

ATTACHMENT A: FINDINGS

CASE NO. 17ORD-00000-00007

1.0. CEQA FINDINGS

1.1 CEQA Guidelines Exemption Findings

- 1.1.1 The County Planning Commission finds, and recommends that the Board of Supervisors find, that the proposed project, 17ORD-00000-00007, is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Please see Attachment B, Notice of Exemption.

2.0 ADMINISTRATIVE FINDINGS

The following findings shall be made by the County Planning Commission in order to recommend approval of a text amendment to Article X, Medical Marijuana Regulations, of Chapter 35, Zoning, of the Santa Barbara County Code, and the Board of Supervisors shall adopt the following findings in order to approve a text amendment to Article X:

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

The proposed ordinance is in the interest of the general community welfare since the ordinance will revise Article X to include a process whereby the operator of a medical marijuana cultivation location that existed as of January 19, 2016 may apply for a determination from the County that the medical marijuana cultivation location is considered to be a legal, nonconforming use, thus providing certainty to the operator and the public alike regarding the status of the operation.

The ordinance also proposes to revise Article X to provide that:

- The existing exemption from the prohibition against medical marijuana cultivation, for legal, nonconforming medical marijuana cultivation locations that existed as of January 19, 2016, shall terminate six months after the operative date of the applicable County ordinance regarding medical marijuana cultivation which is being studied by the Cannabis Land Use Ordinances and Licensing Program EIR (Project Case Nos.: 17ORD-00000-00009, -00010, and -00013).
- If the County medical marijuana ordinance referenced above allows for cultivation of medical marijuana but requires a zoning permit, legal nonconforming uses that have submitted a complete application to the Santa Barbara County Planning and Development Department to permit their legal, nonconforming cultivation site by the termination date listed above may continue to operate their same existing legal, nonconforming medical marijuana cultivation site while their permit application is being processed, as long as the cultivation location continues to comply with the requirements of Article X as revised, State law and the applicable provision of either the County Land Use and Development Code Section 35.101.020 (Nonconforming Uses of Land and Structures), the Montecito Land Use and Development Code Section 35.491.020 (Nonconforming Uses of Land and Structures), or Article II, the Coastal Zoning Ordinance Section 35-161 (Nonconforming Uses of Land, Buildings, and Structures).

- If the permit application is denied, the applicant shall cease all marijuana cultivation operations until a permit is obtained.

This will require operators of existing, legal nonconforming medical marijuana cultivation locations, if they desire to continue to operate, to apply for and receive permits if allowed under the proposed County regulations that will implement the new State law and regulations regarding the manufacture, sale, transport, and use of cannabis. The proposed County regulations will address permit requirements and development standards for the different cannabis license types that are allowed under State law and whether they are allowed within the County. This will ensure that to continue operating existing medical marijuana cultivation locations are compatible with surrounding neighborhood by imposing development standards that address such issues as night lighting, odor control, and security. These regulations are expected to be in effect in March, 2018 for the non-Coastal Zone portion of Santa Barbara County and May, 2019 for the Coastal Zone portion of Santa Barbara County.

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

Adoption of the proposed ordinance, as analyzed in the County Planning Commission staff report dated September 6, 2017 which is hereby incorporated by reference, will implement California State laws regarding the manufacture, sale, transport, and use of cannabis by revising Article X to provide that the existing exemption for legal, nonconforming medical marijuana cultivation locations that existed as of January 19, 2016 shall terminate six months after the operative date of the applicable County ordinance regarding medical marijuana cultivation which is being studied by the Cannabis Land Use Ordinances and Licensing Program EIR (Project Case Nos.: 17ORD-00000-00009, -00010, and -00013). This requires operators of such locations who desire to continue the cultivation of marijuana to apply for and receive permits in compliance with local permit requirements and development standards that implement California State law.

The proposed ordinance will not result in any inconsistencies with the adopted policies and development standards of the Comprehensive Plan including the Community and Area Plans. The proposed ordinance is also consistent with the remaining portions of Article X that would not be revised by this ordinance.

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

The proposed ordinance is consistent with sound zoning and planning practices to regulate land uses for the overall protection of the environment and community values since it will revise Article X to require that legal, marijuana cultivation locations that existed as of January 19, 2016 shall either cease operation by the dates specified in the ordinance or obtain the necessary permits in compliance with the County Land Use and Development Code, or Montecito Land Use and Development Code, or the Article II Coastal Zoning Ordinance, as applicable, in order to continue cultivating. In order to be permitted in compliance with the County Land Use and Development Code, Montecito Land Use and Development Code, or the Article II Coastal Zoning Ordinance, the marijuana cultivation operation will be required to comply with a series of development standards that are designed to ensure that the operation is compatible with the surrounding neighborhood.