

ATTACHMENT 1: FINDINGS

1.0 CEQA FINDINGS

SUBSEQUENT ACTIVITIES WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT

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 Planning Commission considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Link to the PEIR provided in Attachment 11 to this Board Letter, and incorporated herein 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 CEQA 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 3 to this Board Letter, and incorporated herein by reference). As shown in the written checklist and other information provided in the administrative record (e.g., Proposed Project plans and Land Use Permit application), 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 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 LAND USE PERMIT FINDINGS

2.1.1 ***Finding required for all Land Use Permits. In compliance with Section 35.30.100.A of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first find, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (e.g., water, sewer, roads) are available to serve the proposed development.***

As discussed in Attachment 16 to the Board Letter dated March 17, 2020, and incorporated herein by reference, adequate public and private services are in place to serve the Proposed Project. Water will continue to be provided by one agricultural well and one

domestic well located on the subject parcel. The domestic well will provide water to employees. The existing residence and permanent employees will continue to be served by an existing septic system. Sanitary facilities will be provided by portable chemical toilets and hand-washing stations during harvest seasons for temporary and seasonal employees. The Santa Barbara County Fire Department would continue to provide emergency response to the subject parcel. The County Sheriff would continue to provide law enforcement to the subject parcel. Ingress and egress to the parcel would continue to be provided off of West Highway 246. Therefore, this finding can be made.

2.1.2 Findings required for all Land Use Permits. In compliance with Subsection 35.82.110.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Land Use Permit the review authority shall first make all of the following findings:

- 1. The proposed development conforms:**
 - a. To the applicable provisions of the Comprehensive Plan, including any applicable community or area plan.**
 - b. With the applicable provisions of this Development Code or falls within the limited exception allowed in compliance with Chapter 35.101 (Nonconforming Uses, Structures, and Lots).**

As discussed in Attachment 16 to the Board Letter dated March 17, 2020, and incorporated herein by reference, the development conforms to the applicable provisions of the Comprehensive Plan. In addition, the proposed development is consistent with the Land Use and Development Code requirements for the AG-II-40 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 property is a 62.45-acre parcel that is shown as Tract 16 of the Rancho San Carlos De Jonata in the County of Santa Barbara, State of California, according to the map entitled "Map of survey made by F>F> Flournoy of a part of the Rancho San Carlos De Jonata for Santa Ynez Valley Development Company, Santa Barbara County California, February, 1910," recorded on April 8, 1919, in Book 5, Page 55 of Maps and Surveys, in the Office of the County Recorder of said County.

- 3. The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivisions, setbacks and any other applicable provisions of this Development Code, 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 Chapter 35.101 (Nonconforming Uses, Structures, and Lots).**

The Applicant filed an affidavit on December 27, 2017 stating that they had been operating a medical marijuana cultivation site on their property since or before January 19, 2016. On January 5, 2018 the County sent a letter to the Applicant which acknowledged receipt and acceptance of this affidavit. Subsequently, the County received two complaints regarding the Busy Bee Organic's operations. The first complaint was filed in April of 2019 refuting the applicant's legal non-conforming status. The second complaint was filed in November of 2019 regarding odor. As detailed in Section B of this Board Letter, the Applicant submitted an application for a Land Use Permit (LUP) in November of 2018. The LUP was approved in May of 2019, thereby authorizing the existing cannabis operation. With approval of the LUP

as conditioned, 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 Land Use and Development Code for cannabis cultivation within the AG-II zone district. Additionally, all processing fees have been paid to date.