

## **ATTACHMENT A: FINDINGS**

### **1.0 CEQA FINDINGS**

#### **SUBSEQUENT ACTIVITIES WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)**

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15162 AND 15168:

#### **1.1 CONSIDERATION OF THE 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 May 4, 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 State CEQA Guidelines § 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 4, 2021, and incorporated herein by reference). As shown in the written checklist, 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 under State CEQA Guidelines Section 15162 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 and are available at <https://santabarbara.legistar.com/Calendar.aspx>.

### **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 68.18-acre AG-II zoned parcel located in the Rural Area of the Santa Ynez Valley Community Plan area. The parcel is located southwest of the City of Buellton, approximately 1.5 miles west of Highway 101 and 0.5 miles south of Highway 246. The subject property is bounded by the Santa Ynez River and West Buellton EDRN to the north, agricultural crop lands to the east and west, and Santa Rosa Road and mountainous terrain to the south. The parcel takes access off of Santa Rosa Road by an existing 30-ft.-wide paved driveway. Agricultural crops such as squash, fruit trees, and hay have been cultivated on site for decades.

Prime soils and prime agricultural lands make up the entire parcel, with the exception of the riparian area associated with the Santa Ynez River in the northern portion. The project site is currently developed with approximately 30 acres of cannabis cultivation. Existing development includes agricultural buildings, two duplexes, a greenhouse, as-built storage containers, water tanks, hoop structures, water wells. The site is comprised of terraces that decrease in elevation from south to north. Elevation ranges from 401 to 293 feet above mean sea level. The northern portion of the property is approximately 30 feet lower in elevation than the southern portion, and so the 9 acres of outdoor cultivation located on the northern portion of the parcel is not visible to Santa Rosa Road. Likewise, the northern portion of the parcel is located within the Flood Hazard Overlay. Development in this Flood Hazard Overlay includes hoop structures and a new 480 sq. ft. shade structure, which will be subject to Flood Control requirements (Attachment 2, Condition No. 38, to the Board Agenda Letter, dated May 4, 2021, incorporated herein).

The property is able to accommodate all of the proposed agricultural uses and activities proposed by the Project. All existing development is currently being used as part of the cannabis cultivation operation. The nearest dwellings to the cannabis cultivation are two agricultural employee duplexes that are located on site. The Proposed Project will allow for nursery and mature plant cultivation as well as processing and storage. The Proposed Project will also include validating 57 as-built storage containers used for storing seeds, pollen, harvest material, and pesticides. 42 of the refrigerated containers used for harvest material storage will be removed within three years of Zoning Clearance issuance. A new 200 sq. ft. security building and 480 sq. ft. shade structure will be constructed. There will also be new security lighting and 24,725 sq. ft. of landscaping that will provide screening of the Proposed Project.

Access roads exist throughout the length of the site, starting in the south and ending in the north. The Proposed Project will utilize 30 on-site parking spaces for the 20 regular employees and 20 temporary employees during harvests. There will also be 24 overflow parking spaces onsite. Additionally, at least four employees will live in the two onsite agricultural employee duplexes. As detailed in Section 6.2 of the Planning Commission staff report dated October 20, 2020, herein incorporated by reference, the Proposed Project will have all required services.

**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 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. 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 3 to the Board Agenda Letter, dated May 4, 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 May 4, 2021, and incorporated herein by reference). The mitigation measures incorporated from the PEIR, including a Wildlife Movement Plan, Fencing and Security Plan, Landscaping and Screening Plan, Odor Abatement Plan, and Site Transportation Demand Management Plan, will mitigate significant environmental impacts to the maximum extent feasible. As such, 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. Therefore, this finding can be made.

**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 the properly designed to carry the vehicles related to operations, deliveries, and employees of the Proposed Project. Traffic to the subject parcel will utilize Highway 101 to Santa Rosa Road and then will enter the site via an existing driveway off of Santa Rosa Road. Santa Rosa Road is a public road maintained by the County. Highway 101 is a public highway maintained by Caltrans. Caltrans reviewed the Proposed Project and had no comments. The Santa Barbara County Public Works Department Transportation Division and

County Fire Department reviewed the Proposed Project and issued condition letters (Attachment 2 to the Board Agenda Letter, dated May 4, 2021, Condition No. 38, incorporated herein by reference).

The Proposed Project will have up to 20 regular employees and 20 temporary employees during harvests. Employees will be provided with incentives to carpool, such as gifts at the end of year company parties and preferred parking spaces. At least four regular employees will live in the two onsite agricultural employee duplexes, further reducing trips. The Proposed Project includes processing product grown off site, which will generate up to four average daily trips during harvests. Harvests last up to three weeks each time and occur twice annually in June or July and October of November. Both Highway 101 and Santa Rosa Road are able to support the trips that will be generated as part of the Proposed Project. The existing road system is adequate to serve the traffic associated with the Proposed Project. The County Public Works Roads Division reviewed the Proposed Project and determined that existing road facilities are sufficient.

**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 Planning Commission staff report, dated October 20, 2020, and incorporated herein by reference, adequate public and private services are in place to serve the Proposed Project. The Proposed Project will be served by existing wells. Wastewater treatment will be provided by existing onsite septic systems. Permanent restroom facilities are available in the agricultural processing building and the employee duplexes. The Santa Barbara County Public Health Department Environmental Health Services Department reviewed the Proposed Project and issued a condition letter (Attachment 2 to the Board Agenda Letter, dated May 4, 2021, Condition No. 38, incorporated herein by reference).

The County Fire Department will provide fire protection and emergency response. The County Fire Department reviewed the Proposed Project and issued a condition letter (Attachment 2 to the Board Agenda Letter, dated May 4, 2021, Condition No. 38, incorporated herein by reference). Power will be provided by PG&E with one emergency back-up generator as needed. The County Sheriff will provide law enforcement to the subject parcel. Ingress and egress to the parcel will continue to be provided by an existing driveway off Santa Rosa Road.

**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 subject property is bounded by the Santa Ynez River and West Buellton EDRN to the north, agricultural crop lands to the

east and west, and Santa Rosa Road and mountainous terrain to the south. The parcel takes access off of Santa Rosa Road by an existing 30-ft.-wide paved driveway. Agricultural crops such as squash, fruit trees, and hay have been cultivated on site for decades. As discussed in Sections 6.2 and 6.3 of the staff report, dated October 20, 2020, incorporated herein by reference, the Proposed Project will utilize existing agricultural hoop structures and buildings for the processing and cultivation of 29.78 acres of cannabis. New structural development includes one 200 sq. ft. security building and one 480 sq. ft. shade structure.

To further integrate the Proposed Project into the existing development pattern of the area, approximately 24,725 sq. ft. of landscaping will be planted along the southern, western, and eastern property boundaries as well as directly next to 52 as-built storage containers (Attachment 9 to the Board Agenda Letter, dated May 4, 2021, incorporated herein by reference). The Applicant provided a Fencing and Security Plan (Attachment 6, Sheet SF1.1, to the Board Agenda Letter, dated May 4, 2021, and incorporated herein by reference), which includes a 6 ft.-tall no-climb fence. The Lighting Plan (Attachment 6, Sheet L1.1 and L1.2, the Board Agenda Letter, dated May 4, 2021, and incorporated herein by reference) demonstrates that all exterior lighting will be downward facing, fully cut-off, and on a motion sensor.

The CBAR conceptually reviewed the Proposed Project, including the landscaping, lighting, fencing, and as-built and proposed structures. Final approval of the Proposed Project by the CBAR is required prior to Zoning Clearance issuance (Attachment 2 to the Board Agenda Letter, dated May 4, 2021, Condition No. 26, incorporated herein by reference).

The Odor Abatement Plan (Attachment 8 to the Board Agenda Letter, dated May 4, 2021, and incorporated herein by reference) includes the installation of a Byers odor control will be installed downwind of the cultivation areas to mitigate any potential odors from the project site. As required by the Land Use and Development Code Section 35.42.075.C.6.h and DevStd LUG-SYV-8.11 of the Santa Ynez Valley Community Plan, the Odor Abatement Plan outlines corrective actions in the event that the Planning and Development Department receives three verified complaints regarding odor events in any 365-day period. The Applicant submitted a Site Transportation Demand Management Plan (STDMP) (Attachment 7 and Attachment 6, Sheets T1.1 and T1.2, to the Board Agenda Letter, dated May 4, 2021, and incorporated herein by reference) which includes carpool incentives, such as gifts at end of year parties and preferred parking spaces, and on-site employee housing to reduce trips.

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 May 4, 2021, Condition No. 38, incorporated herein by reference). Additionally, the Santa Barbara County Fire Department reviewed the Proposed Project for compliance with fire safety regulations and issued a condition letter (Attachment 2 to the Board Agenda Letter, dated May 4, 2021, Condition No. 38, incorporated herein by reference). Therefore, this finding can be made.

**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, including the Santa Ynez Valley Community Plan and LUDC. As discussed in Section 6.3 of the Planning Commission staff report, dated October 20, 2020, and incorporated herein 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 Planning Commission staff report, dated October 20, 2020, and incorporated herein by reference, the development conforms to the applicable provisions of the Comprehensive Plan, including the Santa Ynez Valley Community 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 property is a 68.18-acre parcel bounded by the Santa Ynez River and West Buellton EDRN to the north, agricultural crop lands to the east and west, and Santa Rosa Road and mountainous terrain to the south. The subject parcel is currently used for cannabis cultivation and processing and has previously been used for growing commercial agricultural crops.

All exterior light fixtures will be downward facing and fully shielded. The Proposed Project is only partially visible from Santa Rosa Road. Due to topography, the northern portion of the parcel and its associated hoop structures and proposed shade structure will not be visible from Santa Rosa Road. The Applicant provided a Landscape and Screening Plan (Attachment 9 to the Board Agenda Letter, dated May 4, 2021, incorporated herein by reference) which will screen the property from Santa Rosa Road using 24,275 sq. ft. of landscaping. The CBAR conceptually reviewed the Proposed Project, including the landscaping, lighting, fencing, and as-built and proposed structures. Final approval by the CBAR is required prior to Zoning Clearance issuance (Attachment 2 to the Board Agenda Letter, dated May 4, 2021, Condition No 26, incorporated herein by reference).

## **2.2 DEVELOPMENT PLAN FINDINGS**

### **A. Findings required for all Preliminary or Final Development Plans. In compliance with Subsection 35.82.080.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the review authority shall first make all of the following findings, as applicable:**

#### **2.2.1 *The site for the subject project is adequate in terms of location, physical characteristics, shape, and size to accommodate the density and intensity of development proposed.***

The Board of Supervisors finds that the site for the Proposed Project is adequate to accommodate the Proposed Project. As discussed in the evidence to support Conditional Use Permit Finding 2.1.1 (above), the project site is adequate in terms of location, physical characteristics, shape, and size to accommodate the development and cultivation associated with the Proposed Project.

#### **2.2.2 *Adverse impacts will be mitigated to the maximum extent feasible.***

The Board of Supervisors finds that the site for the Proposed Project will not have any new impacts that were not discussed in the PEIR. As discussed in the evidence to support Conditional Use Permit Finding 2.1.2 (above), adverse impacts of the Proposed Project will be mitigated to the maximum extent feasible.

#### **2.2.3 *Streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.***

The Board of Supervisors finds that roadways will be adequate to serve the Proposed Project. As discussed in the evidence to support Conditional Use Permit Finding 2.1.3 (above), streets and highways will be adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.

#### **2.2.4 *There will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the Proposed Project.***

The Board of Supervisors finds that there will be adequate public services for the Proposed Project. As discussed in the evidence to support Conditional Use Permit Finding 2.1.4 (above), there will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the Proposed Project.

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

The Board of Supervisors finds that the site for the Proposed Project will not be detrimental to or incompatible with the surrounding neighborhood. As discussed in the evidence to support Conditional Use Permit Finding 2.1.5 (above), the Proposed Project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area.

**2.2.6** *The Proposed Project will comply with all applicable requirements of this Development Code and the Comprehensive Plan.*

The Board of Supervisors finds that the site for the Proposed Project will comply with the LUDC and Comprehensive Plan. As discussed in the staff report, dated October 20, 2020, and incorporated herein by reference, and in the evidence to support Conditional Use Permit Finding 2.1.6 (above), the development conforms to the applicable provisions of the Land Use and Development Code and all other applicable requirements of the Comprehensive Plan.

**2.2.7** *Within Rural areas as designated on the Comprehensive Plan maps, the use will be compatible with and subordinate to the agricultural, rural, and scenic character of the rural areas.*

The Board of Supervisors finds that the use will be compatible with and subordinate to the rural areas. As discussed in the evidence to support Conditional Use Permit Finding 2.1.7 (above), the Proposed Project will be compatible with and subordinate to the agricultural, rural, and scenic character of the rural areas.

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

The Board of Supervisors finds that the Proposed Project will not conflict with any easements for public access through or public use 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.



## **2.3 ADDITIONAL FINDINGS REQUIRED FOR FINAL DEVELOPMENT PLANS**

- A. In compliance with Subsection 35.82.080.E.2 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Final Development Plan the review authority shall first find that the plan is in substantial conformity with any previously approved Preliminary Development Plan except when the review authority considers a Final Development Plan for which there is no previously approved Preliminary Development Plan. In this case, the review authority may consider the Final Development Plan as both a Preliminary and Final Development Plan.**

The Board of Supervisors considers the Final Development Plan as both a Preliminary and Final Development Plan.