

Attachment H

ATTACHMENT 1

FINDINGS FOR RECONSIDERATION AND ADOPTION OF CANNABIS LAND USE ORDINANCES

February 27, 2018

Case Nos. 17ORD-00000-00004, 17ORD-00000-00010

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

1.0 CASE NO. 17ORD-00000-00004, FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21166 AND THE CEQA GUIDELINES SECTIONS 15162-15164:

1.1 RELIANCE ON PREVIOUSLY CERTIFIED PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR)

On February 6, 2018, the Board certified the Final Programmatic EIR (Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016) for the Cannabis Land Use Ordinances. Also, on February 6, 2018, the Board adopted a statement of overriding consideration. Both of these actions remain in full force and effect and are not proposed to be changed by reconsideration and adoption of the Land Use and Development Code amendments. The CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. In accordance with CEQA Guidelines Section 15164(e) the previously certified EIR is adequate without modification for the following reasons.

The present action is the reconsideration of an ordinance (Case No. 17ORD-00000-00004) amending Section 35-1 of the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code. The purpose of the reconsideration is to:

- a) Revise subsection 35.42.075.D.1.m to specify that it pertains to all cannabis cultivation rather than to just outdoor cannabis cultivation.
- b) Remove the word “outdoor” in the footnotes of the land use tables where it states, “Outdoor cultivation on lots located adjacent to an Existing Developed Rural Neighborhood and/or Urban Rural boundary shall require approval of a Conditional Use Permit.”
- c) Revise the numbering of the footnotes in the land use tables pertaining to nurseries, and add one of the footnotes that was omitted.

The above changes are shown in Attachment 2 of the Board Agenda Letter dated February 27, 2018, hereby incorporated by reference. These changes are relatively minor and are consistent with the project description, analysis, and mitigation measures provided in the Final Programmatic EIR. In fact, the changes described in “a” and “b” above would ensure that odor abatement plans will be required for indoor and mixed-light cultivation in AG-II zones where odor is most likely to be a nuisance

(i.e., adjacent to Existing Developed Rural Neighborhoods and/or Urban Rural boundaries). In addition, the revised numbering described in “c” above will ensure that the correct buffers are applied to nurseries, consistent with state law and the Board’s action on February 6, 2018. Thus, these changes would not result in new or more severe impacts than was previously analyzed.

Finding: The Board of Supervisors (Board) finds that there are no changes in the project, no changes in the circumstances under which the project is undertaken, and no new information which results in a new significant environmental effect or a substantial increase in the severity of a previously identified significant environmental effect since the certification of the Final Programmatic EIR (17EIR-00000-00003) dated December 2017, and the EIR Revision Letter (RV 01) dated January 31, 2018, for the project.

1.2 FULL DISCLOSURE

The Board finds that the previously certified EIR, appendices, and RV 01, along with these findings and the findings and statement of overriding consideration made by the Board on February 6, 2018, constitute a complete, accurate, adequate, and good faith effort at full disclosure pursuant to CEQA.

1.3 LOCATION OF RECORD OF PROCEEDINGS

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 Case No. 17ORD-00000-00010: FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 21080.5 AND 21080.9, AND CEQA GUIDELINES SECTION 15265:

The Board of Supervisors (Board) finds that the proposed changes to the Coastal Zoning Ordinance, Case No. 17ORD-00000-00010, are exempt from environmental review under CEQA pursuant to CEQA Guidelines Section 15265 (CEQA compliance occurs instead through the California Coastal Commission’s certified regulatory program).

3.0 ADMINISTRATIVE FINDINGS FOR THE RECONSIDERATION AND ADOPTION OF THE CANNABIS LAND USE ORDINANCES (CASE NOS. 17ORD-00000-00004 AND 17ORD-00000-00010)

In compliance with Section 35.104.060.A (Findings for Comprehensive Plan, Development Code and Zoning Map Amendments) of the Santa Barbara LUDC the Board shall make the findings below in order to approve a text amendment to the County Land Use and Development Code (LUDC).

The findings to approve a text amendment to the County's certified Local Coastal Program are set forth in Section 35-180.6 (Findings Required for Approval of Rezone or Ordinance Amendment) of the Coastal Zoning Ordinance (CZO). In compliance with Chapter 2, Administration, Article V, Planning and Zoning, Section 2-25.2, Powers and Duties, the Board shall make the following findings in order to approve the text amendment to the CZO. These findings are in addition to the findings made by the Board on February 6th, 2018, which are incorporated herein by reference.

3.1 The request is in the interests of the general community welfare.

The proposed ordinance amendments are in the interest of the general community welfare since the amendments will serve to (1) define new land uses associated with cannabis activities (2) indicate those zones that allow the Cannabis land uses, and (3) set forth development standards for various permitted commercial cannabis activities to avoid compromising the general welfare of the community, as analyzed in the Board letter, dated February 6, 2018, which is hereby incorporated by reference.

Moreover, the reconsideration and adoption of the LUDC and CZO will provide further clarification on the types of permits required in AG-II zones and the setback requirements for nurseries (per the footnotes in the land use tables).

3.2 The request is consistent with the County Comprehensive Plan, the requirements of state planning and zoning laws, and the LUDC, CZO, and MLUDC.

Adoption of the proposed ordinances, as analyzed in the Board letter, dated February 6, 2018, which is hereby incorporated by reference, will provide more effective implementation of the State planning and zoning laws by revising the LUDC and the CZO to provide clear zoning standards that will benefit the public, consistent with the state licensing program for the cannabis industry. The proposed ordinances: define the uses associated with commercial cannabis activities; identify the zones in which cannabis land uses would be prohibited; and set forth a number of development standards and other requirements that would apply to personal cultivation, in order to avoid or otherwise minimize adverse effects from cannabis activities. The proposed ordinances would be consistent with the adopted policies and development standards of the Comprehensive Plan, including the Community Plans. The proposed ordinance amendments are also consistent with the remaining portions of the LUDC and CZO that these ordinance amendments would not be revising.

Moreover, the reconsideration and adoption of the LUDC and CZO will provide further clarification on the types of permits required in AG-II zones and the setback requirements for nurseries (per the footnotes in the land use tables). Therefore, reconsideration and adoption of the LUDC and CZO as proposed would be consistent with the Comprehensive Plan including the Community Plans, the requirements of State Planning and Zoning Laws, and the LUDC and CZO.

3.3 The request is consistent with good zoning and planning practices.

The proposed ordinances, as analyzed in the Board letter, dated February 6, 2018, which are hereby incorporated by reference, clearly and specifically address personal cultivation and commercial cannabis activities within the unincorporated area of Santa Barbara County. The

ordinances are consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it provides for clear direction regarding where cannabis land uses are allowed and prohibited, which serves to minimize potential adverse impacts to the surrounding area. As discussed in Finding 2.2, above, the amendments are consistent with the Comprehensive Plan, including the Community Plans, LUDC and CZO.

Moreover, the reconsideration and adoption of the LUDC and CZO will provide further clarification on the types of permits required in AG-II zones and the setback requirements for nurseries (per the footnotes in the land use tables). Therefore, the proposed ordinances are consistent with sound zoning and planning practices to regulate land uses.

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Finding: The Board of Supervisors (Board) finds that there are no changes in the project, no changes in the circumstances under which the project is undertaken, and no new information which results in a new significant environmental effect or a substantial increase in the severity of a previously identified significant environmental effect since the certification of the Final Programmatic EIR (17EIR-00000-00003) dated December 2017, and the EIR Revision Letter (RV 01) dated January 31, 2018, for the project.

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