

ATTACHMENT 1: FINDINGS

CASE NO. 17ORD-00000-00007

1.0. CEQA FINDINGS

1.1 CEQA Guidelines Exemption Findings

1.1.1 The Board of Supervisors finds that the proposed project, 17ORD-00000-00007, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Please see Attachment 2, Article X Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

The Board of Supervisors shall adopt the following findings in order to approve a text amendment to Article X:

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

The proposed ordinance is in the interest of the general community welfare since the ordinance will revise Article X to include a process whereby the operator of a medical cannabis cultivation location that existed as of January 19, 2016, may apply for a determination from the County that the medical cannabis cultivation location is considered to be a legal, nonconforming use, thus providing certainty to the operator and the public alike regarding the status of the operation.

The ordinance also proposes to revise Article X to provide that:

- The existing exemption from the prohibition against medical cannabis cultivation, for legal, nonconforming medical cannabis cultivation locations that existed as of January 19, 2016, shall terminate six months after the operative date of the applicable County ordinance regarding medical cannabis cultivation which is being studied by the Cannabis Land Use Ordinances and Licensing Program EIR (Project Case Nos.: 17ORD-00000-00009, -00010, and -00013) or a minimum of one year from the effective date of this amendment (Case No.: 17ORD-00000-00007) to Article X.
- If the County medical cannabis ordinance referenced above allows for cultivation of medical cannabis but requires a zoning permit, legal nonconforming uses that have submitted a complete application to the Santa Barbara County Planning and Development Department to permit their legal, nonconforming cultivation site by the termination date listed above may continue to operate their same existing legal, nonconforming medical cannabis cultivation site while their permit application is being processed, as long as the cultivation location continues to comply with the requirements of (1) Article X as revised, (2) State law, and (3) the applicable provision of the County Land Use and Development Code Section 35.101.020 (Nonconforming Uses of Land and Structures), Montecito Land Use and Development Code Section 35.491.020 (Nonconforming Uses of Land and Structures), or Article II, the Coastal Zoning Ordinance Section 35-161 (Nonconforming Uses of Land, Buildings, and Structures).
- If the permit application is denied, the applicant shall cease all cannabis cultivation operations until the operator obtains a permit.
- Operators of legal, nonconforming medical cannabis cultivation locations may modify the medical cannabis cultivation location to comply with State licensing requirements

for medical cannabis cultivation. In doing so, the operator (1) would not compromise the legal, nonconforming status of the cultivation location, and (2) could modify the existing medical cannabis cultivation location (e.g., by installing odor control or security systems) to address and remedy features of the operation that might otherwise be incompatible with other uses surrounding the cannabis cultivation location.

This will require operators of existing, legal nonconforming medical cannabis cultivation locations, if they desire to continue to operate, to apply for and receive permits if allowed under the proposed County regulations that will implement the new State law and regulations regarding the cultivation, manufacture, distribution, testing, and sale of cannabis. The proposed County regulations will address permit requirements and development standards for the different cannabis license types that are allowed under State law and whether they are allowed within the County. This will ensure that the continued operation of existing medical cannabis cultivation locations is compatible with the surrounding neighborhood by imposing development standards that address such issues as night lighting, odor control, and security.

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

Adoption of the proposed ordinance, as analyzed in the County Planning Commission staff report dated September 6, 2017, which is hereby incorporated by reference, will implement California State laws regarding the cultivation, manufacture, distribution, testing, and sale of cannabis, by revising Article X to provide that the existing exemption for legal, nonconforming medical cannabis cultivation locations that existed as of January 19, 2016, shall terminate six months after the operative date of the applicable County ordinance regarding medical cannabis cultivation which is being studied by the Cannabis Land Use Ordinances and Licensing Program EIR (Project Case Nos.: 17ORD-00000-00009, -00010, and -00013), or a minimum of one year from the effective date of this amendment (Case No.: 17ORD-00000-00007) to Article X. This requires operators of such locations who desire to continue the cultivation of cannabis to apply for and receive permits in compliance with local permit and licensing requirements and development standards that implement State law.

The proposed ordinance will not result in any inconsistencies with the adopted policies and development standards of the Comprehensive Plan including the Community and Area Plans. The proposed ordinance is also consistent with the remaining portions of Article X that would not be revised by this ordinance.

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

The proposed ordinance is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values, since it will revise Article X to require the operators of legal, cannabis cultivation locations that existed as of January 19, 2016, to either cease operation by the dates specified in the ordinance or obtain the necessary permit(s) and license(s) in compliance with the County Land Use and Development Code, Montecito Land Use and Development Code, or Article II Coastal Zoning Ordinance, as applicable, as well as possible future County licensing regulations, in order to continue cultivating. In order to be permitted in compliance with the County Land Use and Development Code, Montecito Land Use and Development Code, or Article II Coastal Zoning Ordinance, the cannabis cultivation operation will be required to comply with a series of development

standards that are designed to ensure that the operation is compatible with the surrounding neighborhood.