

**ATTACHMENT 1: FINDINGS**  
**CASE NO. 23CUP-00014**

**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 Board of Supervisors considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Attachment 3 to the Board Agenda Letter, dated June 4, 2024, incorporated herein by reference) along with the Project, which is an activity within the scope of the PEIR. Staff prepared a written checklist (Attachment 4 to the Board Agenda Letter, dated June 4, 2024, incorporated herein by reference) in compliance with CEQA Guidelines 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.

As shown in the written checklist and other information provided in the administrative record, the Project is within the scope of the PEIR and the effects of the 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 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 Project.

**1.2 LOCATION OF DOCUMENTS**

The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Clerk of the Board of Supervisors located at 105 East Anapamu Street, Santa Barbara, CA 93101.

A digital copy of the Final PEIR can be located online at:

<https://ca-santabarbaracounty.civicplus.pro/1358/Zoning-Permitting>

## 2.0 ADMINISTRATIVE FINDINGS

### 2.1 CONDITIONAL USE PERMIT FINDINGS

**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 Project is adequate in terms of size, shape, location, and physical characteristics to accommodate the type and level of development proposed. The Project site is a 40-acre parcel, zoned AG-II, and located in the Rural Area.

Proposed development under the scope of the Project consists of outdoor cannabis cultivation and agricultural accessory structures including hoop structures, pole barns, water tanks, and sheds. The proposed Project area is adequate in terms of size and existing slope to accommodate the type and level of development proposed under the Project while remaining setback a minimum of 100 feet from Cat Canyon Creek.

The Project site is surrounded on all sides by properties zoned AG-II and surrounding land uses include grazing, rural dwelling, and open areas. The Project site has historically supported cattle grazing, and the proposed Project will continue the agricultural use of the site. The nearest residential zones relative to the subject property are located approximately 4 miles to the northwest within the town of Sisquoc, and approximately 5 miles to the south within the town of Los Alamos. The nearest Existing Developed Rural Neighborhood (EDRN) relative to the subject property is located approximately 0.25 miles to the north and is identified as the Long Canyon EDRN. The Long Canyon EDRN consists of sixteen parcels, each 10 to 15 acres in size, and zoned AG-I-10 (Agriculture I, 10-acre minimum lot size) with an A-I-10 (Agriculture I, 10-acre minimum parcel size) land use designation. The nearest existing residence within the EDRN is located approximately 1,600 ft. from the nearest boundary of the Project property. With the exception of the existing rural residential development within the EDRN, the Cat Canyon area is predominately characterized by oil and gas production and agricultural uses.

As detailed in the Board Agenda Letter, dated June 4, 2024, and Sections 6.3 and 6.4 of the Planning Commission Staff Report dated January 10, 2023, incorporated herein by reference, the Project is consistent with all applicable policies and development standards of the Comprehensive Plan and Land Use and Development Code for cannabis projects,

including policies pertaining to adequate services, hillside and watershed protection, visual resources, agricultural resources, and groundwater resources.

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

The Board of Supervisors finds that significant environmental impacts will be mitigated to the maximum extent feasible. 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), if the County finds pursuant to Section 15162 that no new significant effects will occur or no new mitigation measures will be required that were not examined in the PEIR. Staff completed a written checklist pursuant to State CEQA Guidelines Section 15168(c)(4) that evaluated the Project pursuant to the requirements of Section 15162 (Attachment 4 to the Board Agenda Letter, dated June 4, 2024, incorporated herein by reference) and determined that all of the environmental impacts of the proposed Project 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 Project, and no new environmental document is required. Mitigation measures that were discussed in the PEIR have been incorporated into the Project (Attachment 2 to the Board Agenda Letter, dated June 4, 2024, incorporated herein by reference). The mitigation measures incorporated from the PEIR, including a Habitat Protection Plan and Wildlife Movement Plan, Landscape and Screening Plan, Lighting Plan, and Site Transportation Demand Management Plan, will mitigate significant environmental impacts to the maximum extent feasible. Therefore, the Project will not have any new impacts that were not discussed in the PEIR, and the Project's impacts are 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 support Project traffic. Access to the Project area south of Cat Canyon Creek will be provided via Cat Canyon Road and will include construction of a new road base driveway, a minimum of 20-ft. in width, off of Cat Canyon Road. The Project is conditioned to obtain a Road Encroachment Permit prior to any work within the County right-of-way (Condition No. 9 of Attachment 2 to the Board Agenda Letter, dated June 4, 2024, incorporated herein by reference). The Project was reviewed by the Public Works Department - Transportation Division, and, with inclusion of the road encroachment permit condition noted above, the existing roads providing access to the Project site were determined to be adequate to support Project traffic and no comment, concerns, or further conditions were identified.

**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 adequate public and private services are in place to serve the Project. Bottled water and portable sanitation facilities will be provided onsite for employee use in compliance with CalOSHA. Irrigation water for the Project will be provided by an existing groundwater well located in the southeastern corner of the property. As discussed in the Board Agenda Letter, dated June 4, 2024, incorporated herein by reference, the Applicant provided a Water Demand Memo prepared by an Agronomist/Certified Crop Advisor and a Water System Source Yield Assessment Memo and Groundwater Supply Availability Memo prepared by a Professional Geologist and Certified Hydrogeologist, that demonstrate adequate water is available to serve the total projected water demand of the Project (Attachments 8, 11, and 12 of the Board Agenda Letter). Fire protection will continue to be provided by the Santa Barbara County Fire Department and law enforcement will continue to be provided by the Santa Barbara County Sheriff's Department.

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

As discussed in the Board Agenda Letter, dated June 4, 2024, and in Section 6.3 of the Planning Commission Staff Report, dated January 10, 2023, incorporated herein by reference, the Project is consistent with all applicable policies of the Comprehensive Plan. The Project site is 40-acre parcel, zoned AG-II, and located in the Rural Area. The Project site is surrounded on all sides by properties zoned AG-II and surrounding land uses include grazing, rural dwelling, and open areas. The Project site has historically supported cattle grazing and the proposed Project will continue the agricultural use of the site. Structural development under the scope of the Project consists of agricultural accessory structures that are in character with agricultural development of the surrounding area.

The nearest residential zones relative to the subject property are located approximately 4 miles to the northwest within the town of Sisquoc, and approximately 5 miles to the south within the town of Los Alamos. The nearest Existing Developed Rural Neighborhood (EDRN) relative to the subject property is located approximately 0.25 miles to the north and is identified as the Long Canyon EDRN. The Long Canyon EDRN consists of sixteen parcels, each 10 to 15 acres in size, and zoned AG-I-10 (Agriculture I, 10-acre minimum lot size) with an A-I-10 (Agriculture I, 10-acre minimum parcel size) land use designation. The nearest existing residence within the EDRN is located approximately

1,600 ft. from the nearest boundary of the Project property. With the exception of the existing rural residential development within the EDRN, the Cat Canyon area is predominately characterized by oil and gas production and agricultural uses.

As discussed in the Board Agenda Letter, dated June 4, 2024, incorporated herein by reference, the Applicant provided a Water Demand Memo prepared by an Agronomist/Certified Crop Advisor and a Water System Source Yield Assessment Memo and Groundwater Supply Availability Memo prepared by a Professional Geologist and Certified Hydrogeologist (Attachments 8, 11, and 12 of the Board Agenda Letter), that demonstrate adequate water is available to serve the total projected water demand of the Project, and that the projected groundwater use of the Project will not result in a significant impact to groundwater resources.

Additionally, as discussed in the Board Agenda Letter, dated June 4, 2024, and in Section 6.4 of the Planning Commission Staff Report, dated January 10, 2023, the Project is consistent with all applicable policies and standards set forth in the Land Use and Development Code for cannabis projects. The Project will implement a Landscape Plan and Screening Plan (Attachment 8 to the Board Agenda Letter, dated June 4, 2024, incorporated herein by reference) to ensure the Project will be screened from public views within 5 years. The Project will implement a Lighting Plan (Attachment 8) to ensure all exterior security lighting under the scope of the Project will be fully shielded, directed downward, and motion activated. The Project will implement a Fencing and Security Plan (Attachment 8) to ensure the cannabis operation will be secured. Finally, the Project includes measures to minimize the effect of cannabis odors generated by the Project on surrounding areas. Under the scope of the Project all harvested cannabis will be transferred offsite the same day it is harvested and no cannabis processing will occur onsite.

**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 Project is in conformance with the Comprehensive Plan and LUDC.

As discussed in the Board Agenda Letter, dated June 4, 2024, and in Section 6.3 of the Planning Commission Staff Report, dated January 10, 2023, incorporated herein by reference, the Project is consistent with all applicable policies of the Comprehensive Plan including policies pertaining to adequate services, hillside and watershed protection, visual resources, agricultural resources, and groundwater resources.

Additionally, as discussed in the Board Agenda Letter, dated June 4, 2024, and in Section 6.4 of the Planning Commission Staff Report, dated January 10, 2023, the Project is consistent with all applicable policies and standards set forth in the Land Use and Development Code for cannabis projects. The Project will implement a Landscape Plan

and Screening Plan (Attachment 8 to the Board Agenda Letter, dated June 4, 2024, incorporated herein by reference) to ensure the Project will be screened from public views within 5 years. The Project will implement a Lighting Plan (Attachment 8) to ensure all exterior security lighting under the scope of the Project will be fully shielded, directed downward, and motion activated. The Project will implement a Fencing and Security Plan (Attachment 8) to ensure the cannabis operation will be secured.

**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 Project is compatible with and subordinate to the scenic, agricultural, and rural character of the area. The Project site is a 40-acre parcel, zoned AG-II, and located in the Rural Area. The Project site is surrounded on all sides by properties zoned AG-II and surrounding land uses include grazing, rural dwelling, and open areas. The Project site has historically supported cattle grazing and the proposed Project will continue the agricultural use of the site. Structural development under the scope of the Project consists of agricultural accessory structures that are in character with agricultural development of the surrounding area.

The Project will implement a Landscape Plan and Screening Plan (Attachment 8 to the Board Agenda Letter, dated June 4, 2024, incorporated herein by reference) to ensure the Project will be screened from public views within 5 years. Additionally, the Project will implement a Lighting Plan (Attachment 8) to ensure all exterior security lighting under the scope of the Project will be fully shielded, directed downward, and motion activated.