

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 Board of Supervisors 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 September 21, 2021, 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 September 21, 2021, 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 Conditional 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 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 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 CONDITIONAL USE PERMIT FINDINGS

A. Findings required for all Conditional Use Permits. In compliance with Subsection 35.82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit or Minor Conditional Use Permit the review authority shall first make all of the following findings, as applicable:

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

The Board of Supervisors finds that 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 a 120-acre AG-II zoned parcel located in the Rural Area approximately seven miles west of Buellton, six miles east of Lompoc, and one mile north of Highway 246. There is an unnamed ephemeral drainage that extends through the southwestern portion of the parcel from east to west, and the property is bounded by hills to the north, east, and south. Surrounding uses include irrigated crops and vineyards to the west and grazing on all other sides. The property is not visible to any public viewing areas.

The Project site is currently developed with 2.54 acres of cannabis cultivation, a legal nonconforming single family dwelling, as-built tractor shade structure, legal nonconforming storage shed that will not be used as part of the cannabis operation, one as-built administrative and equipment shed, and eight as-built water tanks. The property is able to accommodate all of the proposed agricultural uses and activities proposed by the Project. New development includes security lighting and additional fencing to separate the single family dwelling and 216 sq. ft. storage shed from the cannabis operation.

The parcel takes access off Santa Rita Road by an existing 12-ft.-wide unpaved driveway. The Proposed Project will have three parking spaces for the operation and two parking spaces for the single family dwelling. The three regular employees will live onsite, and all temporary employees will carpool to the site with a farm labor contractor. As detailed in Sections 6.2 and 6.3 of the staff report (Attachment 8 to the board agenda letter, dated September 21, 2021, herein incorporated by reference), the Proposed Project will have all required services and meets all zoning requirements of the AG-II zone district and Cannabis Regulations set forth in the LUDC.

2.1.2 *Within the Inland area, significant environmental impacts will be mitigated to the maximum extent feasible.*

The Board of Supervisors 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 (PEIR) 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 PEIR. 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 C to the staff report, dated April 12, 2021, incorporated herein by reference) and determined that all of the environmental impacts of the proposed cannabis operation are 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 board agenda letter, dated September 21, 2021, and incorporated herein by reference). The mitigation measures incorporated from the PEIR, including a Tree Protection Plan, Habitat Protection Plan, Noise Plan, Wildlife Movement Plan, Fencing and Security Plan, Odor Abatement Plan, and Site Transportation Demand Management Plan, will mitigate significant environmental impacts to the maximum extent feasible. The Proposed Project will not have any new impacts, which were not discussed in the PEIR, and the Proposed Project's significant environmental impacts will be mitigated to the maximum extent feasible.

2.1.3 *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 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 Highway 246 to Santa Rita Road and then will enter the site via a private portion of Santa Rita Road. Santa Rita Road transitions from a public road to a private road approximately 2,700 feet southwest of the subject parcel.

The Proposed Project will have up to three regular employees and 12 temporary employees during harvests, which will occur up to three times per year for approximately three days each time. Regular employees will live onsite in the single family dwelling, and temporary employees will be required to carpool. The Proposed Project will generate up to two average daily trips (ADT) regularly for deliveries of product and supplies. Both Highway 246 and Santa Rita Road are able to support the trips that will be generated as part of the Proposed Project. The County Public Works Roads Division and County Fire Department reviewed the Proposed Project, determined that existing road facilities are sufficient, and had no comments or conditions on the Proposed Project

2.1.4 *There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the Proposed 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 staff report (Attachment 8 to the board agenda letter, dated September 21, 2021, herein incorporated by reference), adequate public and private services are in place to serve the Proposed Project. Adequate water supply will be provided by the Vista Hills Mutual Water Company pursuant to existing

entitlements (Attachment K). Wastewater treatment will be provided by the existing septic system. Additional chemical toilets will be utilized onsite during harvests only. County Environmental Health Services (EHS) reviewed the Proposed Project, found it consistent with all applicable environmental health requirements, and provided a condition letter (Attachment 2 to the board agenda letter, dated September 21, 2021, Condition No. 34, incorporated herein by reference).

Finally, the County Sheriff will continue to provide police services to the subject parcel, and the Sheriff will be involved with reviewing and approving the proposed Security Plan as part of the review of the Business License application that is required for the Proposed Project. The Proposed Project does not require the provision of any additional services from these departments (Attachment 2, to the board agenda letter, dated September 21, 2021, Condition No. 34, incorporated herein by reference).

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

The Board of Supervisors 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 parcel takes access off Santa Rita Road by an existing 12-ft.-wide unpaved driveway. The Project area comprises a 4-acre area on the southwestern portion of the 120-acre parcel. The subject parcel has been used for grazing for decades. As discussed in Sections 6.2 and 6.3 of the staff report (Attachment 8 to the board agenda letter, dated September 21, 2021, herein incorporated by reference), the Proposed Project will utilize existing agricultural hoop structures for the cultivation of 1.88 acres of cannabis. New development consists of new downward facing, fully shielded lighting and additional security fencing. The Applicant provided a Fencing and Security Plan (Attachment 6 to the board agenda letter, dated September 21, 2021, and incorporated herein by reference), which includes an 8-ft.-tall no-climb fence. The Lighting Plan (Attachment 6 to the board agenda letter, dated September 21, 2021, and incorporated herein by reference) demonstrates that all exterior lighting will be downward facing, fully cut-off, and on a motion sensor.

The Odor Abatement Plan (OAP) (Attachment 7 to the board agenda letter, dated September 21, 2021, and incorporated herein by reference) describes preventative measures and mitigation, including that the ends of the hoop structures will be closed when winds blow from east to the west in the direction of the nearest vineyard, which is over 1,300 feet from the cannabis cultivation area. The OAP also includes 2,780 sq. ft. of sweet lavender (*Lavandula x heterophylla*) planted as aromatic landscaping along the west property line (Attachment 6 to the board agenda letter, dated September 21, incorporated herein by reference). Further, the Proposed Project includes a total of 2.54 acres of cultivation, which is just 2.1% of the 120-acre subject parcel. There will be no onsite drying, trimming, or processing. Odor from the Proposed Project will not result in detriments to the comfort, convenience, general welfare, health, and safety of the neighborhood.

The Applicant submitted a Site Transportation Demand Management Plan (STDMP) (Attachment 6 to the board agenda letter, dated September 21, and incorporated herein by reference) which states that all temporary employees will be required to carpool. Permanent employees will live onsite in the legal nonconforming single family dwelling. ADT for the Proposed Project are associated with employee commutes, delivery of materials, and transport of cannabis offsite and are estimated to be two or fewer. Projected traffic will not result in detriments to the comfort, convenience, general welfare, health, and safety of the neighborhood.

The Santa Barbara County Air Pollution Control District reviewed the Proposed Project for compliance with air quality regulations and issued a condition letter (Attachment 2 to the board agenda letter, dated September 21, 2021, Condition No. 34, incorporated herein by reference). The Santa Barbara County Fire Department reviewed the Proposed Project for compliance with fire safety regulations and determined that no conditions are required. The Santa Barbara County Environmental Health Services Division reviewed the Proposed Project for compliance with water and wastewater regulations and issued a condition letter (Attachment 2 to the board agenda letter, dated September 21, 2021, Condition No. 34, incorporated herein by reference). Lastly, the Santa Barbara County Roads Division reviewed the Proposed Project for compliance with traffic and road right-of-way regulations and determined that no conditions are required. As detailed in Section 6.3 of the staff report (Attachment 8 to the board agenda letter, dated September 21, 2021, herein incorporated by reference), the Proposed Project meets all zoning requirements of the AG-II zone district and Cannabis Regulations set forth in the LUDC.

2.1.6 *The Proposed Project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.*

The Board of Supervisors finds that the Proposed Project is in conformance with the Comprehensive Plan and LUDC. As discussed in Section 6.3 of the staff report (Attachment 8 to the board agenda letter, dated September 21, 2021, herein incorporated by reference), the development conforms to the applicable provisions of the LUDC, including:

- 35.21.020 Purposes of the AG-II Zone
- 35.21.030 Agricultural Zones Allowable Uses
- 35.21.050 Agricultural Zones Development Standards
- 35.42.075.C General Commercial Cannabis Activities Development Standards
- 35.42.075.D Specific Use Development Standards [for cannabis]
- 35.42.140.C.3 Development Standards for Hoop Structures and Shade Structures

As discussed in Section 6.2 of the staff report (Attachment 8 to the board agenda letter, dated September 21, 2021, herein incorporated by reference), the development conforms to the applicable provisions of the Comprehensive Plan.

2.1.7 *Within Rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic 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 Proposed Project site is located within the Rural Area according to Comprehensive Plan maps. The subject parcel is surrounded by hills to the south, north, and east, the ephemeral drainage to the south, and agricultural crop lands to the west. The approximately 4-acre area of the subject parcel is currently used for cannabis cultivation, and the Proposed Project will allow for the cultivation of crops on property zoned AG-II. The existing legal nonconforming dwelling and storage shed and as-built tractor shed, storage shed, and water tanks are similar in nature and use to structures located on nearby parcels. The remaining area of the parcel will continue to be open space after implementation of the Proposed Project, maintaining the rural and scenic character of the area

All exterior light fixtures will be downward facing and fully shielded. There will be 1.88 acres of 14-ft.-tall hoop structures, and no new structures are proposed. The Proposed Project is not visible from any public viewing areas, including the publicly maintained portion of Santa Rita Road, which is over 2,700 ft. from the Project site, and Highway 246, which is over 1.2 miles away, due to distance, topography, and vegetation. As detailed in Section 6.3 of the staff report (Attachment 8 to the board agenda letter, dated September 21, 2021, herein incorporated by reference), the Proposed Project meets all zoning requirements of the AG-II zone district and Cannabis Regulations set forth in the LUDC.