

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 THE 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 (Attachment 4 to the Board Agenda Letter, dated June 9, 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 June 9, 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.

2.0 ADMINISTRATIVE FINDINGS

2.1 LAND USE PERMIT FINDINGS

2.1.1 *Finding required for all Land Use Permits. 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.*

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

(Attachment 8 to the Board Agenda Letter, dated June 9, 2021), the CEQA Checklist (Attachment 3 to the Board Agenda Letter, dated June 9, 2021), and the Supplemental Comprehensive Plan Policy Consistency Analysis (Attachment 10 to the Board Agenda Letter, dated June 9, 2021), and incorporated herein by reference, adequate public and private services are in place to serve the Proposed Project. The subject property is served by an existing agricultural well that has historically been used for crop irrigation. The applicant proposes to use the existing well to serve both agricultural and domestic water. EHS determined acceptable feasibility for a proposed Single Parcel Water System and On-Site Water Treatment System. Condition No. 11 of Attachment B requires the applicant to submit the required materials and information for EHS' review and final approval of the Single Parcel Water System prior to final building occupancy clearance. Sanitary facilities for employees will be provided by portable chemical toilets with hand-washing stations as well as a permanent restroom located within the office. The applicant must submit the required materials and information for EHS' review and approval of the On-Site Water Treatment System prior to final building occupancy clearance, as stated in Condition 10 of Attachment B. The subject parcel will continue to be served by the Santa Barbara County Fire Department for fire protection services and by the Santa Barbara County Sheriff for public safety. Ingress and egress to the parcel will continue to be provided off of West Highway 246.

2.1.2 Findings required for all Land Use Permits. In compliance with Subsection 35.82.110.E.1 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 make all of the following findings:

- 1. The proposed development conforms:**
 - a. To the applicable provisions of the Comprehensive Plan, including any applicable community or area plan.**
 - b. 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).**

The Board of Supervisors finds that the proposed development conforms to the applicable provisions of the Comprehensive Plan and the Land Use and Development Code (LUDC) as discussed in the Board Agenda Letter dated June 9, 2021, the Planning Commission staff report (Attachment 8 to the Board Agenda Letter dated June 9, 2021), and the Comprehensive Plan and LUDC Consistency Analysis (Attachment 10 to the Board Agenda Letter dated June 9, 2021) and incorporated herein by reference. In addition, the project will permit two as-built 320-square-foot shipping containers as well as a proposed 320-square-foot shipping container. The proposed development, including the as-built structures, is consistent with the LUDC requirements for the AG-II-100 zone district as they relate to permitted uses, building heights, setbacks and parking as described in Section 6.4 of the staff report dated January 27, 2021 and included as Attachment 8 to the Board Agenda Letter dated June 9, 2021.

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

The Board of Supervisors finds that the proposed development is located on a legally created lot. The subject property is a legal lot granted a Certificate of Compliance on June 19, 2006. The lot is shown on the Assessor's Map Book 099, Pg 15.

3. *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 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 Chapter 35.101 (Nonconforming Uses, Structures, and Lots).*

The Board of Supervisors finds that with approval of the LUP, 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. Additionally, all processing fees have been paid to date and no zoning enforcement fees are due,