

ATTACHMENT 10: FINDINGS FOR APPROVAL

CASE NOS. 19ORD-00000-00001 and 19ORD-00000-00002

1.0 CEQA FINDINGS

1.1 FINDING THAT A PREVIOUS ENVIRONMENTAL DOCUMENT CAN BE USED (*per CEQA Section 15162 and 15168(c)(2)*)

The Board of Supervisors finds that the Final Program Environmental Impact Report (EIR) (Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016) adopted for the Cannabis Land Use Ordinance and Licensing Program fulfills the environmental review requirements for the proposed County Land Use and Development Code (LUDC) amendment (Case No. 19ORD-00000-00001) and the proposed Article II Coastal Zoning Ordinance (Article II) amendment (Case No. 19ORD-00000-00002).

On February 6, 2018, the Board of Supervisors certified the Final Program EIR for the Cannabis Land Use Ordinance and Licensing Program and adopted a Statement of Overriding Considerations. In addition to other environmental impacts, the EIR evaluated the air quality impacts associated with the generation of volatile organic chemicals and other air pollutants, as well as odors (EIR, Section 3.3). The EIR (17EIR-00000-00003), its appendices, and EIR Revision Letter (RV 01), for the Cannabis Land Use Ordinance and Licensing Program identify several environmental impacts which cannot be fully mitigated and, therefore, are considered unavoidable (Class I). These impacts involve: agricultural resources; air quality and greenhouse gas emissions; noise; transportation and traffic; and aesthetic and visual resources. To the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations. For each of these Class I impacts described in the EIR, feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to the maximum extent feasible.

Potential project specific and cumulative impacts associated with commercial cannabis activities are reduced with the proposed LUDC amendment (Case No. 19ORD-00000-00001) which prohibits commercial cannabis activities on ~~certain~~ Agriculture I (AG-I) zoned lands ~~(AG-I-5, AG-I-10, AG-I-20, and AG-I-40 lots ≤ 20 acres)~~ that are equal to, or less than 20 acres in size, and require greater permit review through Planning Commission approval of a Conditional Use Permit on AG-I lots that are greater than 20 acres in size, within the inland area of unincorporated Santa Barbara County. Expanded public notice requirements included in both the proposed LUDC amendment and Article II amendment (Case No. 19ORD-00000-00002) do not result in adverse environmental effects.

The Final Program EIR adopted for the Cannabis Land Use Ordinance and Licensing Program fulfills the environmental review requirements for the proposed LUDC amendments in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162. This section provides (in pertinent part) that the lead agency shall not prepare a subsequent environmental impact report (EIR) for a project when the lead agency or another entity has already adopted an environmental impact report for that project, unless one or more of the

following have occurred: (1) substantial changes are proposed which will require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) new information of substantial importance which was not known and could not have been known at the time the previous EIR was adopted has become available.

The proposed amendments are within the scope of the program EIR approved earlier, and it adequately describes the activity for the purposes of CEQA, pursuant to CEQA Guidelines Section 15168(c)(2). The proposed LUDC amendments will not allow new land uses, increase permitted densities, or otherwise alter the purpose or intent of the LUDC cannabis regulations. Furthermore, the proposed amendments will not have new significant effects or increase the severity of effects discussed in the EIR. Therefore, the Board of Supervisors finds that no new environmental document is required and that the proposed LUDC amendments do not require subsequent environmental review pursuant to CEQA Guidelines Section 15162 and 15168(c)(2).

Additionally, the Board of Supervisors finds that pursuant to CEQA Guidelines Section 15265, the preparation, approval, and certification of a Local Coastal Program Amendment is exempt from the requirements of CEQA because the California Coastal Commission's review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA in Sections 21080.5 and 21080.9 of the Public Resources Code.

The Final Program EIR (Case No. 17EIR-00000-00003, State Clearinghouse No. 2017071016) is available for review at:

<http://cannabis.countyofsb.org/zones.sbc>

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2.0 ADMINISTRATIVE FINDINGS

In compliance with LUDC Section 35.104.060.A (Findings for Comprehensive Plan, Development Code and Zoning Map Amendments) and Article II Section 35-180.6, the Board of Supervisors shall make the following findings in order to approve a text amendment to the LUDC and Article II.

2.1 The request is in the interest of the general community welfare.

The proposed ordinance amendments are in the interest of the general community welfare since the amendments will serve to (1) clarify and limit the zones in which commercial cannabis activities would be allowed, and (2) expand public notice requirements for various commercial cannabis activities in Existing Developed Rural Neighborhoods (EDRN) and Rural Neighborhoods (RN), as well as lots located adjacent to an EDRN or RN, as analyzed in the

County Planning Commission staff report, dated April 23, 2019, which is hereby incorporated by reference, and discussed at the Board of Supervisors hearing on July 9, 2019. The amendments would prohibit commercial cannabis activities on ~~certain~~ AG-I zoned lots that are equal to, or less than, 20 acres in size, lands, (AG-I-5, AG-I-10, AG-I-20; and AG-I-40 lots ≤ 20 acres) and require greater permit review through Planning Commission approval of a Conditional Use Permit on lots zones AG-I-40 AG-I lots that are greater than 20 acres in size, thereby reducing the potential number of commercial cannabis operations that could create adverse effects on surrounding uses. Furthermore, the proposed amendments would expand the noticing requirements for commercial cannabis operations within EDRNs and RNs, and afford property owners the opportunity to review and comment on proposed commercial cannabis operations.

2.2 Therefore, the proposed amendments will be consistent with the requirements of this finding.

The request is consistent with the Comprehensive Plan, the requirements of State planning and zoning laws, the LUDC, and Article II.

The Board of Supervisors-adopted LUDC and Article II cannabis regulations establish standards that are designed to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls, as a result of, and in compliance with, State law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment, by establishing minimum land use requirements for medicinal and adult use cannabis activities including cultivation, processing, distribution, manufacturing, testing, and sales.

Adoption of the proposed ordinance amendments, as analyzed in the Board Agenda Letter, dated July 9, 2019, which is hereby incorporated by reference, provide more effective implementation of the County Cannabis Land Use Ordinance requirements. The proposed ordinance amendments will protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment by: (1) clarifying and limiting the zones that allow commercial cannabis activities, and (2) expanding public notice requirements for various commercial cannabis activities in EDRNs and RNs, in order to avoid or otherwise minimize adverse effects from cannabis activities. The proposed ordinances would be consistent with the adopted policies and development standards of the Comprehensive Plan, including the Community Plans. The proposed ordinance amendments are also consistent with the remaining portions of the LUDC and Article II that these ordinance amendments would not be revising. Therefore, the proposed ordinance amendments would be consistent with the Comprehensive Plan including the Community Plans, the requirements of State Planning and Zoning Laws, and the LUDC and Article II.

2.3

The request is consistent with good zoning and planning practice.

The proposed LUDC and Article II amendments, as discussed in the Board Agenda Letter, dated July 9, 2019, hereby incorporated by reference, and discussed at the Board of Supervisors hearing on July 9, 2019, are consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values. The amendments provide clear direction regarding public notice requirements and permit requirements for commercial cannabis activities, which serve to minimize potential adverse impacts on people, communities, and the environment. As discussed in Finding 2.2, above, the proposed LUDC and

Article II amendments are consistent with the Comprehensive Plan, the LUDC, Article II, and good zoning and planning practice. Therefore, the proposed ordinances are consistent with sound zoning and planning practices to regulate land uses.