

ATTACHMENT 1: FINDINGS

1.0 CEQA FINDINGS

SUBSEQUENT ACTIVITIES WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15162 AND 15168:

1.1 CONSIDERATION OF SUBSEQUENT ACTIVITIES IN THE PROGRAM

The County Board of Supervisors considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Attachment M of Attachment 4 to the Board Letter dated August 20, 2019, the Planning Commission Staff Report dated May 28, 2019, and incorporated herein by reference), the CEQA Checklist prepared pursuant to CEQA Guidelines Section 15168(c)(4) (Attachment 3 to the Board Letter dated August 20, 2019, and herein incorporated by reference), along with the proposed project which is an activity within the scope of the PEIR. Staff prepared a written checklist in compliance with State CEQA Guidelines Section 15168(c) to document the evaluation of the site and the activity to determine that the environmental effects of the operation are covered in the PEIR (Attachment 3 to the Board Letter dated August 20, 2019, and incorporated herein by reference). As shown in the written checklist, the proposed project is within the scope of the PEIR and the effects of the proposed project were examined in the PEIR. Therefore, on the basis of the whole record, including the written checklist, the previously certified PEIR, and any public comments received, the Board of Supervisors finds that the proposed project will not have effects that were not examined in the PEIR and will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment, and will not present new information of substantial importance pursuant to State CEQA Guidelines Section 15162, thereby warranting the preparation of a new environmental document for the proposed project.

1.2 LOCATION OF DOCUMENTS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101.

2.0 ADMINISTRATIVE FINDINGS

2.1 COASTAL DEVELOPMENT PERMIT FINDINGS

2.1.1 Findings required for all Coastal Development Permits. In compliance with Section 35-60.5 of the Article II Coastal Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.

As discussed in the Planning Commission Staff Report dated May 28, 2019 and the Board Agenda Letter dated August 20, 2019 and incorporated herein by reference, adequate services are available to serve the proposed development. The site will continue to be served by the Carpinteria Valley Water District, Carpinteria-Summerland Fire Protection District, Santa Barbara County Sheriff's Department, and a private septic system. A private agricultural well located on the subject property would provide water for the cannabis operation. Therefore, this finding can be made.

2.1.2 Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may not be appealed to the Coastal Commission. In compliance with Section 35-169.5.3 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit subject to Section 35-169.4.3 for development that may not be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:

1. The proposed development conforms:

- a. To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;**
- b. The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).**

As discussed in the Planning Commission Staff Report dated May 28, 2019 and the Board Agenda Letter dated August 20, 2019 and incorporated herein by reference, the development conforms to the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan and the Toro Canyon Plan. In addition, the proposed development is consistent with the Article II requirements for the AG-I-10 zone district, as they relate to permitted uses, building heights, setbacks, and parking. Therefore, this finding can be made.

2. The proposed development is located on a legally created lot.

The subject lot is a 14.66 acre parcel that is shown as Lot #40 (Parcel "A") of the Martha J. Nidever Property Tract and is shown on Recorded Map Book 7, Page 91 of the County of Santa Barbara Maps and Surveys, and also shown on Assessor's Map Book 005, Page 28. Therefore, this finding can be made.

3. ***The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, and any applicable zoning violation enforcement fees and processing fees have been paid. This subsection shall not be interpreted to impose new requirements on legal nonconforming uses and structures in compliance with Division 10 (Nonconforming Structures and Uses.***

As conditioned (see Attachment B of the Planning Commission Staff Report dated May 28, 2019, and incorporated herein by reference) and discussed in the Planning Commission Staff Report dated May 28, 2019 and the Board Agenda Letter dated August 20, 2019, incorporated by reference, the subject property is, and the proposed project will be, in full compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and all other applicable provisions of the Article II Zoning Ordinance, for the AG-I zone district. Additionally, all processing fees have been paid to date. Therefore, this finding can be made.

2.1.3 Additional findings required for sites within the Toro Canyon Plan area.

1. ***In compliance with Section 35-194.6.3 of the Article II Coastal Zoning Ordinance, upon recommendation by the Board of Architectural Review, the decision-maker may approve or conditionally approve an application for a Coastal Development Permit on sites within the Toro Canyon Plan area that includes an exemption to architectural review standards h. or i. of Section 35-194.6.3. if written findings are made that the exemptions would allow a project that: 1) furthers the intent of protecting hillsides and watersheds, 2) enhances and promote better structural and/or architectural design, and 3) minimizes visual or aesthetic impacts.***

The Coastal Development Permit is exempt from the Board of Architectural Review pursuant to Section 35-184 of Article II since the Coastal Development Permit is for a change of use from cultivation of cymbidium orchids to cannabis cultivation within existing greenhouses. No new structures are being proposed. As indicated in Section 6.3 of the Planning Commission Staff Report dated May 28, 2019 and the Board Agenda Letter dated August 20, 2019, and incorporated herein by reference, the Coastal Development Permit would not result in any new visual impacts. Therefore, this finding can be made.

2. ***In compliance with Section 35-194.9 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit on sites within the Toro Canyon Plan that allows a deviation***

from a policy or standard of the Local Coastal Program to provide a reasonable use the decision-maker shall first make all of the following findings:

- a. Based on the economic information provided by the applicant, as well as any other relevant evidence, each use allowed by the Local Coastal Program policies and/or standards would not provide an economically viable use of the applicant's property.***
- b. Application of the Local Coastal Program policies and/or standards would unreasonably interfere with the applicant's investment-backed expectations.***
- c. The use proposed by the applicant is consistent with the applicable zoning.***
- d. The use and project design, siting, and size are the minimum necessary to avoid a taking.***
- e. The project is the least environmentally damaging alternative and is consistent with all provisions of the certified Local Coastal Program other than the provisions for which the exception is requested.***
- f. The development will not be a public nuisance. If it would be a public nuisance, the development shall be denied.***

A deviation from a policy or standard of the Local Coastal Program to provide a reasonable use has not been requested as part of this project. The Planning Commission Staff Report dated May 28, 2019 and the Board Agenda Letter dated August 20, 2019 and incorporated herein by reference, discusses the project's consistency with Comprehensive Plan policies. In addition, the project is consistent with Article II requirements for the AG-I-10 zone district, as they relate to cannabis operations, permitted uses, building heights, and parking. The proposed project will not result in deviations from Local Coastal Program policies and standards and will not result in an intensity of use or increase in greenhouse square footage. Therefore, this finding can be made.