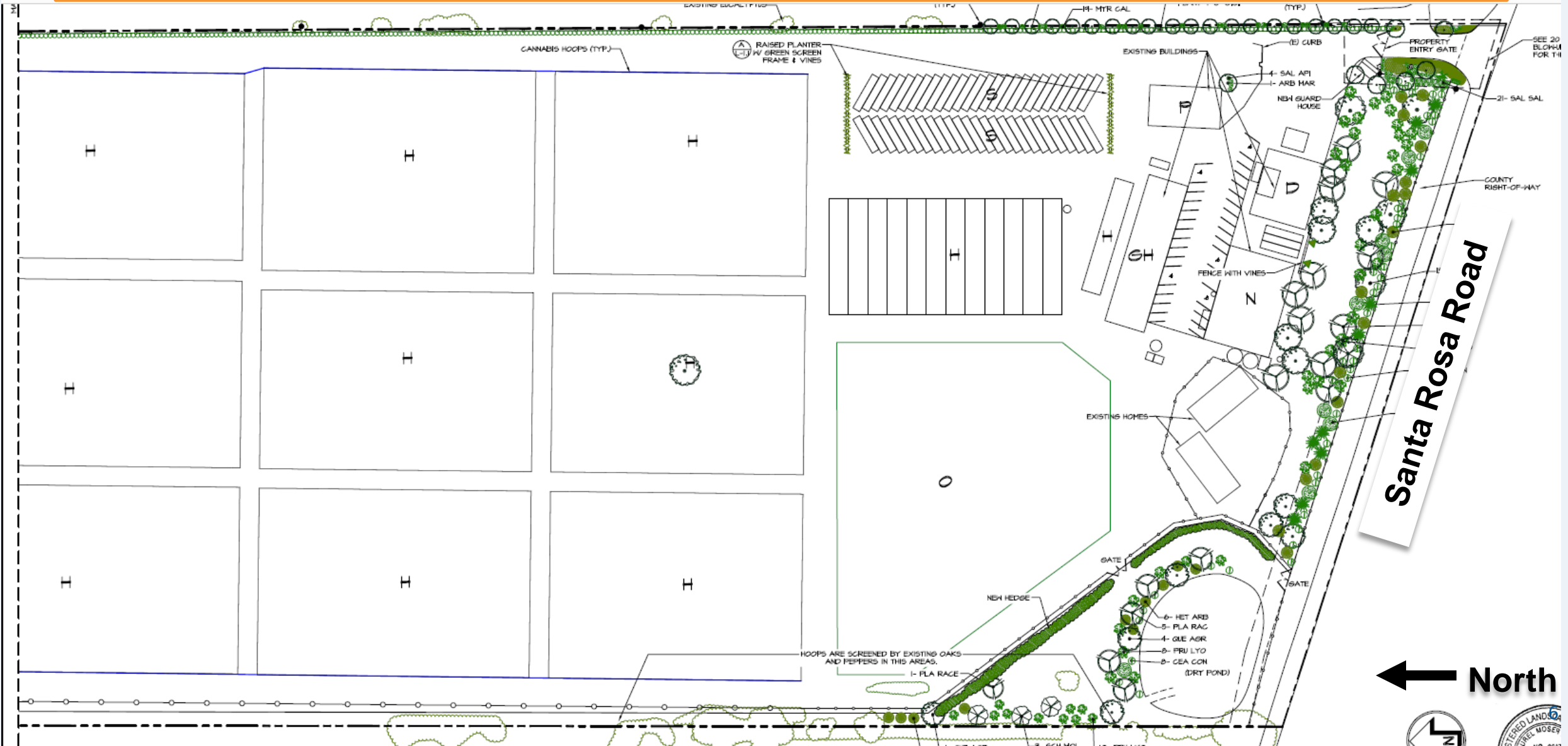
Project Description

- 29.78 acres of cultivation:
 - Mature: 23.44 acres
 - Nursery: 5.85 acres
 - Mixed-light: 13,594 sq. ft. (0.31 acres)
- Cultivation & processing in existing, permitted buildings
- 57 as-built storage containers
 - 56 refrigerated containers (42 to be removed within 3 years)
 - 1 non-refrigerated container
- Installation of new shade structure, security building, and storage addition
- Installation of fencing, lighting, landscaping, and odor abatement systems
- 20 regular full-time employees, 20 additional seasonal employees

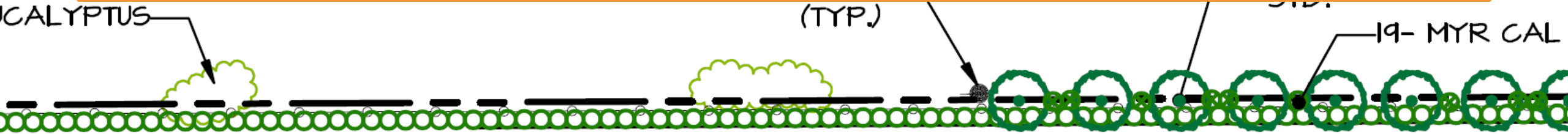
Site Plan



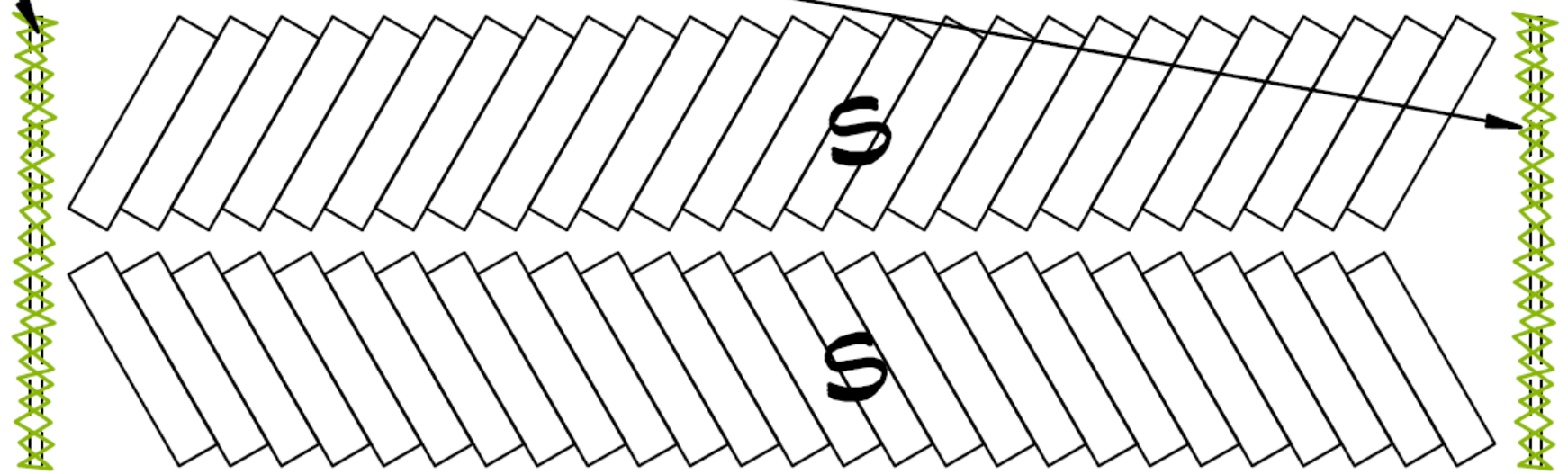
Landscaping



Container Landscaping

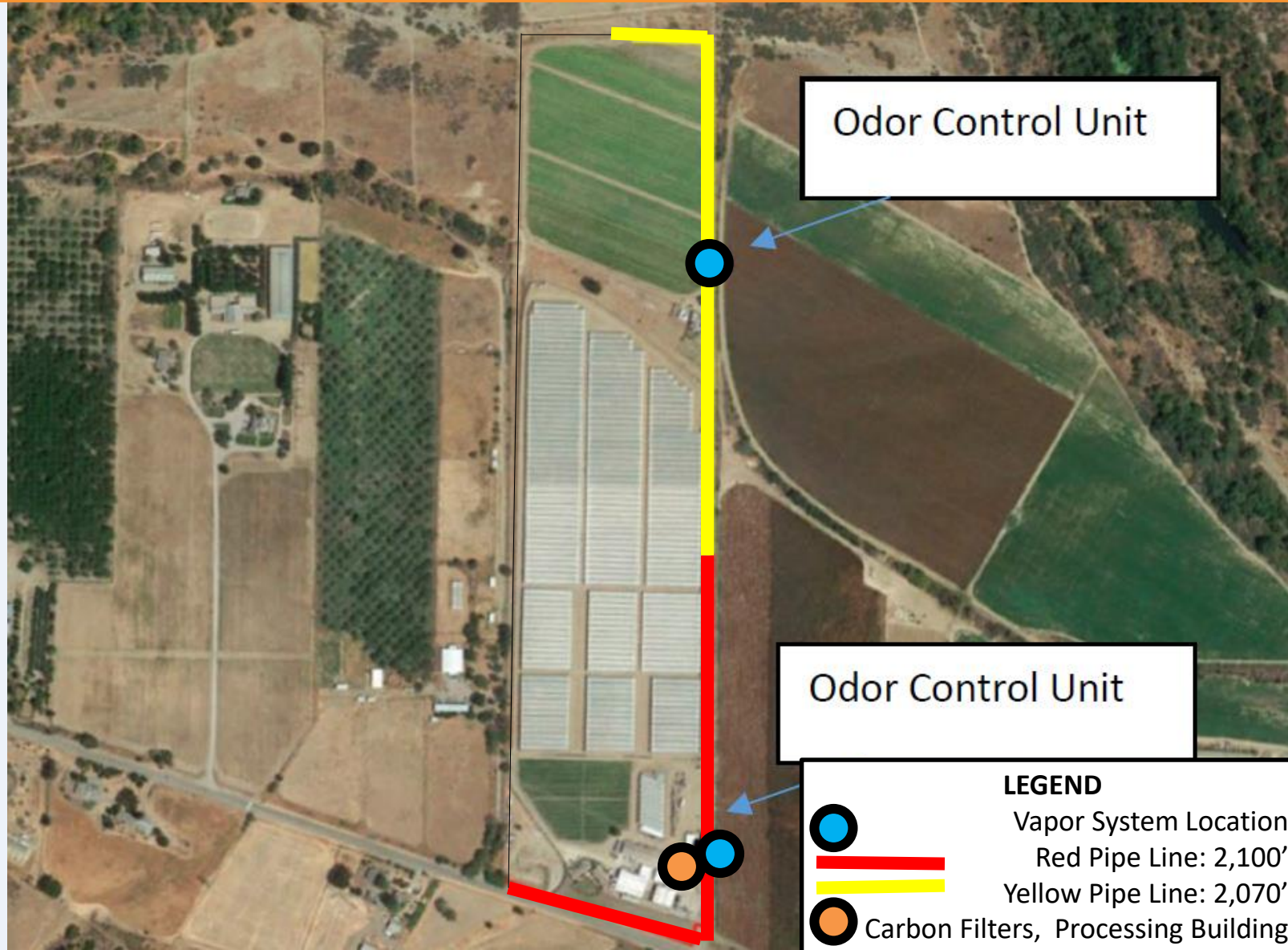


A
L-1.1
RAISED PLANTER
W/ GREEN SCREEN
FRAME & VINES



North

Odor Abatement Plan (OAP)



Appeal Issues Raised

1. Issue:

Project conditions and Odor Abatement Plan (OAP) do not limit odor at the property line. Project lacks odor monitoring equipment to demonstrate that they are not responsible for odor in the vicinity. Project is inconsistent with the SB County Air Pollution Control District.

Response

- LUDC require prevention of odor within residential zones, not at property line
- OAP is consistent with Land Use & Development Code (LUDC) and Santa Ynez Valley Community Plan (SYVCP)
- OAP includes adaptive approach, weather monitoring equipment, detailed complaint response process, and community outreach components
- Project will be consistent with APCD regulations and condition letter

Appeal Issues Raised

2. Issue:

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

- A. CEQA Checklist is defective and inadequate
- B. Uniform Rules amendments undermine adequacy of PEIR
- C. Unanticipated cumulative impacts
- D. Terpene taint and odor

Response

- Project impacts consistent with PEIR analysis
- Project is consistent with Uniform Rules, and the PEIR anticipated amendments to the Uniform Rules
- PEIR assumed concentrations of cannabis within the Santa Ynez Valley
- PEIR concluded that Class I impacts would result from the cannabis program
- Terpenes are ubiquitous and were anticipated in the PEIR

Appeal Issues Raised

3. Issue:

Applicant illegally installed containers and expanded the Project beyond the legal nonconforming cannabis cultivation area in violation of Article X and the LUDC. Board cannot make findings.

Response

- Zoning violations will be abated with approval of the CUP and DVP
- Upon approval, Project will be in full compliance with all laws, rules, and regulations

Appeal Issues Raised

4. Issue:

The Site Transportation Demand Management Plan (STDMP) lacks specificity, an internal review process, and performance standards.

Response

- LUDC does not require performance standards for STDMPs
- STDMP is consistent with the LUDC and includes estimated trips and methods for trip reduction
- STDMP outlines an internal review process that will be monitored by P&D Permit Compliance staff
- LUDC does not identify performance standards for STDMPs

Appeal Issues Raised

5. Issue:

Four issues related to inconsistency with the Comprehensive Plan:

- A. SYVCP, Design Control Overlay, and Central Board of Architectural Review (CBAR)
- B. Scenic Highways Element
- C. Open Space Element
- D. Agricultural Element

Response

- Design Control Overlay and Scenic Highways Element do not apply to the Project
- CBAR reviewed the project and determined that required findings could be made
- Project is consistent with Comprehensive Plan, including the Open Space and Agricultural Elements, as well as the LUDC

Appeal Issues Raised

6. Issue:

Lack of sufficient evidence to make required findings based on:

- A. Odor drift
- B. Cultivation buffers not adequate
- C. Visual impacts
- D. Non-compliance with CEQA
- E. Conflicts with nearby agriculture
- F. Expansion of unpermitted uses

Response

- A. OAP complies with requirements
- B. Project setbacks are consistent with LUDC
- C. Project is consistent with SYVCP and was reviewed by CBAR; north portion of site not visible; includes landscaping & downward lighting
- D. Project within scope of the PEIR
- E. Continues agricultural use of property
- F. Approval will abate violations

Recommended Actions

1. Deny the appeal, Case No. 21APL-00000-00003
2. Make the required findings for approval of the Proposed Project as specified in Attachment 1 of this Board Agenda Letter, including CEQA findings
3. 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) (Attachment 3 and Attachment 4)
4. Grant *de novo* approval of the Proposed Project, Case Nos. 19CUP-00000-00005 and 19DVP-00000-00010, subject to the conditions included as Attachment 2 of this Board Agenda Letter