

ATTACHMENT 1: FINDINGS FOR APPROVAL

CASE NOS. 19ORD-00000-00009 and 19ORD-00000-00011

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

1.1 FINDING THAT A PREVIOUS ENVIRONMENTAL DOCUMENT CAN BE USED (*per CEQA Section 15162 and 15168(c)(2)*)

The Board of Supervisors finds that the Final Program Environmental Impact Report (EIR) (Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016) adopted for the Cannabis Land Use Ordinance and Licensing Program fulfills the environmental review requirements for the proposed County Land Use and Development Code (LUDC) amendment (Case No. 19ORD-00000-00009) and the proposed Article II Coastal Zoning Ordinance (Article II) amendment (Case No. 19ORD-00000-00011).

On February 6, 2018, the Board of Supervisors certified the Final Program EIR for the Cannabis Land Use Ordinance and Licensing Program and adopted a Statement of Overriding Considerations. The EIR (17EIR-00000-00003), its appendices, and EIR Revision Letter (RV 01), for the Cannabis Land Use Ordinance and Licensing Program identify several environmental impacts which cannot be fully mitigated and, therefore, are considered unavoidable (Class I). These impacts involve: agricultural resources; air quality and greenhouse gas emissions; noise; transportation and traffic; and aesthetic and visual resources. To the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations. For each of these Class I impacts described in the EIR, feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to the maximum extent feasible.

Potential project specific and cumulative impacts associated with commercial cannabis activities are reduced with the proposed LUDC amendment (Case No. 19ORD-00000-00009) which would require a conditional use permit (CUP) for all commercial cannabis cultivation and related on-site processing activities within inland area of unincorporated Santa Barbara County. A CUP affords decision-makers greater discretion as compared to a land use permit (LUP) to determine whether a proposed project is suitable for a particular project site, given additional findings that must be made in order to approve a conditionally-permitted use.

The proposed LUDC amendment (Case No. 19ORD-00000-00009) also would change the development standard for odor abatement plans (OAPs). Specifically, the proposed LUDC amendment would change the existing development standard whereby odors cannot be experienced within a residential zone (as determined by the Planning Director), to a new development standard such that odors generated by cannabis activities: (1) would not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood; and (2) would be compatible with the surrounding area. This change to the development standard for OAPs would account for impacts to all possible sensitive receptors to odors (not just those located within a residential zone, as is currently the case), using the standards for approval of a

CUP which require consideration of a proposed project's impacts on the neighborhood and surrounding area. These amendments will not result in adverse environmental effects.

The Final Program EIR adopted for the Cannabis Land Use Ordinance and Licensing Program fulfills the environmental review requirements for the proposed LUDC amendments in accordance with State CEQA Guidelines Section 15162. This section provides (in pertinent part) that the lead agency shall not prepare a subsequent EIR for a project when the lead agency or another entity has already adopted an EIR for that project, unless one or more of the following have occurred: (1) substantial changes are proposed which will require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) new information of substantial importance which was not known and could not have been known at the time the previous EIR was adopted has become available.

The proposed amendments are within the scope of the program EIR approved earlier, and it adequately describes the activity for the purposes of CEQA, pursuant to CEQA Guidelines Section 15168(c)(2). The proposed LUDC amendments will not allow new land uses, increase permitted densities, or otherwise alter the purpose or intent of the LUDC cannabis regulations. Furthermore, the proposed amendments will not have new significant effects or increase the severity of effects discussed in the EIR. Therefore, the Board of Supervisors finds that no new environmental document is required and that the proposed LUDC amendments do not require subsequent environmental review pursuant to CEQA Guidelines Section 15162 and 15168(c)(2).

The proposed Article II amendments (Case No. 19ORD-00000-00011) qualify as a Local Coastal Program Amendment (LCPA) and would make the same changes to the permitting requirements for cannabis cultivation and related on-site processing, as described above for the LUDC. However, in the case of the Article II amendments, the permitting requirements for cannabis cultivation and related on-site processing would change from being permitted or principally permitted uses subject to the issuance of a coastal development permit (as compared to a land use permit, as is the case for cannabis activities in the Inland area which are subject to the LUDC), to conditionally permitted uses that would require the issuance of a CUP, would not be considered principally permitted, and would be appealable to the Coastal Commission. In addition, the proposed Article II amendments would make the same changes to the OAP development standard as the proposed changes to the OAP development standard for the LUDC described above, whereby additional sensitive receptors besides those which are located in a residential zone would be considered when determining the type and amount of odor control that is required for a proposed project. The Board of Supervisors finds that pursuant to CEQA Guidelines Section 15265, the preparation, approval, and certification of the LCPA is exempt from the requirements of CEQA because the California Coastal Commission's review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA in Sections 21080.5 and 21080.9 of the Public Resources Code.

The Final Program EIR (Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016) is available for review at: <http://cannabis.countyofsb.org/zones.sbc>

2.0 ADMINISTRATIVE FINDINGS

In compliance with LUDC Section 35.104.060.A (Findings for Comprehensive Plan, Development Code and Zoning Map Amendments) and Article II Section 35-180.6, the Board of Supervisors shall make the following findings in order to approve a text amendment to the LUDC and Article II.

2.1 The request is in the interest of the general community welfare.

The proposed ordinance amendments are in the interest of the general community welfare since the amendments will serve to clarify the permit types and standards for commercial cannabis activities, and would address community complaints and concerns as raised during and as analyzed by the County Planning Commission on January 22, 2020, January 29, 2020, February 5, 2020, March 4, 2020, and March 25, 2020, and incorporated by reference. The amendments would provide greater restrictions on odor and allow for the consideration of the comfort, convenience, general welfare, and compatibility of any proposed commercial cannabis activities thereby reducing the potential number of commercial cannabis operations that could create adverse effects on surrounding uses. Therefore, the proposed amendments will be consistent with the requirements of this finding.

2.2 The request is consistent with the Comprehensive Plan, the Coastal Land Use Plan, the requirements of State planning and zoning laws, the LUDC, and Article II.

The Board of Supervisors-adopted LUDC and Article II cannabis regulations establish standards that are designed to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls, as a result of, and in compliance with, State law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment, by establishing minimum land use requirements for medicinal and adult use cannabis activities including cultivation, processing, distribution, manufacturing, testing, and sales.

Adoption of the proposed ordinance amendments, as analyzed in the Board Agenda Letter, dated June 2, 2020, and incorporated by reference, provide more effective implementation of the LUDC and Article II zoning requirements for commercial cannabis cultivation and related on-site processing. The proposed ordinance amendments will protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment by increasing the permit type and odor control requirements. The proposed ordinances would be consistent with the adopted policies and development standards of the Comprehensive Plan, including the Community Plans and Coastal Land Use Plan. The proposed ordinance amendments are also consistent with the remaining portions of the LUDC and Article II that these ordinance amendments would not be revising. Therefore, the proposed ordinance amendments would be consistent with the Comprehensive Plan including the Community Plans, the requirements of State Planning and Zoning Laws, and the LUDC and Article II.

2.3 The request is consistent with good zoning and planning practice.

The proposed LUDC and Article II amendments, as discussed in the Board Agenda Letter, dated June 2, 2020, and hereby incorporated by reference, are consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values. The amendments provide clear direction regarding permit requirements for commercial cannabis activities, which serve to minimize potential adverse impacts on people, communities, and the environment. As discussed in Finding 2.2, above, the proposed LUDC and Article II amendments are consistent with the Comprehensive Plan, the Coastal Land Use Plan, the LUDC, Article II, and good zoning and planning practice. Therefore, the proposed ordinances are consistent with sound zoning and planning practices to regulate land uses.