

ATTACHMENT 5

FINDINGS FOR APPROVAL OF CANNABIS BUSINESS LICENSE ORDINANCE December 17, 2019

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

1.1 FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21166 AND THE CEQA GUIDELINES SECTIONS 15162-15164:

1.1.1 RELIANCE ON PREVIOUSLY CERTIFIED PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR)

On February 6, 2018, the Board of Supervisors (Board) certified the Final Programmatic EIR (Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016) for the Cannabis Land Use Ordinances. Also, on February 6, 2018, the Board adopted a statement of overriding considerations. Both of these actions remain in full force and effect and are not proposed to be changed by amendments to the cannabis business license ordinance or cannabis business licensing fee ordinance. The CEQA Guidelines Sections 15162 through 15164 and 15168(c) set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. In accordance with CEQA Guidelines Section 15164(e) and 15168(c) the previously certified EIR is adequate without modification for the following reasons.

The present action is the reading and adoption of an ordinance to amend: 1) Chapter 50, Licensing Commercial Cannabis Operations, of the County Code which addresses the business licensing of commercial cannabis operations in the unincorporated area of Santa Barbara County and makes minor changes and clarification to the ordinance specific to further limit the number of cannabis storefront retail business licenses and adopt a criteria based selection process for these limited licenses, and 2) Ordinance 5041, Cannabis Business Licensing Fee, to establish the fee to cover the reasonable costs of providing this new criteria based selection process. Adoption of a business licensing ordinance was anticipated during the preparation of the EIR, as described in Chapter 1, *Introduction*, Page 1-3; Chapter 2, *Project Description*, Pages 2-1, 2-43, 2-44; and Chapter 13, *Utilities and Energy Conservation*, etc.

Adoption of an ordinance amending Chapter 50, Licensing Commercial Cannabis Operations, to the County Code, and an ordinance amending the Cannabis Business Licensing Fees is consistent with the project description, analysis, and mitigation measures provided in the Final Programmatic EIR. In fact, the proposed action will ensure that the mitigation can be implemented through the future license approvals without creating unanticipated impacts on residents of the County. The proposed action would not result in new or more severe impacts than was previously analyzed and in fact proposes to limit certain activities which would further reduce impacts.

Finding: The Board finds that there are no substantial changes in the project, no substantial changes in the circumstances under which the project is undertaken, and no new information which results in a new significant environmental effect or a substantial increase in the severity of a previously identified significant environmental effect since the certification of the Final Programmatic EIR (17EIR-00000-00003) dated December 2017, and the EIR Revision Letter (RV 01) dated January 31, 2018, for the project. In addition, the Board finds that no new effects would occur and no new mitigation measures would be required and also finds that an ordinance amending Chapter 50, Licensing Commercial Cannabis Operations, of the County Code, and an ordinance amending Ordinance No, 5041, An Ordinance Establishing the Cannabis Business Licensing Fee, is within the scope of the project covered by the EIR and no new environmental document is required.

1.1.2 FULL DISCLOSURE

The Board finds that the previously certified EIR, appendices, and RV 01, along with these findings and the findings and statement of overriding consideration made by the Board on February 6, 2018, constitute a complete, accurate, adequate, and good faith effort at full disclosure pursuant to CEQA.

1.1.3 LOCATION OF RECORD OF PROCEEDINGS

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.