

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 Board of Supervisors considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Link to the PEIR provided in Attachment 4 to the Board Agenda Letter, dated May 24, 2022, 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 the Board Agenda Letter, dated May 24, 2022, 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 Development Plan 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 there is no 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 that 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 located online at

http://cannabis.countyofsb.org/uploadedFiles/cannabis/Documents/Final_PEIR/Santa%20Barbara%20_Cannabis%20FEIR-Volume%201.pdf

http://cannabis.countyofsb.org/uploadedFiles/cannabis/Documents/Final_PEIR/Santa%20Barbara_Cannabis_FEIR-Volume%202.pdf

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.

The Board of Supervisors finds that the Proposed Project is adequately served by public or private services and resources. As discussed in the Planning Commission staff report, dated January 25, 2022 included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference, adequate services are available to serve the proposed development. Domestic water will continue to be provided by the Carpinteria Valley Water District. The Carpinteria Sanitary District will provide sewer service. An existing agricultural well located onsite will provide water for irrigation. Access will be provided by an existing 20-ft.-wide driveway on neighboring property pursuant to existing access easement. The Carpinteria-Summerland Fire Protection District and Santa Barbara County Sheriff's Department will serve the Proposed Project.

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. [CDPs that are processed in conjunction with a discretionary permit but are not appealable to the CCC] 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 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).**

The Board of Supervisors finds that as discussed in the Planning Commission staff report, dated January 25, 2022 included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference, the development conforms to the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan. In addition, the proposed development will be consistent with the Article II

requirements for the AG-I-10 Zone District as they relate to permitted uses, building heights, setbacks, and parking with approval of the setback modification to comply with the Carpinteria Agricultural Overlay. The setback modification to reduce the 20-ft. interior lot setback from the eastern property line to 18 ft. and the 100-ft. residential zone setback from the southern property line is justified. The as-built and new water tanks in the 20-ft. setback support the operation and conform to the rural character of the area. The subject parcel is largely built out with the permitted greenhouses and related development, landscaping, orchard, and a detention basin, and as a result, there are limited areas to allow additional development needed for the cannabis operation. The water tanks will act as a physical buffer between the greenhouse operations and the residential development to the south. Further, moving the as-built structures would disrupt the operation and onsite infrastructure, because all irrigation is currently connected to the water tank area. The as-built and new development in the setback area is in conformance with the operation and has been reviewed by the Carpinteria Summerland Fire District for accessibility and emergency access.

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

The Board of Supervisors finds that the proposed development is located on legally created lots. The subject parcels were created by Parcel Map 12,893 shown on Recorded Map Book 23, Page 45 of the County of Santa Barbara Maps and Surveys and are shown on a Map of Survey filed in Book 19, Page 56 of Record of Surveys, in the Office of the County Recorder of Santa Barbara County.

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).

The Board of Supervisors finds that as conditioned, the Proposed Project and subject property 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, and Carpinteria Agricultural Overlay with approval of the requested modification as described in the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference. With approval of the requested modification to the Carpinteria Agricultural Overlay 20-ft. setbacks for interior lots, the following development will be consistent with the Article II Coastal Zoning Ordinance:

- One as-built 354-sq.-ft. utility shed located 18 ft. from the eastern property line
- Two new 13,208-gallon water tanks located 19.5 ft. from the southern property line

As discussed under Finding 2.1.2.1 above, the as-built and new development in the setback area is in conformance with the operation and has been reviewed by the Carpinteria Summerland Fire District for accessibility and emergency access and therefore, the modification is justified. Additionally, all processing fees have been paid to date.

2.2 DEVELOPMENT PLAN FINDINGS

A. *Findings required for all Preliminary and Final Development Plans. In compliance with Section 35-174.7.1 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the decision-maker shall first make all of the following findings:*

2.2.1 *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.*

The Board of Supervisors finds that, as discussed in the Board Agenda Letter dated May 24, 2022 and under Sections 6.2 and 6.3 of the Planning Commission staff report dated January 25, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference, the site for the Proposed Project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed. The subject property is comprised of two lots that will be merged as part of the Proposed Project. The lots consist of 18.49-acre parcel and 5.09-acre parcel located within Area A of the Carpinteria Agricultural Overlay District. Permitted Greenhouse development has been on both of the subject parcels that will be merged as part of the Proposed Project since 1983 and has been used for cultivation activities. Adjacent, surrounding parcels to the west, north, and east are used for agriculture and surrounding parcels to the south contain residential development.

The 18.49-acre subject parcel is currently being used for cannabis cultivation and the 5.09-acre parcel is not used for cannabis cultivation nor will it be used for cannabis cultivation as part of the Proposed Project. Cannabis activities will take place within the permitted greenhouse. As-built development on both parcels will be legalized as part of the Proposed Project. The Proposed Project has been reviewed by other County departments and will be required to comply with all condition letters provided as Attachment B to the Board of Supervisors staff report dated January 25, 2022, incorporated herein by reference. Employees of the cannabis operation will use 51 parking spaces located onsite, and the parcel used for non-cannabis agricultural will have 10 parking spaces. As detailed in the evidence to support Coastal Development Permit Finding 2.1.1 (above), there will be adequate services to serve the Proposed Project. As detailed in the evidence to support Coastal Development Permit Finding 2.1.3 (above), the Proposed Project meets all zoning requirements. Additionally, the cannabis cultivation operation is in compliance with the cannabis regulations set forth in 35-144U

of Article II related to screening, odor abatement, traffic, noise, security, lighting, and water efficiency.

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

The Board of Supervisors finds that, as discussed in the Board Agenda Letter dated May 24, 2022 and under Section 6.1 of the Planning Commission staff report dated January 25, 2022, included as Attachment 8 to the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference, adverse impacts are mitigated to the maximum extent feasible. Standard conditions of approval have been imposed on the Proposed Project. Additionally, the Proposed Project will not have any new impacts that were not discussed in the PEIR, and potentially significant environmental impacts as identified in the PEIR will be mitigated to the maximum extent feasible. On February 6, 2018, the Santa Barbara County Board of Supervisors (herein after Board of Supervisors) certified a PEIR, Case No. 17EIR-00000-00003, for a Cannabis Land Use Ordinance and Licensing Program. The PEIR was prepared in accordance with the State CEQA Guidelines Section 15168 and evaluated the Program's direct, indirect, and cumulative impacts based on Appendix G of the 2017 State CEQA Guidelines and thresholds in the County's Environmental Thresholds and Guidelines Manual (County of Santa Barbara 2008, revised July 2015). The PEIR identified a number of significant impacts and set forth feasible mitigation measures that would be included as development standards and requirements in the land use and licensing ordinances, which would be applied to site-specific land use entitlement and business licensing applications for commercial cannabis operations authorized under the Program. The PEIR concluded that significant and unavoidable (Class I) impacts would result from the Program. The Board of Supervisors adopted a Statement of Overriding Considerations for the Class I impacts, and the 30-day statute of limitations to challenge the adequacy of the PEIR expired without legal challenge.

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.

On November 18, 2021, staff completed, and updated on May 11, 2022, 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 C to the Board of Supervisors staff report, dated January 25, 2022, incorporated herein by reference) and determined that all of the environmental impacts of the cannabis operation will be within the scope of the Proposed Project covered by the PEIR for the Cannabis Land Use Ordinance and Licensing Program. No additional cumulative impacts were identified, and no new environmental document is required. Mitigation measures that were discussed in the PEIR have been incorporated into the Proposed Project (Attachment B to the Board of Supervisors staff report, dated

January 25, 2022, and incorporated herein by reference). The mitigation measures incorporated from the PEIR will mitigate significant environmental impacts to the maximum extent feasible.

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

The Board of Supervisors finds that, as discussed under Section 6.2 of the Board of Supervisors staff report dated January 25, 2022, incorporated herein by reference, streets and highways are adequate and properly designed to carry the vehicles related to operations, deliveries, and employees of the Proposed Project. Traffic to the subject parcel will utilize an existing driveway off Foothill Road utilizing an existing access easement over the properties to the north. Foothill Road is a public road maintained by Caltrans and is able to support the trips that will be generated as part of the Proposed Project. Caltrans reviewed the Proposed Project and had no comments or conditions.

Per the Traffic Study (Attachment 9 to the Board Agenda Letter dated May 24, 2022 incorporated herein by reference), the Proposed Project is anticipated to generate a total of 108 Average Daily Trips and will result in a net reduction of 25 ADT compared to the previous cut flower operation. The Santa Barbara County Public Works Department Transportation Division reviewed the Proposed Project and had no comments or conditions. The Carpinteria-Summerland Fire District reviewed the Proposed Project and issued a condition letter (Attachment 2-A, Condition No. 28 and Attachment 2-B, Condition No. 40 to the Board Agenda Letter dated May 24, 2022, incorporated herein by reference).

2.2.4 *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 of Supervisors finds that there are adequate public services to serve the Proposed Project. As discussed in Section 6.2 of the Planning Commission staff report dated January 25, 2022 included as Attachment 8 to the Board Letter dated May 24, 2022 herein incorporated by reference and detailed under the Coastal Development Permit Findings and herein incorporated by reference, there will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the Proposed Project.

2.2.5 *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 of Supervisors finds that the Proposed Project, as conditioned, 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 site has previously been used to grow cut flowers, and the Proposed Project is a change of use to fully permitted cannabis cultivation. The Proposed Project is a continuation of agricultural use on an agriculturally zoned property. Project activities will take place

within an existing greenhouse and packhouse, totaling 10.74 acres of cultivation. Non-cannabis agricultural activities will consist of orchard development on both parcels and a 1.27-acre greenhouse on APN 004-005-002. With the proposed setback modification, the Proposed Project is consistent with all development standards for cannabis cultivation projects within the Carpinteria Agricultural Overlay.

Total grading associated with upgrading the existing concrete to a pervious surface will be 1,300 cubic yards of cut and 300 cubic yards of fill. The proposed Landscape and Screening Plan (Attachment 6 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference) includes new landscaping to screen from public viewing areas. The proposed Lighting Plan (Attachment 6 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference) includes proposed fixtures that will be fully shielded and directed downward. The South Board of Architectural Review (SBAR) conceptually reviewed the Proposed Project, including the landscaping, lighting, as-built structures, and fencing on multiple occasions and requested the Applicant return once zoning approval has been obtained from the decision maker. Approval of the landscape and screening plan by the SBAR is required prior to Coastal Development Permit issuance (Attachment 2-A, Condition No. 3 and Attachment 2-B, Condition No. 4 to the Board Agenda Letter dated May 24, 2022, incorporated herein by reference).

The Odor Abatement Plan (Attachment 7 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference) describes the carbon scrubbers located in the greenhouse and packhouse and will ensure that odor is not experienced in residential zones. The Applicant submitted a Site Transportation Demand Management Plan (STDMP) (Attachment 6 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference) which describes carpooling, vanpools, and non-peak hour trips as mechanisms to reduce trips and the number of parked vehicles on-site. County Public Works Roads Division and Caltrans reviewed the Proposed Project, determined that there will be no significant impacts to the public road system, and did not have any comments or conditions. Additionally, the Carpinteria-Summerland Fire Department reviewed the Proposed Project, including access, for compliance with fire safety regulations, and issued a condition letter (Attachment 2-A, Condition No. 28 and Attachment 2-B, Condition No. 40 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference).

The APCD reviewed the Proposed Project for compliance with air quality regulations, and issued a condition letter (Attachment 2-A, Condition No. 28 and Attachment 2-B, Condition No. 40 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference).

2.2.6 *That the project is in conformance with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article II and/or the project falls with the limited exception allowed under Section 35-161.7.*

The Board of Supervisors finds that the Proposed Project is in conformance with the Comprehensive Plan, including the Coastal Land Use Plan. As discussed in Section 6.3 of the Planning Commission staff report, dated January 25, 2022 included as Attachment 8 to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference, the development conforms to the applicable provisions of Article II, including:

- Section 35-68.1 Purpose and Intent [of the AG-I Zone]
- Section 35-68.7 Setbacks for Buildings and Structures [in the AG-I Zone]
- Section 35-68.9 Height Limit [in the AG-I Zone]
- 35-102F.8.2 Height [in the Carpinteria Agricultural Overlay District]
- 35-102F.8.3 Setbacks [in the Carpinteria Agricultural Overlay District]
- 35-102F.8.5 Prime Agricultural Soils [in the Carpinteria Agricultural Overlay District]
- 35-102F.9 Development Standards for Greenhouses and Related Development [in the Carpinteria Agricultural Overlay District]
- Section 35-113 Required Number of Spaces: Agriculture
- Section 35-114.3 Construction and Design [of All Parking]
- Section 35-144U.C General Commercial Cannabis Activities Development Standards
- Section 35-144U.C Specific Use Development Standards for Cultivation [of Cannabis]

As discussed in the Board Agenda Letter dated May 24, 2022, incorporated herein by reference, the Proposed Project meets all applicable requirements of the Comprehensive Plan, including the Coastal Land Use Plan.

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

The Board of Supervisors finds that the Proposed Project is compatible with and subordinate to the scenic, agricultural, and rural character of the area. The site is comprised of two parcels totaling 23.58 acres in the AG-I Zone District located within Carpinteria Agriculture Overlay. The subject property is surrounded by agriculture to the west and north with residential development to the south and east. The subject parcel shown as APN 004-003-008 is currently used for commercial cannabis cultivation and has historically been use for cut flower cultivation. The subject parcel shown as APN 004-005-002 is not used for cannabis cultivation and will continue to be used for non-cannabis crop cultivation. The Proposed Project will continue the cultivation of crops and agricultural activities on the site.

As described in Sections 6.2 and 6.3 of the Planning Commission staff report dated January 25, 2022 included as Attachment 8 to the Board Agenda Letter dated May 24, 2022, herein incorporated by reference, the subject parcels are 300 ft. from Foothill Road, 145 ft. from the residential cul-de-sac roads associated with residential development in the City of Carpinteria, 80 ft. from Meadow View Lane, and adjacent to the end of Sterling Avenue. New trees will be planted to fill in gaps in the existing mature

vegetation to ensure the Proposed Project is fully screened from these public viewing areas. There are dozens of similar greenhouses south of Foothill Road within half a mile radius of the subject parcel. The Proposed Project includes greenhouse development in support of cultivation of crops. All development will conform to Article II and Comprehensive Plan standards and policies with approval of the requested modification to the Carpinteria Agricultural Overlay setbacks described in the Board Agenda Letter dated May 24, 2022 and incorporated herein by reference. All exterior lighting will be motion-activated, fully shielded, and directed downward in keeping with the scale of surrounding agricultural and residential development. Additionally, the as-built agricultural accessory structures and new water tanks are compatible with the permitted development on site and the rural character of the area.

2.2.8 *That the project will not conflict with any easements required for public access through, or public use of a portion of the property.*

The Board of Supervisors finds that the Proposed Project will not conflict with any easements required for public access through or public use of a portion of the property. There are no easements for public access through the subject property, nor are there easements for public use of a portion of the subject property. County Community Services Department Parks Division reviewed the subject parcel and Proposed Project and has no comments or conditions.

2.2.9 *In compliance with Section 35-174.8 of the Article II Coastal Zoning Ordinance, at the time the Preliminary or Final Development Plan is approved, the decision-maker may modify the building height limit, distance between buildings, setback, yard, parking, building coverage, or screening requirements specific in the applicable zone district when the decision-maker finds the project justifies such modifications.*

The Board of Supervisors finds that the modification to the 20-ft. setbacks required by the Carpinteria Agricultural Overlay for interior lots and the 100-ft. setback from residentially zoned lots required by the Carpinteria Agricultural Overlay is justified. The request for a setback modification applies to the following structures:

- One as-built 354-sq.-ft. utility shed located 18 ft. from the eastern property line
- Two new 13,208-gallon water tanks located 19.5 ft. from the southern property line
- One 1,412-sq.-ft. irrigation room
- One 145,295-gallon water tank
- Two 35,663-gallon water tanks
- Three 13,208-gallon water tanks

The as-built and proposed development in the setback area is in support of the operation and in conformance with the rural character of the area. The APN shown as 004-003-008 is largely built out with the permitted greenhouse, landscaping, orchard, and a detention basin, and as a result, there are limited areas to allow additional development needed for the cannabis operation. Additionally, the water tanks in the setback area act as a physical

buffer between the greenhouse operations and the residential development to the south of the parcel, thereby buffering noise from the greenhouses. Further, moving the as-built structures would be disruptive to the operation and onsite infrastructure. The SBAR conceptually reviewed the lighting, landscaping, new water tanks, and as-built structures associated with the Proposed Project on July 26, 2019, March 19, 2021, and June 4, 2021. The Proposed Project will be conditioned to obtain final approval from the SBAR prior to Coastal Development Permit issuance (Attachment 2-A, Condition No. 3 and Attachment 2-B, Condition No. 4 to the Board Agenda Letter dated May 24, 2022, incorporated herein by reference). Lastly, the Carpinteria Summerland Fire District reviewed the Proposed Project for accessibility and emergency access. The Proposed Project is conditioned to comply with the Fire Protection District letter (Attachment 2-A, Condition No. 28 and Attachment 2-B, Condition No. 41, to the Board Agenda Letter dated May 24, 2022, and incorporated herein by reference).