

ATTACHMENT 1: FINDINGS

1.0 CEQA FINDINGS

1.1 CEQA EXEMPTION

The Board of Supervisors finds that denial of the proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270(a). Please see the Notice of Exemption included as Attachment 2 of the Board Agenda Letter dated July 14, 2020.

2.0 ADMINISTRATIVE FINDINGS

Only the finding that cannot be made is discussed below.

2.1 FINDING FOR ALL LAND USE PERMITS

2.1.2 a. *The proposed Development conforms:*

- (1) To the applicable provisions of the Comprehensive Plan including any applicable community or area plan; and*
- (2) 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).*

As discussed in the Board Agenda Letter dated July 14, 2020, incorporated herein by reference, the Property Owner has asserted that Applicant's lease is expired and no longer effective, and any and all authorizations for indemnification for the use, entitlement, or development of the property – including specifically indemnification of the County – as part of the proposed cannabis cultivation project, were terminated, withdrawn, and revoked. Section 35.80.030.B (Application Preparation and Filing) of the County Land Use and Development Code (LUDC) states that “[a]n application may only be filed by the owner of the subject property, or other person with the written consent of the property owner, or as otherwise authorized by this Development Code.” The Applicant has not submitted proof of authorization from the Property Owner in order for the Applicant to proceed with the proposed project on the subject property.

Furthermore, Section 35.80.030.A.1.a.1 of the LUDC states:

A defense and indemnification agreement completed by the applicant on a form provided by the Department shall be submitted with the application at the time of filing the application with the Director. An application will not be accepted for processing and processing of an application will not commence unless an executed defense and indemnification agreement acceptable by the County is submitted with the application.

Robert Harvey’s Letter dated April 18, 2020 stated that there “was a change in equity of the Company” in the 24 hours prior. Staff requested, but did not receive, and updated indemnification agreement executed by the current corporate officer(s) of Santa Rita Valley Ag., which is necessary because the prior indemnification agreement was executed by a corporate officer no longer associated with the Applicant. Therefore, the proposed development does not conform to the requirements of the Land Use and Development Code. Therefore, this finding cannot be made.