

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 15164:

1.1 CONSIDERATION OF THE SUBSEQUENT ACTIVITIES IN THE PROGRAM

The County Board of Supervisors (herein after Board) considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Attachment 4 to the Board Agenda Letter, dated February 17, 2022, and incorporated herein by reference), along with the Proposed Project, which is an activity within the scope of the PEIR. The PEIR's certification is not limited to particular purposes or particular areas of the County. The Coastal Commission considered the County's PEIR, and found that the PEIR is consistent with the Local Coastal Program. Staff prepared a written checklist in compliance with State CEQA Guidelines Section 15168(c)(4) 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 4 to the Board Agenda Letter, dated February 17, 2022, 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 finds that the Proposed Project will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment, and there is no new information of substantial importance under State CEQA Guidelines Section 15162, 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. The Final PEIR is also located online here: <http://cannabis.countyofsb.org/zones.sbc>.

2.0 ADMINISTRATIVE FINDINGS

2.1 CONDITIONAL USE PERMIT FINDINGS

Findings required for all Conditional Use Permits. In compliance with Section 35-172.8 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval

of an application for a Conditional Use Permit or Minor Conditional Use Permit the decision-maker shall first make all of the following findings:

2.1.1 *That the site for the Project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.*

The Board finds that the site for the Proposed Project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed. As discussed in Sections 5.3 and 6.4 of the Planning Commission staff report, dated April 27, 2021 (Attachment 11 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference), the subject property is a 14.66-acre parcel located within Area A of the Carpinteria Agricultural Overlay District and is able to accommodate the proposed structures and uses. The subject parcel is currently cultivating cannabis within existing greenhouses, approved by Case No. 18CDP-00000-00077. The greenhouses make up 356,070 square feet, or approximately 8.2 acres, of the property, and the Project site also contains a warehouse, small accessory structures, paths between structures, a parking area, and an open area where the proposed building would be sited. The proposed 25,418-square-foot cannabis processing building will be located in same general location as the sixth greenhouse previously approved under Development Plan No. 82-DP-30. The processing building will increase the amount of on-site development to a total of 405,175 square feet, and the overall on-site development will remain within the originally permitted 415,380 square feet.

The detention basin was required by County Flood Control to address runoff from the proposed processing building. The Project site is adequately located for the proposed development because adjacent and surrounding parcels are used for similar agricultural development. The subject parcel is surrounded on three sides by similar, large-scale greenhouse operations. The Project requires minimal grading, avoids all sensitive habitat, and has services to support the existing and proposed development. Finally, the Proposed Project, as described in the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference, meets all applicable zoning requirements and development standards pertaining to the AG-I zone district, cannabis regulations, and the Carpinteria Agricultural Overlay.

2.1.2 *That adverse environmental impacts are mitigated to the maximum extent feasible.*

The Board finds that Section 15168(c) of the State CEQA Guidelines allows the County to approve an activity as being within the scope of the Project covered by a program environmental impact report without a new environmental document, if the County finds pursuant to Section 15162 that no new effects could occur or no new mitigation measures will be required and the later activity would not have effects that were not examined in the programmatic environmental impact report. Staff completed the written checklist pursuant to State CEQA Guidelines Section 15168(c)(4) which evaluated the Proposed Project pursuant to the requirements of Section 15162 of the State CEQA Guidelines (Attachment

3 to the Board Agenda Letter, dated February 17, 2022, and incorporated herein by reference) and determined that all of the environmental impacts of the proposed cannabis processing building would be within the scope of the PEIR prepared for the Cannabis Land Use Ordinance and Licensing Program. No additional cumulative impacts were identified as part of the Proposed Project, and no new environmental document is required. Mitigation measures which were discussed in the PEIR have been incorporated into the Proposed Project (Attachment 2 to the Board Agenda Letter, dated February 17, 2022, and incorporated herein by reference). The mitigation measures incorporated from the PEIR, including a Lighting Plan, Noise Plan, Odor Abatement Plan (OAP), and Site Transportation Demand Management Plan (STDMP), will mitigate significant environmental impacts to the maximum extent feasible. As such, the Proposed Project will not have any new impacts which were not discussed in the PEIR, and the Proposed Project's adverse and/or significant environmental impacts will be mitigated to the maximum extent feasible.

2.1.3 *That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.*

The Board finds that streets and highways are adequate and properly designed to carry the vehicles related to operations, deliveries, and employees of the Proposed Project. The Proposed Project, which includes the construction of a new processing building, will add up to an additional 50 employees to the existing cannabis cultivation operation, for a total of up to 80 employees for the Project site. As discussed in Sections 6.3 and 6.4 of the Planning Commission staff report, dated April 27, 2021 (Attachment 11 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference), an STDMP will reduce employee vehicle trips with a vanpool operation that will transport permanent employees to and from the site, and an estimated 15% of employees will carpool.

As discussed in Section 6.3 of the Planning Commission staff report, dated April 27, 2021 (Attachment 11 to the Board Agenda Letter, dated February 17, 2022, and incorporated herein by reference), based on the completed Traffic Study, the Project is not expected to impact the surrounding streets and highways. Traffic to the subject parcel will utilize Highway 101 to Via Real and then will enter the site via an existing driveway off of Via Real. Via Real is a public road maintained by the County. Highway 101 is a public highway maintained by Caltrans. Caltrans and County Public Works Transportation Division reviewed the Proposed Project and Traffic Study and had no comments.

2.1.4 *That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the Project.*

The Board finds that there are adequate public services to serve the Proposed Project. As discussed in Section 6.3 of the Planning Commission staff report, dated April 27, 2021 (Attachment 11 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference), adequate public and private services are in place to serve the

Proposed Project. Existing wells and the Carpinteria Valley Water District will provide water service. Wastewater treatment will be provided by a new onsite septic system. Two emergency generators would be installed for emergency power. The County Fire Department will provide fire protection and emergency response. Additionally, the Santa Barbara County Fire Department reviewed the Proposed Project and issued a condition letter (Condition No. 28 of Attachment 2-1, Condition No. 26 of Attachment 2-2, and Condition No. 35 of Attachment 2-3 to the Board Agenda Letter, dated February 17, 2022, and incorporated herein by reference). The County Sheriff will provide law enforcement to the subject parcel. Ingress and egress to the parcel will continue to be provided by an easement off Via Real, with emergency ingress and egress also provided off Foothill Road.

2.1.5 *That the Project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.*

The Board finds that the Proposed Project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area. The Proposed Project consists of the construction of a new 25,418-square foot processing building on a property with an existing 379,757 square feet of structural development. The subject property is surrounded by existing greenhouse developments, agricultural fields, and low-density residential development. The proposed processing building and retention basis will support the existing agricultural development of the property.

The Proposed Project is consistent with all applicable policies, development standards, and regulations. As discussed in Section 6.4.7 of the Planning Commission staff report, dated April 27, 2021 (Attachment 11 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference), the Proposed Project meets all requirements of the cannabis development standards, pursuant to Section 35-144U of Article II, the Coastal Zoning Ordinance. Additionally, as discussed in Sections 6.3 and 6.4 of the Planning Commission staff report, dated April 27, 2021 (Attachment 11 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference), as well as in Findings 1.1 and 2.1.2 above, the Project is consistent with all environmental requirements and includes additional mitigation for potential impacts due to noise, odor, traffic, lighting, and visual impacts. Exterior lighting associated with the proposed building will be downward facing, full cut-off, and motion sensor based. Landscaping and screening of the property was reviewed and approved under Case No. 18CDP-00000-00077 and will provide adequate screening of the Project area from adjacent streets and public viewing areas.

The Project also includes an Odor Abatement Plan (Attachment 7 to the Board Agenda Letter, dated February 17, 2022, and incorporated herein by reference). As discussed Appeal Issue 4.B of the Board Agenda Letter, dated February 17, 2022, the Plan was prepared by a Certified Industrial Hygienist and contains odor abatement measures including carbon filters in all processing areas, air curtains on exterior doors, spray

insulation within the building, and negative pressure throughout the building. These measures will adequately prevent odors from being experienced by the neighboring properties. The Applicant also submitted a Site Transportation Demand Management Plan (STDMP) (Attachment K to the Planning Commission staff report, dated April 27, 2021, Attachment 11 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference) which includes a van service and carpooling.

The South Board of Architectural Review (SBAR) conceptually reviewed the proposed processing building, as well as the existing landscaping, fencing, and proposed lighting. Final approval of the Proposed Project by the SBAR is required prior to Zoning Clearance issuance (Condition No. 9 of Attachment 2-1 and 2-2, and Condition No. 17 of Attachment 2-3 to the Board Agenda Letter, dated February 17, 2022, and incorporated herein by reference).

The Santa Barbara County Air Pollution Control District reviewed the Proposed Project for compliance with air quality regulations and issued a condition letter dated September 21, 2020 (Condition No. 28 of Attachment 2-1, Condition No. 26 of Attachment 2-2, and Condition No. 35 of Attachment 2-3 to the Board Agenda Letter, dated February 17, 2022, and incorporated herein by reference). Additionally, the Carpinteria-Summerland Fire Protection District reviewed the Proposed Project for compliance with fire safety regulations and provided a condition letter dated June 4, 2020 (Condition No. 28 of Attachment 2-1, Condition No. 26 of Attachment 2-2, and Condition No. 35 of Attachment 2-3 to the Board Agenda Letter, dated February 17, 2022, and incorporated herein by reference).

2.1.6 *That the Project is in conformance with the applicable provisions and policies of this Article and the Coastal Land Use Plan.*

The Board finds that the Proposed Project is in conformance with the Comprehensive Plan, including the Toro Canyon Plan, the Coastal Land Use Plan, and Article II, the Coastal Zoning Ordinance. As discussed in Section 6.4 of the Planning Commission staff report, dated April 27, 2021 (Attachment 11 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference), the development conforms to the applicable provisions of Article II, including:

- Section 35-68.1 Intent of the AG-I Zone
- Section 35-102F Intent of the Carpinteria Agricultural Overlay District
- Section 35-111 and Section 35-113 Parking Requirements
- Section 35-144U Cannabis Regulations

As discussed in Section 6.3 of the Planning Commission staff report, dated April 27, 2021 (Attachment 11 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference), the development conforms to the applicable provisions of the Comprehensive Plan, including the Toro Canyon Plan and the Coastal Land Use Plan.

2.1.7 *That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.*

The Board finds that the Proposed Project is compatible with and subordinate to the scenic and rural character of the area. The Proposed Project site is located within the Rural Area according to Comprehensive Plan maps. The subject property is a 14.66-acre parcel surrounded by greenhouse development, agricultural fields, and low-density residential development. The subject parcel is currently developed with 379,757 sq. ft. of greenhouses, warehouses, and accessory structures and is currently used for cannabis cultivation. The Proposed Project consists of the construction of a new processing building that will be used for the storage, drying, trimming, and packaging of cannabis grown, which are supportive uses/activities to the overall cannabis operation on the property. The new processing building complies with all zoning standards and would be approximately the same height as the existing structures, as discussed in Sections 6.3 and 6.4 of the Planning Commission staff report, dated April 27, 2021 (Attachment 11 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference).

All exterior light fixtures will be on motion sensors, downward facing, hooded and full cutoff. The Proposed Project will be sited so that it is not visible from any public viewing area. The SBAR conceptually reviewed the Proposed Project, including landscaping, lighting, fencing, and all structures. Final approval of the Proposed Project by the SBAR is required prior to Zoning Clearance issuance (Condition No. 9 of Attachment 2-1 and 2-2, and Condition No. 17 of Attachment 2-3 to the Board Agenda Letter, dated February 17, 2022, and incorporated herein by reference).

2.1.8 *That the Project will not conflict with any easements required for public access through, or public use of the property.*

The Board finds that the Proposed Project does not conflict with any easements for public access through, or public use of the property. No easements exist on the subject for public access through, or public use of the property. A trail easement is reserved on the northern property line of the subject property along Foothill Road, however, the Project does not impact the trail easement because the proposed development is not located near the trail easement.

2.1.9 *That the proposed use is not inconsistent with the intent of the zone district.*

The Board finds that the Proposed Project is consistent with the intent of the zone district. As discussed in Section 6.4.1 of the Planning Commission staff report, dated April 27, 2021 (included as Attachment 11 to the Board Agenda Letter, dated February 17, 2022, and incorporated herein by reference), the Proposed Project is consistent with the intent and purpose of the AG-I zone district. The processing building meets all height, setback, and parking requirements associated with the AG-I zone district. In addition, the Project

consists of storage, drying, trimming, and packaging of cannabis grown on site, which are supportive uses to the overall cannabis operation on the property.

2.2 DEVELOPMENT PLAN AMENDMENT FINDINGS

Findings required for all Development Plan Amendments. In compliance with Section 35-174.10.2 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Development Plan Amendment the decision-maker shall first make all of the following findings:

2.2.1 *That the findings required for approval of the Final Development Plan, including any environmental review findings made in compliance with the California Environmental Quality Act, that were previously made when the Final Development Plan was initially approved are still applicable to the Project with the addition of the development proposed by the application for the Amendment.*

The Board finds that the findings made when the Final Development Plan was initially approved are still applicable to the Project with the addition of the proposed development. The previously approved Final Development Plan allowed for the construction of six greenhouses. The proposed 25,418-square-foot cannabis processing building will be located in same general location as the sixth greenhouse previously approved under Development Plan No. 82-DP-30. The processing building will increase the amount on-site development to a total of 405,175 square feet, but the overall on-site development will remain within the originally permitted 415,380 square feet. No new environmental impacts have been identified with the Proposed Project, and the findings made for the Final Development Plan, including CEQA findings, are still applicable.

2.2.2 *That the environmental impacts related to the development proposed by the applications for the Amendment are determined to be substantially the same or less than those identified during the processing of the previously approved Final Development Plan.*

The Board finds that the environmental impacts related to the proposed development are substantially the same or less than those related to the previously approved Final Development Plan. The previously approved Final Development Plan allowed for the construction of six greenhouses. The proposed 25,418-square-foot cannabis processing building will be located in same general location as the sixth greenhouse previously approved under Development Plan No. 82-DP-30. The processing building will increase the amount on-site development to a total of 405,175 square feet, but the overall on-site development will remain within the originally permitted 415,380 square feet. No new environmental impacts have been identified with the Proposed Project, and the findings made for the Final Development Plan, including CEQA findings, are still applicable.

2.3 COASTAL DEVELOPMENT PERMIT FINDINGS

Findings required for all Coastal Development Permits.

2.3.1 *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.*

The Board finds that public and private services are adequately available to serve the proposed development. As discussed in Section 6.3 of the Planning Commission staff report, dated April 27, 2021 (Attachment 11 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference), adequate services are available to serve the proposed development. The site will be served by the Carpinteria Valley Water District, Carpinteria-Summerland Fire Protection District, and Santa Barbara County Sheriff's Department. A proposed onsite septic system and new restrooms will provide wastewater treatment.

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:

2.3.2 *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).*

The Board finds that the Proposed Project conforms to the Comprehensive Plan, including the Coastal Land Use Plan, as well as the applicable provisions of the Article II Coastal Zoning Ordinance. As discussed in Sections 6.3 and 6.4 of the Planning Commission staff report, dated April 27, 2021 (Attachment 11 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference), the Proposed Project conforms with all applicable regulations, policies and development standards from the Comprehensive Plan, the Toro Canyon Plan, the Coastal Land Use Plan, and the Article II Coastal Zoning Ordinance.

2.3.3 *The proposed development is located on a legally created lot.*

The Board finds that the proposed development is located on a legally created lot. The subject lot is a 14.66-acre parcel that is shown as Parcel A of Parcel Map 13,245 in Book 30, Pages 25, 26, and 27 of Parcel Maps in the office of the County Recorder of Santa Barbara County.

2.3.4 *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).*

The Board finds that the subject property and proposed development is in compliance with all requirements. As described in the Planning Commission staff report, dated April 27, 2021 (Attachment 11 to the Board Agenda Letter dated February 17, 2022, and incorporated herein by reference) the subject parcel is 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, and for the AG-I zone district. Additionally, all processing fees have been paid to date.

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

2.3.5 *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 Board finds that the Proposed Project does not require exemptions to the architectural review standards h. or i. of Section 35-194.6.3. Standard h. requires the total vertical height of any graded slopes not to exceed 16 vertical feet in height. Standard i. requires the visible portion of a retaining wall above finished grade not to exceed six feet. The Proposed Project does not include any graded slopes that would exceed 16 feet in height or any retaining walls. Therefore, this finding is not applicable to the Proposed Project.

2.3.6 *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 unreasonable 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.***

The Board finds that a deviation from a policy or standard of the Local Coastal Program to provide a reasonable use has not been requested as part of the Proposed Project and that the Proposed Project will not result in deviations from the Local Coastal Program policies and standards, and therefore, this finding is not applicable to the Proposed Project.