

## ATTACHMENT A: FINDINGS

### CASE NO. 17ORD-00000-00007

#### 1.0. CEQA FINDINGS

##### 1.1 CEQA Guidelines Exemption Findings

1.1.1 The Board of Supervisors finds that the proposed project, 17ORD-00000-00007, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Please see Attachment 2, Article X Notice of Exemption.

#### 2.0 ADMINISTRATIVE FINDINGS

The Board of Supervisors shall adopt the following findings in order to approve a text amendment to Article X:

##### 2.1 The request is in the interests of the general community welfare.

The proposed ordinance is in the interest of the general community welfare since the ordinance will revise Article X to provide that:

- The existing exemption from the prohibition against medical cannabis cultivation, for nonconforming medical cannabis cultivation locations that existed as of January 19, 2016, shall terminate six months after the operative date of the applicable County ordinance regarding cannabis cultivation which is being studied by the Cannabis Land Use Ordinances and Licensing Program EIR (Project Case Nos.: 17ORD-00000-00009, -00010, and -00013) (collectively, "County cannabis ordinance") or a minimum of 18 months from the effective date of this amendment (Case No.: 17ORD-00000-00007) to Article X.
- If the County cannabis ordinance referenced above allows for cultivation of medical cannabis but requires a zoning permit, operators of nonconforming medical cannabis cultivation locations that have submitted a complete application to the Santa Barbara County Planning and Development Department to permit their nonconforming cultivation site by the termination date listed above may continue to operate their same existing nonconforming medical cannabis cultivation site while their permit application is being processed, as long as the cultivation location continues to comply with the requirements of (1) Article X as revised, (2) State law, and (3) the applicable provision of the County Land Use and Development Code Section 35.101.020 (Nonconforming Uses of Land and Structures), Montecito Land Use and Development Code Section 35.491.020 (Nonconforming Uses of Land and Structures), or Article II, the Coastal Zoning Ordinance Section 35-161 (Nonconforming Uses of Land, Buildings, and Structures). However, if the permit application is denied, then the applicant shall cease all cannabis cultivation until the operator obtains a permit.

The termination of the nonconforming status will require operators of existing, nonconforming medical cannabis cultivation locations, if they desire to continue to operate, to apply for and receive permits if allowed under the proposed County regulations that will implement the new State law and regulations regarding the cultivation, manufacture, distribution, testing, and sale of cannabis. The proposed County regulations will address permit requirements and development standards for the different cannabis license types that are allowed under State law and whether

they are allowed within the County. This will ensure that the continued operation of existing medical cannabis cultivation locations is compatible with the surrounding neighborhood by imposing development standards that address such issues as night lighting, odor control, and security.

**2.2 The request is consistent with the County Comprehensive Plan, the requirements of state planning and zoning laws, and the County zoning ordinances.**

Adoption of the proposed ordinance amendment to Article X will implement California State laws regarding the cultivation, manufacture, distribution, testing, and sale of cannabis, by revising Article X to provide that the existing exemption for nonconforming medical cannabis cultivation locations that existed as of January 19, 2016 shall terminate six months after the operative date of the applicable County cannabis ordinance, or a minimum of 18 months from the effective date of this amendment (Case No.: 17ORD-00000-00007) to Article X. This requires operators of such locations who desire to continue the cultivation of cannabis to apply for and receive permits in compliance with local permit and licensing requirements and development standards that implement State law. In addition, State law has established a regulatory scheme for engaging in cannabis operations that requires, starting in January 2018, annual State licenses. Furthermore, State law will remove the provisions in Health and Safety Code Section 11352.775 regarding associating cooperatively or collectively to cultivate cannabis for medicinal purposes one year after the Bureau of Cannabis Control post notices that state licensing has commenced. These new statutory schemes greatly impact Article X and the continuance of any legal nonconforming cultivation sites as all sites must comply with the new State laws.

The proposed ordinance amendment to Article X will not result in any inconsistencies with the adopted policies and development standards of the Comprehensive Plan including the Community and Area Plans. The proposed ordinance is also consistent with the remaining portions of Article X that would not be revised by this ordinance.

**2.3 The request is consistent with good zoning and planning practices.**

The proposed ordinance amendment to Article X is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values, since it will revise Article X to require the operators of medical cannabis cultivation locations that existed as of January 19, 2016, to either cease operation by the dates specified in the ordinance or obtain the necessary permit(s) and license(s) in compliance with the County Land Use and Development Code, Montecito Land Use and Development Code, or Article II Coastal Zoning Ordinance, as applicable, as well as possible future County licensing regulations, in order to continue cultivating. This gives current legal nonconforming cultivators time to either wind down their cultivation operations of the annual, dioecious, flowering cannabis plants or comply with local regulations and obtain the necessary State licenses which regulate cultivation and all other cannabis operations. In order to be permitted in compliance with the County Land Use and Development Code, Montecito Land Use and Development Code, or Article II Coastal Zoning Ordinance, a cannabis cultivation operation will be required to comply with a series of development standards that are designed to ensure that the operation is compatible with the surrounding neighborhood.