

ATTACHMENT 3: REVISED FINDINGS FOR APPROVAL

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 County Board of Supervisors considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Attachment 10 to the Board Letter dated April 21, 2020, 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 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 (Attachment 5 to the Board Letter dated April 21, 2020). 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 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 will not present new information of substantial importance pursuant to State CEQA Guidelines Section 15162, thereby preparation of a new environmental document for the proposed project is not required.

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.*

As discussed in the Comprehensive Plan and LUDC Consistency Analysis, included as Attachment 17 to the Board Letter dated April 21, 2020, 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 will use the existing well to serve both agricultural and domestic water purposes, which will require review and approval by the Public Health Department, Environmental Health Services. Sanitary facilities for employees will be provided by a new restroom and new onsite wastewater treatment system. Furthermore, during harvest seasons and in accordance with the Division of Occupational Health and Safety (OSHA) regulations, the applicant will provide additional restrooms in the form of portable chemical toilets with hand washing stations. The proposed onsite wastewater system will require review and approval by the Public Health Department, Environmental Health Services. 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 would continue to be provided off of West Highway 246. Therefore, this finding can be made.

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).**

As discussed in the Comprehensive Plan and LUDC Consistency Analysis, included as Attachment 17 to the Board Letter dated April 21, 2020, incorporated herein by reference, the development conforms to the applicable policies and development standards of the Comprehensive Plan including, but not limited to, the Santa Ynez Valley Community Plan. The proposed development 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 well as all other applicable regulations of the Land Use and Development Code. Therefore, this finding can be made.

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

The subject property is a legal lot that is shown as Tract 18 of the Rancho san Carlos De Jonata in the County of Santa Barbara, State of California, according to the map entitled “Map of survey made by Flournoy of a part of the Rancho San Carlos De Jonata for Santa Ynez Valley Development Company, Santa Barbara County California, February 1910”

recorded on April 8, 1919, in Book 5, Page 55 of Maps and Surveys, in the Office of the County Recorder of said County. Therefore, this finding can be made.

- 3. *The subject property complies 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 subject property is, and, as conditioned, 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. No cannabis cultivation is currently occurring on the site and there are no active Notices of Violation. Additionally, all processing fees have been paid to date.