

ATTACHMENT 1: FINDINGS

CASE NO. 15ORD-00000-00018

1.0. CEQA FINDINGS

1.1 CEQA Guidelines Exemption Findings

- 1.1.1 The Board of Supervisors finds that the proposed project, 15ORD-00000-00018, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Please see Attachment 2, Notice of Exemption, of this board letter, dated January 19, 2016.

2.0 ADMINISTRATIVE FINDINGS

The Board of Supervisors makes the following findings in order to approve the proposed ordinance:

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

The Medical Marijuana Regulation and Safety Act (Assembly Bills 243 and 266 and Senate Bill 643; signed October 9, 2015) addresses medical marijuana cultivation, processing, testing, and distribution throughout California, including licensing by the state. In part, the Act provides that the state will be the sole licensing authority for medical marijuana cultivation unless a city or county enacts an ordinance to prohibit or regulate this activity within its jurisdiction by March 1, 2016.

Medical marijuana cultivation and delivery has negative impacts on the physical environment and general community welfare as discussed in Section 6.0 of this County Planning Commission staff report, dated December 23, 2015, and incorporated herein by reference. The County Code does not explicitly address medical marijuana cultivation or delivery. The County lacks sufficient time to prepare a comprehensive ordinance to regulate medical marijuana cultivation and delivery in order to minimize negative impacts by March 1, 2016. Therefore, the proposed ordinance is in the interest of the general community welfare since it revises the County Code to generally prohibit medical marijuana cultivation and delivery as follows:

- Prohibit medical marijuana cultivation in all zones within the unincorporated areas of Santa Barbara County, except for a limited exemption for personal medical use (see Section 35-1003.A of the proposed ordinance, Case No. 15ORD-00000-00018; which is Attachment C of this County Planning Commission staff report, dated December 23, 2015).
- Allow a qualified patient or person with an identification card or that patient's or person's primary caregiver to engage in marijuana cultivation for personal medical use subject to specified conditions (see Section 35-1003.A.1 of the proposed ordinance, Case No. 15ORD-00000-00018).
- Prohibit medical marijuana delivery in all zones within the unincorporated areas of Santa Barbara County (see Section 35-1003.B of the proposed ordinance, Case No. 15ORD-00000-00018).

2.2 The request is consistent with the County Comprehensive Plan, the requirements of state planning and zoning laws, and the County zoning ordinances.

The Medical Marijuana Regulation and Safety Act contains provisions that allow a city or county to enact ordinances to prohibit or regulate medical marijuana cultivation, processing, and delivery. The proposed ordinance will prohibit most medical marijuana cultivation and all medical marijuana delivery within the unincorporated areas of Santa Barbara County. The proposed ordinance includes a number of definitions, including definitions for cultivation and delivery of medical marijuana. Cultivation is defined to include the processing of marijuana for medical purposes. Therefore, adoption of the proposed ordinance will not conflict with, and may be found consistent with, state laws, including the Medical Marijuana Regulation and Safety Act.

The County Land Use and Development Code, Montecito Land use and Development Code, and County Coastal Zoning Ordinance (i.e., zoning ordinances) prohibit medical marijuana dispensaries in all zones within the unincorporated areas of Santa Barbara County. However, the policies and development standards of the County Comprehensive Plan and County zoning ordinances do not explicitly address medical marijuana cultivation or delivery. The proposed ordinance will clearly address medical marijuana cultivation or delivery within the unincorporated areas of Santa Barbara County. Therefore, adoption of the proposed ordinance will not conflict with, and may be found consistent with, the County Comprehensive Plan and zoning ordinances.

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

The proposed ordinance clearly and specifically addresses medical marijuana cultivation and delivery within the unincorporated areas of Santa Barbara County. It also prohibits activities (i.e., most cultivation and all delivery) that could have significant negative impacts on the physical environment and general community welfare. As stated in Finding 2.2, above, the ordinance is consistent with state laws regarding medical marijuana, including the Medical Marijuana Regulation and Safety Act. As also discussed in Finding 2.2, above, the ordinance is consistent with the County Comprehensive Plan, County Land Use and Development Code, Montecito Land use and Development Code, and County Coastal Zoning Ordinance. Therefore, adoption of the proposed ordinance is consistent with sound zoning and planning practices to regulate land uses.