

# **ATTACHMENT 1 – FINDINGS**

**Case No. 22LUP-00000-00465**

## **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 Board of Supervisors considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Attachment 3 to the Board Agenda Letter, dated October 15, 2024, 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.

As shown in the written checklist and other information provided in the administrative record, 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 of Supervisors 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 there is no new information of substantial importance under State CEQA Guidelines Section 15162 warranting the preparation of a new environmental document for the Project.

## **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 Clerk of the Board of Supervisors located at 105 East Anapamu Street, Santa Barbara, CA 93101, and available online at the below link:

Volume 1: <https://content.civicplus.com/api/assets/3881b527-0b0c-419e-b53c-c681ff400b4e>

Volume 2: <https://content.civicplus.com/api/assets/1cc6774f-07b3-4796-90cc-ff96ed8345ed>

## **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.**

The Board of Supervisors finds that public and private services are adequately available to serve the proposed project, which consists of the approval of indoor cannabis processing within existing, permitted structures, and the construction of a windscreen, additional fencing, and a 7' by 7' shade structure. As discussed in the Board Agenda Letter, dated October 15, 2024, and Section 6.3 of the Planning Commission Staff Report, dated July 23, 2024, and incorporated herein by reference, the site will be served by a private water well, a private septic system, the Santa Barbara County Fire Department, and the Santa Barbara County Sheriff's Department. The Proposed Project will result in a negligible increase in water use as it is limited to the approval of processing activities consisting of drying, trimming, curing, storing, and packaging within an existing, permitted barn, an additional bathroom in the barn, and two existing, permitted shipping containers, and a windscreen, additional fencing, and a 7' by 7' shade structure, which do not require additional services. County Environmental Health Services reviewed the proposed septic system and found that as proposed, the system will be able to serve the Proposed Project. The Proposed Project was reviewed by Caltrans, and the existing access was determined to be adequate to support Project traffic.

#### **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).**

The Board of Supervisors finds that the Proposed Project, which consists of processing that will occur in the existing, permitted barn and shipping containers, and structural development that is limited to a windscreen, additional fencing, and a 7' by 7' shade structure conforms to all applicable policies and provisions. As discussed in the Board Agenda Letter, dated October 15, 2024, and Sections 6.3 and 6.4 of the Planning Commission Staff Report dated July 23, 2024, and incorporated herein by reference, the Proposed Project conforms with all applicable regulations,

policies, and development standards from the Comprehensive Plan and the LUDC. The Proposed Project is consistent with policies regarding adequate services, agriculture, visual resources, hillside and watershed protection, noise, and groundwater resources, and with the intent, setbacks, height, and parking regulations for the AG-II Zone District, as well as all cannabis regulations applicable to the Proposed Project.

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

The Board of Supervisors finds that the Proposed Project is located on a legally created lot. The subject property is a part of the Rancho Nojoqui, in the County of Santa Barbara, State of California, as granted by patent dated September 11, 1869, and recorded in Book “A” at Page 779, et seq., of Patents, in the Office of the County Recorder. Additionally, there are permits on site for the existing cannabis cultivation operation, manager’s residence, barn, and shipping containers.

**3. The subject property is in compliance 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 Board of Supervisors finds that as conditioned, the subject property is, and 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 LUDC for the AG-II Zone District. As discussed in the Board Agenda Letter, dated October 15, 2024, and Section 6.4 of the Planning Commission Staff Report, dated July 23, 2024, and incorporated herein by reference, the Proposed Project is consistent with the intent, setbacks, height, and parking regulations for the AG-II Zone District as well as all cannabis regulations applicable to the Proposed Project. Additionally, all processing fees have been paid to date.