

ATTACHMENT A: FINDINGS

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 (Board of Supervisors) considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Attachment 4 to the Board Agenda Letter, dated December 7, 2021, 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 § 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 3 to the Board Agenda Letter, dated December 7, 2021, and incorporated herein by reference). 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 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 Proposed 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 Planning and Development Department located at 123 East Anapamu Street, Santa Barbara, CA 93101. Additionally, the Final PEIR can be located online at: <http://cannabis.countyofsb.org/zones.sbc>

2.0 ADMINISTRATIVE FINDINGS

2.1 COASTAL DEVELOPMENT PERMIT FINDINGS

- A. *Findings required for all Coastal Development Permits. In compliance with Section 35-60.5 of the Article II Coastal Zoning Ordinance, prior to issuance of a Coastal Development Permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and/or the Applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development.***

The Board of Supervisors finds that the Proposed Project is adequately served by public or private services and resources. As discussed in the Planning Commission staff report, dated August 3, 2021 and incorporated herein by reference, adequate services are available to serve the cannabis operation. Water for the site will be provided by the Carpinteria Valley Water District. Wastewater treatment will be provided by a new wastewater treatment system. The Carpinteria-Summerland Fire Protection District and Santa Barbara County Sheriff's Department will continue to serve the parcel. Access is provided by existing driveways off Foothill Road and Via Real. Storm water detention will be provided by the existing basins to be expanded as well as the new detention basin north of the greenhouses.

- B. *Findings required for Coastal Development Permit applications subject to Section 35-169.4.3 for development that may be appealed to the Coastal Commission. In compliance with Section 35-169.5.3 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development subject to Section 35-169.4.3 for development that may not be appealed to the Coastal Commission the decision-maker shall first make all of the following findings:***

2.1.1 *The proposed development conforms:*

- a. *To the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan;***
- b. *The applicable provisions of this Article or the project falls within the limited exceptions allowed in compliance with Section 161 (Nonconforming Use of Land, Buildings and Structures).***

The Board of Supervisors finds that as discussed in the Planning Commission staff report, dated August 3, 2021, and the Board Agenda Letter, dated December 7, 2021, incorporated herein by reference, the development conforms to the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan and the Toro Canyon Community Plan. In addition, the proposed development is consistent with the Article II requirements for the Cannabis Regulations and the AG-I-10 zone district, as they relate to permitted uses, building heights, setbacks, and parking.

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

The Board of Supervisors finds that the subject parcel was created by PM 14,440 recorded on August 7, 2000, in Book 54 of Parcel Maps, Pages 81-84, and therefore the proposed development is located on a legally created lot.

2.1.3 *The subject property and development on the property is in compliance with all laws, rules and regulations pertaining to zoning uses, subdivisions, setbacks and any other applicable provisions of this Article, 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 Division 10 (Nonconforming Structures and Uses).*

The Board of Supervisors finds that as conditioned, the Proposed Project and subject property will be in full compliance with all laws, rules, and regulations pertaining to zoning uses, subdivisions, setbacks and all other applicable provisions of the Article II Zoning Ordinance, for the AG-I zone district and Carpinteria Agricultural Overlay, as described in detail under Section 6.3 of the Planning Commission staff report dated August 3, 2021, herein incorporated by reference. Additionally, all processing fees have been paid to date.

2.1.4 *The development will not significantly obstruct public views from any public road or from a public recreation area to, and along the coast.*

The Board of Supervisors finds that, as discussed under Section 6.2 of the Planning Commission staff report dated August 3, 2021, incorporated herein by reference, that the Proposed Project will not significantly obstruct public views from any public road, or from a public recreation area to, and along the coast since the subject parcel is minimally visible to travelers on Foothill Road and Highway 101 due to topography and existing vegetation. Additionally, the Proposed Project includes the implementation of a Landscaping and Screening Plan that will further screen the new 26-ft.-tall processing building. The Proposed Project also includes a restoration plan with new native vegetation to restore the northern portion of the parcel within the ESH buffer that has historically been planted with avocado trees (*Persea americana*). The detention basins to be expanded will not create any obstructions to public views or impact any recreation areas. The Proposed Project is located over 1,300 ft. from Highway 101, and a windrow of cypress (*Cupressus sempervirens*) will be preserved along the southern boundary. The new 26-ft.-tall processing building would be partially visible from Foothill Road, however the proposed onsite landscaping will screen the building fully from Foothill Road. Due to the high speed of travel, distance, and existing vegetation, the Proposed Project will not be readily visible from Highway 101. The Proposed Project is conditioned to require maintenance of additional offsite landscaping on the neighboring parcel that will provide further screening from Foothill Road.

2.1.5 *The proposed development will be compatible with the established physical scale of the area.*

The Board of Supervisors finds that, as discussed under Section 6.2 of the Planning Commission staff report dated August 3, 2021, herein incorporated by reference, the Proposed Project will be compatible with the established physical scale of the area. The surrounding area is made up of agricultural uses and low density residential development.

The Proposed Project will consist of cannabis cultivation located within an existing greenhouse and greenhouse addition as well as processing within a new processing building. The Proposed Project will result in a net reduction of greenhouse area, because existing Greenhouses 2, 3, and 4 will be demolished. The Proposed Project also includes expanding existing detention basins. The new greenhouse addition and new processing building are compatible in character with development in the Toro Canyon area. There are dozens of similar greenhouses south of Foothill Road within half of a mile radius of the subject parcel. All exterior lighting will be fully shielded and directed downward in keeping with the character of surrounding agricultural and residential development. The development conforms to the applicable provisions of the Comprehensive Plan, including the Coastal Land Use Plan and the Toro Canyon Community Plan. In addition, the proposed development is consistent with the Article II requirements for the AG-I-10 zone district and Cannabis Regulations.

2.1.6 *The development will comply with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan.*

The Board of Supervisors finds, as discussed under Section 6.2 of the Planning Commission staff report dated August 3, 2021, incorporated herein by reference, that the Proposed Project complies with the public access and recreation policies of this Article and the Comprehensive Plan including the Coastal Land Use Plan. There are no public access or recreation facilities on the subject property. County Community Services Parks Division reviewed the Proposed Project and had no comments or conditions.

2.2 *Additional findings required for sites within the Toro Canyon Plan area.*

A. *In compliance with Section 35-194.6.3 of the Article II Coastal Zoning Ordinance, upon recommendation by the Board of Architectural Review, the decision-maker may approve or conditionally approve an application for a Coastal Development Permit on sites within the Toro Canyon Plan area that includes an exemption to architectural review standards h. or i. of Section 35-194.6.3. if written findings are made that the exemptions would allow a project that: 1) furthers the intent of protecting hillsides and watersheds, 2) enhances and promote better structural and/or architectural design, and 3) minimizes visual or aesthetic impacts.*

The Board of Supervisors finds that the Proposed Project does not require exemptions to the architectural review standards h. or i. of Section 35-194.6.3, and therefore, this finding is not applicable to the Proposed Project.

2.2.1 *In compliance with Section 35-194.9 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Coastal Development Permit on sites within the Toro Canyon Plan that allows a deviation from a policy or standard of the Local Coastal Program to provide a reasonable use the decision-maker shall first make all of the following findings:*

- a. *Based on the economic information provided by the Applicant, as well as any other relevant evidence, each use allowed by the Local Coastal Program policies and/or standards would not provide an economically viable use of the Applicant's property.*
- b. *Application of the Local Coastal Program policies and/or standards would unreasonably interfere with the Applicant's investment-backed expectations.*
- c. *The use proposed by the Applicant is consistent with the applicable zoning.*
- d. *The use and project design, siting, and size are the minimum necessary to avoid a taking.*
- e. *The project is the least environmentally damaging alternative and is consistent with all provisions of the certified Local Coastal Program other than the provisions for which the exception is requested.*
- f. *The development will not be a public nuisance. If it would be a public nuisance, the development shall be denied.*

The Board of Supervisors finds that the Proposed Project does not allow a deviation from a policy or standard of the Local Coastal Program, and therefore, this finding is not applicable to the Proposed Project.

2.3 DEVELOPMENT PLAN FINDINGS

A. *Findings required for all Preliminary and Final Development Plans. In compliance with Section 35-174.7.1 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the decision-maker shall first make all of the following findings:*

2.3.1 *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.*

The Board of Supervisors finds that, as discussed under Sections 6.2 and 6.3 of the Planning Commission staff report dated August 3, 2021, incorporated herein by reference, the site for the Proposed Project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed. The subject property is a 13.66 acre parcel located within Area A of the Carpinteria Agricultural Overlay District. Greenhouses have been onsite since 1968 and have been used for cultivation activities. Adjacent, surrounding parcels are used for agriculture and low density residential development. The subject parcel is currently being used for cannabis cultivation. Project activities will take place within Greenhouse 1, its new addition, and the new processing, packing, and shipping building totaling 7.98 acres of cultivation. Twelve as-built storage containers currently supporting the on-going cannabis operations will be removed from the site. The expanded detention basins have been designed in consultation with Flood Control and have been reviewed by CDFW and RWQCB. Employees will use the 65 new unpaved parking spaces located onsite. As detailed in the evidence to support Coastal Development Permit Finding 2.1.1 (above), there will be adequate services to serve the Proposed Project. As detailed in the evidence

to support Coastal Development Permit Finding 2.1.3 (above), the Proposed Project meets all zoning requirements.

2.3.2 *That adverse impacts are mitigated to the maximum extent feasible.*

The Board of Supervisors finds that, as discussed under Section 6.1 of the Planning Commission staff report dated August 3, 2021, incorporated herein by reference, adverse impacts are mitigated to the maximum extent feasible. Standard conditions of approval have been imposed on the Proposed Project. Additionally, the Proposed Project will not have any new impacts that were not discussed in the PEIR, and potentially significant environmental impacts as identified in the PEIR will be mitigated to the maximum extent feasible. On February 6, 2018, the Santa Barbara County Board of Supervisors (herein after Board of Supervisors) certified a Programmatic Environmental Impact Report (PEIR), Case No. 17EIR-00000-00003, for a Cannabis Land Use Ordinance and Licensing Program. The PEIR was prepared in accordance with the State CEQA Guidelines Section 15168 and evaluated the Program's direct, indirect, and cumulative impacts based on Appendix G of the 2017 State CEQA Guidelines and thresholds in the County's Environmental Thresholds and Guidelines Manual (County of Santa Barbara 2008, revised July 2015). The PEIR identified a number of significant impacts and set forth feasible mitigation measures that would be included as development standards and requirements in the land use and licensing ordinances, which would be applied to site-specific land use entitlement and business licensing applications for commercial cannabis operations authorized under the Program. The PEIR concluded that significant and unavoidable (Class I) impacts would result from the Program. The Board of Supervisors adopted a Statement of Overriding Considerations for the Class I impacts, and the 30-day statute of limitations to challenge the adequacy of the PEIR expired without legal challenge.

Section 15168(c) of the State CEQA Guidelines allows the County to approve an activity as being within the scope of the project covered by a program environmental impact report without a new environmental document, if the County finds pursuant to Section 15162 that no new effects could occur or no new mitigation measures will be required and the later activity would not have effects that were not examined in the programmatic environmental impact report.

On October 26, 2021, staff completed the written checklist pursuant to State CEQA Guidelines Section 15168(c)(4) which evaluated the Proposed Project pursuant to the requirements of Section 15162 of the State CEQA Guidelines (Attachment 3 to the Board Agenda Letter, dated December 7, 2021, incorporated herein by reference) and determined that all of the environmental impacts of the cannabis operation will be within the scope of the Proposed Project covered by the PEIR for the Cannabis Land Use Ordinance and Licensing Program. No additional cumulative impacts were identified, and no new environmental document is required. Mitigation measures which were discussed in the PEIR have been incorporated into the Proposed Project (Attachment 2 to the Board Agenda Letter, dated December 7, 2021, and incorporated herein by

reference). The mitigation measures incorporated from the PEIR will mitigate significant environmental impacts to the maximum extent feasible.

2.3.3 *That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.*

The Board of Supervisors finds that, as discussed under Section 6.2 of the Planning Commission staff report dated August 3, 2021, incorporated herein by reference, streets and highways are adequate and properly designed to carry the vehicles related to operations, deliveries, and employees of the Proposed Project. All employee traffic to the subject parcel will utilize an existing driveway off Via Real that will enter the site via a gate located in the southeast corner of the parcel. All other traffic to the subject parcel will utilize Highway 101 to Foothill Road and then will enter the site via an existing driveway from the neighboring parcels to the east. Condition No. 27 (Attachment 2 to the Board Agenda Letter dated August 3, 2021, herein incorporated by reference) requires the Owner/Applicant to record a Reservation of Easement for the access driveways to ensure that access will continue to be provided even if parcel ownership changes in the future. Via Real and Foothill Road are public roads maintained by the County and Caltrans. Highway 101 is a public highway maintained by Caltrans. All of these roadways are able to support the trips that will be generated as part of the Proposed Project according to Caltrans and Santa Barbara County Public Works Department.

Per the Traffic Study (Attachment 15), the Proposed Project is anticipated to generate a total of 124 Average Daily Trips (ADT) and will result in a net increase of 42 ADT compared to the existing cannabis operation, which utilizes 50 employees. Additionally, the Proposed Project will utilize 75 employees who are anticipated to generate 108 ADT on Via Real.

There will be less traffic entering the site from Foothill Road after implementation of the Proposed Project, because as discussed above, all employee traffic will be directed to the access road off Via Real. The Proposed Project is anticipated to generate a total of 16 ADT from Foothill Road for non-employee traffic, including deliveries and visitors, resulting in 66 fewer ADT on this roadway compared to the existing cannabis operation.

The Santa Barbara County Public Works Department Transportation Division reviewed the Proposed Project and had no comments or conditions. The Carpinteria-Summerland Fire District reviewed the Proposed Project and issued a condition letter (Attachment 2 to the Board Agenda Letter, dated December 7, 2021, Condition No. 43, incorporated herein by reference).

2.3.4 *That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

The Board of Supervisors finds that there are adequate public services to serve the Proposed Project. As discussed in Section 6.2 of the Planning Commission staff report

dated August 3, 2021 and herein incorporated by reference as well as detailed under the Coastal Development Permit Findings, there will be adequate public services, including fire and police protection, sewage disposal, and water supply to serve the Proposed Project.

2.3.5 *That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.*

The Board of Supervisors finds that the Proposed Project, as conditioned, will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area. The Proposed Project is a change of use from cultivating cut flowers to cultivating cannabis and is a continuation of agricultural use on an agriculturally zoned property. Project activities will take place within an existing greenhouse, new greenhouse addition, and new processing building totaling 7.98 acres of cultivation. As part of the Proposed Project, 12 existing, as-built storage containers will be removed from the subject parcel and three existing greenhouses will be demolished.

Total grading for the detention basins and the new construction will require 9,220 CY of cut, 4,430 CY of fill, and 5,490 CY of export. The detention basins are designed to improve run-off and the percolation of storm water into the ground. The construction and expansion of the basins are conditioned to meet Flood Control and Project Clean Water requirements for storm water detention on the subject parcel.

As detailed in Sections 6.2 and 6.3 of the staff report and herein incorporated by reference, the proposed Landscape and Screening Plan (Attachment 6 to the to the Board Agenda Letter dated December 7, 2021, and incorporated herein by reference), includes new landscaping around the processing building and the northern parking area. The proposed Lighting Plan (Attachment 6 to the Board Agenda Letter dated December 7, 2021, and incorporated herein by reference) includes proposed fixtures that would be fully shielded and directed downward. The South Board of Architectural Review (SBAR) conceptually reviewed the Proposed Project, including the landscaping, lighting, and fencing on multiple occasions and requested the Applicant return once zoning approval has been obtained from the decision maker. Approval of the landscape and screening plan by the SBAR is required prior to Coastal Development Permit issuance (Attachment 2 to the Board Agenda Letter dated December 7, 2021, Condition No. 4, incorporated herein by reference).

The Odor Abatement Plan (Attachment 7 to the Board Agenda Letter dated December 7, 2021, and incorporated herein by reference) describes the carbon scrubbers located in the greenhouse, greenhouse addition, and new processing building as well as the HVAC exhaust ducts to the outside that will be controlled with industrial grade carbon odor absorbers. The processing building will be constructed with vapor barriers and opening seals that will limit air and odor exfiltration at the exterior building envelope.

Additionally, the air handling system will maintain a slight negative pressure differential between the inside and outside air in order to control odor exfiltration.

The Applicant submitted a Site Transportation Demand Management Plan (STDMP) (Attachment 15 to the Board Agenda Letter dated December 7, 2021, and incorporated herein by reference) which describes carpooling and staggered work shifts as mechanisms to reduce average daily trips (ADT). According to the STDMP, all employees will be required to enter the site using the Via Real access road, whereas all traffic currently enters the site from Foothill Road as part of the existing cannabis operation. With the proposed use of the Via Real access road for employees, there will be a net reduction of 66 ADT from Foothill Road and a net increase of 108 ADT from Via Real. County Public Works Roads Division reviewed the Proposed Project, determined that there will be no significant impacts to the public road system, and did not have any comments or conditions. Additionally, the Carpinteria-Summerland Fire Department reviewed the Proposed Project, including access, for compliance with fire safety regulations, and issued a condition letter (Attachment 2 to the Board Agenda Letter dated December 7, 2021, Condition No. 47, incorporated herein by reference).

The APCD reviewed the Proposed Project for compliance with air quality regulations, and issued a condition letter (Attachment 2 to the Board Agenda Letter dated December 7, 2021, Condition No. 47, incorporated herein by reference).

2.3.6

That the project is in conformance with 1) the Comprehensive Plan, including the Coastal Land Use Plan, and 2) with the applicable provisions of this Article II and/or the project falls with the limited exception allowed under Section 35-161.7.

The Board of Supervisors finds that the Proposed Project is in conformance with the Comprehensive Plan, including the Coastal Land Use Plan and Toro Canyon Community Plan. As discussed in Section 6.3 of the Planning Commission staff report, dated August 3, 2021, and incorporated herein by reference, the development conforms to the applicable provisions of Article II, including:

- Section 35-68.1 Purpose and Intent [of the AG-I Zone]
- Section 35-68.7 Setbacks for Buildings and Structures [in the AG-I Zone]
- Section 35-68.9 Height Limit [in the AG-I Zone]
- 35-97.19 Development Standards for Stream Habitats [in the Environmentally Sensitive Habitat Overlay District]
- 35-102F.8.2 Height [in the Carpinteria Agricultural Overlay District]
- 35-102F.8.3 Setbacks [in the Carpinteria Agricultural Overlay District]
- 35-102F.8.5 Prime Agricultural Soils [in the Carpinteria Agricultural Overlay District]
- 35-102F.9 Development Standards for Greenhouses and Related Development [in the Carpinteria Agricultural Overlay District]
- Section 35-113 Required Number of Spaces: Agriculture
- Section 35-114.3 Construction and Design [of All Parking]

- Section 35-144U.C General Commercial Cannabis Activities Development Standards
- Section 35-144U.C Specific Use Development Standards for Cultivation [of Cannabis]

As discussed in Section 6.2 of the Planning Commission staff report, dated August 3, 2021, incorporated herein by reference, the Proposed Project meets all applicable requirements of the Comprehensive Plan, including the Coastal Land Use Plan and Toro Canyon Community Plan.

2.3.7

That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.

The Board of Supervisors finds that the Proposed Project is compatible with and subordinate to the scenic, agricultural, and rural character of the area. The site is a 13.66-acre, AG-zoned parcel located within Carpinteria Agriculture Overlay. The subject property is surrounded by agriculture and low density residential development such as Existing Developed Residential Neighborhoods (EDRNs). The subject parcel is currently used for commercial cannabis cultivation and has historically been use for cut flower cultivation. The Proposed Project will continue the cultivation of crops and agricultural activities on the site.

As described in Sections 6.2 and 6.3 of the Planning Commission staff report dated August 3, 2021, herein incorporated by reference, the parcel does not directly abut Foothill Road or Via Real, and it is not visible from Via Real. The subject parcel is an interior lot, located a minimum of 140 ft. from the Foothill Road right-of-way. Although public views from Foothill Road traveling westbound are screened by existing development and agricultural uses, the new 26-ft.-tall processing building will be partially visible from Foothill Road. However, the proposed onsite landscaping will fully screen the Proposed Project as viewed from Foothill Road. The Applicant also proposes to maintain landscaping along Foothill Road that was recently planted on the neighboring parcel to the east, and this landscaping will provide additional screening of the Proposed Project. The parcel is only marginally visible in the distant background as seen from the Highway 101/Santa Claus Lane overpass, as it is over 1,300 ft. away. Further, an existing windrow of cypress trees (*Cupressus sempervirens*) will be preserved along the southern boundary of the subject parcel that provides screening from the south. Due to the high speed of travel on Highway 101, the parcel is minimally visible from Highway 101.

There are dozens of similar greenhouses south of Foothill Road within half of a mile radius of the subject parcel. The Proposed Project includes greenhouses and a purpose built processing, packing and shipping building, all of which adhere to the surrounding development and character of the area. Furthermore, all development will conform to Article II and Comprehensive Plan standards and policies. All exterior lighting will be fully shielded and directed downward in keeping with the scale of surrounding agricultural and residential development. The expanded detention basins will not be visible from any public areas. The northern portion of the parcel will be planted with

native riparian vegetation, which will further screen the new processing building and new greenhouse addition from view from Foothill Road. The new greenhouse addition and new processing building are compatible with the rural character of the area.

Traveling eastbound, the site is screened by the existing riparian vegetation of Arroyo Paredon. This riparian corridor is protected by its designation as ESH and maintains a visual barrier to public views of the site. Landscaping to be planted around the new detention basin, the northern parking area, and the new processing building would be required to remain for life of project, pursuant to Condition No. 7 (Attachment 2 to the Board Agenda Letter dated December 7, 2021, incorporated herein by reference.)

2.3.8 *That the project will not conflict with any easements required for public access through, or public use of a portion of the property.*

The Board of Supervisors finds that the Proposed Project will not conflict with any easements required for public access through or public use of a portion of the property. There are no easements for public access through the subject property, nor are there easements for public use of a portion of the subject property. County Community Services Department Parks Division reviewed the subject parcel and Proposed Project and has no comments or conditions.

2.4 **CONDITIONAL USE PERMIT FINDINGS**

A. *Findings required for all Preliminary and Final Development Plans. In compliance with Section 35-174.7.1 of the Article II Coastal Zoning Ordinance, prior to the approval or conditional approval of an application for a Preliminary or Final Development Plan the decision-maker shall first make all of the following findings:*

2.4.1 *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.*

The Board of Supervisors finds that the site for the Proposed Project is adequate to accommodate the Proposed Project. As discussed in the evidence to support Development Plan Finding 2.3.1 (above), the Project site is adequate in terms of location, physical characteristics, shape, and size to accommodate the development and cultivation associated with the Proposed Project.

2.4.2 *That adverse impacts are mitigated to the maximum extent feasible.*

The Board of Supervisors finds that adverse impacts are mitigated to the maximum extent feasible. Standard conditions have been imposed on the Proposed Project. Additionally, the Proposed Project will not have any new impacts that were not discussed in the PEIR, and the Proposed Project's significant environmental impacts will be mitigated to the maximum extent feasible. As discussed in the evidence to support Development Plan Finding 2.3.2 (above), the mitigation measures incorporated from the PEIR will mitigate significant environmental impacts to the maximum extent feasible.

2.4.3 *That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.*

The Board of Supervisors finds that streets and highways are adequate and properly designed to carry the vehicles related to operations, deliveries, and employees of the Proposed Project. As discussed in the evidence to support Development Plan Finding 2.3.3 (above), Foothill Road, Via Real, and Highway 101 are able to support the trips that will be generated as part of the Proposed Project.

2.4.4 *That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

The Board of Supervisors finds that there are adequate public services to serve the Proposed Project. As discussed in the evidence to support Development Plan Finding 2.3.4 (above), water supply, sewage disposal, fire protection, police protection, and adequate access will be provided for the Proposed Project.

2.4.5 *That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.*

The Board of Supervisors finds that the Proposed Project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood. As discussed in the evidence to support Development Plan Finding 2.3.5 (above), the Proposed Project will be compatible with the surrounding area.

2.4.6 *That the project is in conformance with the applicable provisions of Article II and the Coastal Land Use Plan.*

The Board of Supervisors finds that the Proposed Project is in conformance with the Comprehensive Plan, including Article II, the Coastal Land Use Plan, and the Toro Canyon Community Plan. As discussed in the evidence to support Development Plan Finding 2.3.6 (above), the Proposed Project meets all zoning requirements.

2.4.7 *That in designated rural areas, the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.*

The Board of Supervisors finds that the Proposed Project is compatible with and subordinate to the scenic, agricultural, and rural character of the area. As discussed in the evidence to support Development Plan Finding 2.3.7 (above), the cannabis operation will continue the agricultural use of the parcel and will be in keeping with the surrounding area.

2.4.8 *That the project will not conflict with any easements required for public access through, or public use of a portion of the property.*

The Board of Supervisors finds that the Proposed Project will not conflict with any easements required for public access through or public use of a portion of the property. As discussed in the evidence to support Development Plan Finding 2.3.8 (above), there are no easements for public access through the subject property, nor are there easements for public use of a portion of the subject property.

2.4.9 *That the proposed use is not inconsistent with the intent of the zone district.*

The Board of Supervisors finds that the Proposed Project is consistent with the intent of the AG-I zone district. As discussed in Section 6.3 of the Planning Commission staff report, dated August 3, 2021, incorporated herein by reference, the Proposed Project is consistent with the intent of the AG-I zone district, which is to ensure well-designed greenhouse development and limit the loss of open field agricultural areas from piecemeal greenhouse expansion by protecting the water quality, visual resources, and rural character of the Carpinteria Valley. The subject parcel is currently developed with four greenhouses, and the Proposed Project will not result in the loss of any open field agricultural areas.