

ATTACHMENT 1:
FINDINGS FOR APPROVAL OF CANNABIS AMENDMENTS TO UNIFORM
RULES FOR AGRICULTURAL PRESERVES AND FARMLAND SECURITY
ZONES AND RIGHT TO FARM ORDINANCE

May 1, 2018

Case Nos. 17ORD-00000-00019 and 18ORD-00000-00008

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

1.1 CASE NOS. 17ORD-00000-00019 and 18ORD-00000-00008, 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 either the amendments to the *Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones* (Uniform Rules) or the amendments to Section 3-23 of the County Code, the Right to Farm 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 amendment of the Uniform Rules and the Right to Farm Ordinance to address cannabis uses and development allowed pursuant to the Cannabis Land Use Ordinance and Licensing Program.

The EIR allowed for the possible adoption of amendments to the Uniform Rules to recognize cannabis cultivation as a compatible agricultural use. This action was described in Chapter 1, *Introduction*, Page 1-3; Chapter 2, *Project Description*, Pages 2-1, 2-43, 2-44; and in Chapter 3.9, *Land Use and Planning*, Pages 3.9-30 and 3.9-31. Moreover, the EIR included a reduced alternative (Alternative 2) that analyzed one specific approach to the Uniform Rules amendments.

The EIR also allowed for the possible adoption of other amendments to the County Code to address various aspects of cannabis activities, as described in Chapter 2, *Project Description*, Page 2-44. Amending the Right to Farm Ordinance falls into this category. This ordinance amendment would not result in any impacts to the

environment, but would ensure that the mitigation measures outlined in the EIR will be feasible to implement given that the right-to-farm protections will not be applied to cannabis activities.

Therefore, adoption of amendments to the Uniform Rules and the Right to Farm Ordinance is consistent with the project description, analysis, and mitigation measures provided in the Final Programmatic EIR. Thus, the proposed action would not result in new or more severe impacts than was previously analyzed.

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 adoption of amendments to the Uniform Rules and Right to Farm Ordinance 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.

2.0 ADMINISTRATIVE FINDINGS FOR AMENDMENTS TO THE UNIFORM RULES FINDINGS (Case No. 17ORD-00000-00019)

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

The proposed amendments to the Uniform Rules would permit cannabis cultivation on Williamson Act lands. It would also specify the types of cannabis processing that may be permitted as a compatible use on Williamson Act Lands and applies certain limits to those ancillary uses. These changes to the Uniform Rules are in the interests of the general community welfare because it will ensure the production and availability of high quality cannabis products to help meet local demands, and, as a public benefit, improve the County's tax base. It also expands the production and availability of medical cannabis, which is known to help patients address symptoms related to glaucoma, epilepsy, arthritis, and anxiety

disorders, among other illnesses. Moreover, the amendments would specify that cannabis activities are not compatible with Williamson Act contracts for open space or Williamson Act contracts for recreation, thereby ensuring the continued protection of scenic, biological and recreational resources in those preserves.

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

The amendments to the Uniform Rules would be consistent with the adopted policies and development standards of the Comprehensive Plan, including the Land Use and Agricultural Elements. The Agricultural Element contains goals and policies which require the protection of agriculture lands, the preservation of prime soils for agricultural uses, and the preservation of a rural economy. The amendment would permit cannabis cultivation as a principal agricultural use on Williamson Act lands while setting limits on the types and amounts of processing facilities that would be permitted. The amendment is also consistent with the Cannabis Land Use Ordinances (Case Nos. 17ORD-00000-00004, -00010).

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

The amendments to the Uniform Rules are consistent with the principles and objectives of the Williamson Act program and comply with the provisions in the Government Code (e.g., § 51238.1). They would permit cannabis cultivation as an agricultural use to occur on contracted lands subject to all of the mitigation measures identified in the EIR and development standards identified in the Cannabis Land Use Ordinances. They would also be consistent with the goals and objectives for Agricultural Zones, for instance to provide standards that will support agriculture as a viable land use and encourage maximum agricultural productivity, and protect lands appropriate for long term agricultural use. The Uniform Rules amendment was made with particular consideration given to applying good zoning/planning practices while preserving agricultural and open space land in the County. As also stated under 2.2 above, the proposed Uniform Rules amendments are consistent with all applicable policies of the Comprehensive Plan and Land Use and Development Code.