

ATTACHMENT 1: 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 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 9 to the Board Letter dated March 10, 2020, and incorporated herein by reference), the CEQA Checklist prepared pursuant to CEQA Guidelines Section 15168(c)(4) (Attachment 3 to the Board Letter dated March 10, 2020, and herein incorporated 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 Section 15168(c) 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 Letter dated March 10, 2020, 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 have effects that were not examined in the PEIR and 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 FINDINGS FOR ALL LAND USE PERMITS

2.1.1 *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 the Attachment 14 (Comprehensive Plan Consistency Analysis) to the Board Agenda Letter dated March 10, 2020, incorporated herein by reference, adequate public and private services are in place to serve the proposed project. Water will continue to be provided by two agricultural wells located on the subject site. The existing single-family dwelling will continue to be served by an existing septic system. Sanitary facilities for the four to five regular employees will be provided by an existing bathroom in the existing single-family dwelling and the Applicant will provide portable toilets for seasonal employees (during harvest periods). The Santa Barbara County Fire Department will continue to provide fire and other emergency response services to the subject parcel. The County Sheriff will continue to provide police services to the subject parcel. Ingress and egress to the parcel will continue to be provided off of West Highway 246. Therefore, this finding can be made.

2.1.2 *a. The proposed Development conforms:*

- (1) To the applicable provisions of the Comprehensive Plan including any applicable community or area plan; and***
- (2) 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 14 (Comprehensive Plan Consistency Analysis) and Attachment 15 (Land Use and Development Code Compliance Analysis) to the Board Agenda Letter dated March 10, 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-100 zone district, as they relate to permitted uses, building heights, setbacks, and parking. Therefore, this finding can be made.

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

The subject property is a 42.5-acre parcel that is a legal lot shown as Lot # 12 of the Rancho Santa Rosa Tract and is shown on Recorded Map Book 2, Page 37 of the County of Santa Barbara Maps and Surveys, and also shown on Assessor's Map Book 099, Page 23. Therefore, this finding can be made.

c. 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 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)

As conditioned, the subject property and 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 the AG-II zone district. Additionally, all processing fees have been paid to date. Therefore, this finding can be made.

