Chapter 1

Introduction

1.1 Project Overview

The County of Santa Barbara (County) seeks to adopt the Cannabis Land Use Ordinance and Licensing Program (Project) to license and regulate cannabis businesses consistent with required State of California licensing regulations. In September of 2015, the state approved Medical Marijuana Regulation and Safety Act (MMRSA), which established California’s first statewide regulatory system for medical cannabis businesses. In November 2016, California voters approved Proposition 64 for the Adult Use of Marijuana Act (AUMA), which legalized the personal (non-medical) use and cultivation of cannabis for adults 21 years or older. In June 2017, the California Legislature passed Senate Bill 94 for the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which effectively combines MMRSA and with AUMA to create a hybrid regulatory structure to address both medical and recreational cannabis activities under the state’s pending licensing program.

Current County regulations address medical cannabis cultivation only for personal use and limited commercial, medicinal activity. Article X, Medical Marijuana Regulations of the County Code entirely prohibits cultivation and/or processing of cannabis with only two exceptions: (1) cultivation may occur for personal medical use, and (2) medical cannabis cultivators operating legally under California state law as of January 19, 2016, are considered legal nonconforming uses. Existing County zoning ordinances state that medical marijuana dispensaries are not allowed in any zone district in the unincorporated areas of the County. The background and regulatory setting for the Project, including the County’s current regulations for cannabis activities and state and federal laws, are further described in Chapter 2, Project Description.

The Project includes regulations that specify how and where cannabis activities may occur while also safeguarding public health, safety, and general welfare, consistent with MAUCRSA. These regulations would apply Countywide to restrict allowable cannabis activities to specific locations based on a range of criteria, including zoning, natural features, and communities (Figure 1-1). The Project would also provide County-specific regulations addressing cannabis licensing activities in the unincorporated portions of the County while providing standards to address neighborhood compatibility concerns, adequacy of services and utilities, and protection of natural resources. The proposed Project involves new regulations governing cannabis activities, including cultivation and processing, cannabis product manufacturing, distribution, testing, and retail in the unincorporated areas of the County. The Project does not address personal use (non-medical) cannabis activities, given that state law has decriminalized the personal use of cannabis; this decision does not preempt federal prohibition of the use or possession of cannabis, and does not prevent federal law enforcement officers from enforcing federal law.
Implementation of the Project would require amendments to the Santa Barbara County Land Use and Development Code, Santa Barbara County Montecito Land Use and Development Code, Santa Barbara County Coastal Zoning Ordinance of the Local Coastal Program (Article II), Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones, and Santa Barbara County Code to establish a local cannabis activities licensing program.

1.2 Purpose of the EIR and Legal Authority

The California Environmental Quality Act (CEQA) was enacted in 1970 by the California legislature to disclose to decision makers and the public the significant environmental effects of proposed activities, including ways to avoid or reduce those effects by requiring implementation of feasible alternatives or mitigation measures. CEQA applies to all California government agencies, including local agencies when making certain legislative acts and processing discretionary permits or other discretionary approvals for projects proposed by private applicants. As such, the County is required to undertake the CEQA process before deciding on a project. In accordance with Section 21067 of CEQA and Sections 15367 and 15050 through 15053 of the State CEQA Guidelines, the County is the Lead Agency with authority and primary responsibility to perform environmental review, including certification of an Environmental Impact Report (EIR).

Guidance for the process and contents for the preparation of an EIR are codified in the CEQA Statutes provided in California Public Resources Code (PRC) Section 21000 et seq. and the State CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.). The County's 2010 revised Guidelines for the Implementation of the California Environmental Quality Act of 1970 provide definitions, procedures, and forms to be used in the implementation of CEQA and to supplement the State CEQA Guidelines for specific operations of the County (County of Santa Barbara 2010). The purpose of these local guidelines is to help the County accomplish the following basic objectives of CEQA:

- To enhance and provide long-term protection of the environment.
- To provide information to governmental decision makers and the public regarding the potential significant environmental effects of a proposed project.
- To identify ways that environmental damage can be avoided or significantly reduced.
- To prevent significant avoidable environmental damage through utilization of feasible project alternatives or mitigation measures.
- To disclose and demonstrate to the public the reasons why a governmental agency approved a project in the manner chosen.

The County's 2008 Environmental Thresholds and Guidelines Manual, revised in 2015, assists the public, applicants, environmental consulting firms, and County decision makers in understanding the use and application of various environmental impact thresholds as they relate to project proposals (County of Santa Barbara 2015). The thresholds of significance in the manual are intended to supplement provisions in the State CEQA Guidelines for determination of significant environmental effects, including Sections 15064, 15065, 15382, and Appendix G. This EIR applies the County’s thresholds of significance where applicable, which are described in each environmental resource analysis section set forth in Chapter 3 of this EIR.
This EIR sets forth the analysis of Project impacts, informs agencies and the public of related potentially significant environmental effects, evaluates reasonable alternatives, and sets forth mitigation measures and best management practices that would avoid or reduce the Project’s significant effects. While Section 15021(a) of the State CEQA Guidelines requires that consideration be given to avoiding environmental damage, the Lead Agency and other responsible public agencies must balance adverse environmental effects against other public objectives, including social and economic goals, in determining whether and in what manner a project should be approved.

This EIR is based on the existing environmental conditions and regulatory setting of the County, accounting for data collected as part of the County’s 2017 Non-Personal Cannabis Cultivation and Related Operations Registry Program (Cannabis Registry), public agency compliance and enforcement data, field surveys, stakeholder surveys and interviews, other local cannabis industry knowledge, and case studies. (Refer to Section 2.2.6, Environmental Baseline Conditions, for details.)

1.3 Program-Level EIR Analysis

This EIR can be characterized as a Program EIR prepared pursuant to Section 15168 of the State CEQA Guidelines. The State CEQA Guidelines clarify that a Program EIR may be prepared on a series of actions that can be characterized as one large project and are related either 1) geographically; 2) as logical parts in the chain of contemplated actions; 3) in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or 4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

A program-level analysis for the proposed Project is appropriate in this EIR because:

- Site-specific details for all potential cannabis activities and their site-specific locations are not available at this time, and the type, location, and intensity of future cannabis activities will continue to reasonably expected to evolve;
- The proposed Program covers a defined geographic area with regional subareas with similar land use characteristics (as further discussed in Chapter 2, Project Description); and
- A program-level analysis provides the County with the opportunity to consider “broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts” (State CEQA Guidelines Section 15168(b)(4)).

As a Program EIR, the level of detail included in the project description and methodology for impact analysis is relatively more general than a Project-level EIR, as individual cannabis site-level details are not available for all current license applications as well as for an unknown number of future license applications occurring in the County, rendering some analyses too speculative for detailed evaluation. This approach allows the County Board of Supervisors to consider broad implications and impacts associated with the Project while not requiring a detailed evaluation of individual properties. Methods to analyze the Program’s environmental effects consider cumulative cannabis cultivation and manufacturing site development under the Project, or a reasonable worst-case scenario for a resource area. (See Section 3.0, Environmental Impact Analysis.) This EIR may be incorporated by reference in subsequent CEQA review documents to describe regional influences, secondary effects, cumulative impacts, and other factors that apply to the Project as a whole.
In accordance with the State CEQA Guidelines Section 15168(c), if subsequent cannabis site development would have effects that were not examined in the EIR, further CEQA review would be required to determine site-specific impacts, determined on a case-by-case basis, and in accordance with the use permit or development plan process applicable to the subject site.

### 1.4 Scope of EIR Analysis

This EIR assesses the potential environmental impacts that could occur with implementation of the proposed Project. The EIR evaluates potentially significant environmental impacts including issues raised in public comments received in response to the Notice of Preparation (NOP) and at public workshops/hearings (See Appendix A). This scoping process determined that the EIR should analyze the following issues (See Section 3.0, *Environmental Impact Analysis*):

- Aesthetics and Visual Resources
- Agricultural Resources
- Air Quality and Greenhouse Gas (GHG) Emissions
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Public Safety
- Hydrology and Water Resources
- Land Use and Planning
- Noise
- Public Services
- Transportation and Circulation
- Public Utilities (Utilities and Energy Conservation)
- Population, Employment, and Housing

This EIR addresses the issues referenced above and identifies potential environmental impacts associated with the Project, in accordance with the provisions of the State CEQA Guidelines. The EIR recommends feasible mitigation measures where necessary that would reduce or eliminate adverse environmental effects. In accordance with State CEQA Guidelines Section 15128 (Effects Not Found to Be Significant), environmental impacts related to Mineral Resources and Recreation would be insignificant and, therefore, are not fully discussed in this EIR. (See Chapter 5, *Other CEQA Considerations* of this EIR.)

Consistent with the State CEQA Guidelines [Section 15126.6(d)], this EIR assesses a reasonable range of alternatives to the Project, including alternatives that could feasibly attain most of the basic objectives while avoiding or substantially lessening one or more of the significant effects of the proposed Program. See Section 4.0, *Alternatives.*
1.5 Agencies and Roles

The EIR process for the Project involves the following interested agencies, as specified in the State CEQA Guidelines:

<table>
<thead>
<tr>
<th>Lead Agency</th>
<th>The County of Santa Barbara is the Lead Agency as it is the agency with principal responsibility for approving or carrying out the Project (CEQA Guidelines §15367). The County would issue cannabis licenses with assistance from departments that have roles associated with the Program, including the Planning and Development Department for land use permit, building permit, environmental permit and code enforcement functions.</th>
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<tr>
<td>Responsible Agencies</td>
<td>Additional agencies with approval authority over aspects of the Program include the California Coastal Commission (CCC) (CEQA Guidelines §15381).</td>
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<tr>
<td>Trustee Agencies</td>
<td>State agencies with general management authority over specified natural resources of the state when the resources may occur within the Project area, including the California Department of Fish and Wildlife (CDFW), California Department of Parks and Recreation (CDPR) (CEQA Guidelines §15386).</td>
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<tr>
<td>Other Interested Agencies</td>
<td>Additional agencies that may be interested in the Project and its impacts, though would have no authority over Project approval or adoption, may include the Santa Barbara County Air Pollution Control District (APCD), California Department of Food and Agriculture (CDFA), California Department of Forestry and Fire Protection (CalFire), Central Coast Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), the Native American Heritage Commission (NAHC), California Department of Conservation (CDOC), and County School Districts, as listed in Section 3.11, Public Services.</td>
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1.6 Environmental Review Process

The EIR process for the proposed Project has involved and will consist of the following steps, as specified in the State CEQA Guidelines:

| Notice of Preparation (NOP)/Public Scoping Hearing | The County issued an NOP on July 12, 2017, to request comments on the scope of the EIR. The NOP was published online at http://longrange.sbcountyplanning.org/programs/cannabis/cannabis.php and circulated to relevant agencies, community organizations, and interested individuals in the County. The NOP was also posted in the Santa Barbara County Clerk’s office for 30 days and sent to the State Clearinghouse at the Governor’s Office of Planning and Research to solicit statewide agency participation in determining the scope of the EIR. Two public scoping workshop meetings were held separately on Wednesday, July 26, 2017, in Santa Barbara and on Thursday, July 27, 2017, in Santa Maria. A 30-day public comments period closed on August 11, 2017. Appendix A contains the NOP and comments and input received during the review period which was considered in preparing the scope of this EIR (CEQA Guidelines Section 15082). |
1.7 Areas of Known Public Controversy

CEQA requires that an EIR identify areas of controversy known to the Lead Agency, including issues that the Lead Agency and/or the public raise (CEQA Guidelines Section 15123). Based on County public hearings, meetings with interested parties, and the NOP scoping meetings, as well as public letters received on the NOP (Appendix A), the following environmental issues are known to be of concern and may be controversial. Each issue is further discussed in this EIR.

- Objectionable odors;
- Zoning restrictions for cannabis activities;
- Compatibility issues with surrounding agricultural land uses;
- Compatibility issues with nearby residential communities;
- Compatibility issues with nearby public services;
• Criminal activity;
• Loss of sensitive biological habitat;
• Degradation of the environment;
• Aesthetics and views;
• Hydrology and water quality, including surface and groundwater sources;
• Water demand and supply;
• Fire hazards;
• Public services demand; and
• Cumulative impacts, such as changes in the character of communities and rural areas.

1.8 EIR Contents and Document Organization

The content and organization of this EIR are designed to meet the current requirements of CEQA and the State CEQA Guidelines. The required EIR sections are referenced along with the contents below to demonstrate compliance with CEQA.

Executive Summary (Section 15123) presents a summary of the Project and alternatives, potential impacts and mitigation measures, and impact conclusions regarding growth inducement and cumulative impacts.

Table of Contents (Section 15122) provides a list of the contents included within the EIR.

Chapter 1, Introduction, provides an overview of the EIR process, describes the purpose and scope of this draft EIR, and outlines required draft EIR contents and the organization of the EIR.

Chapter 2, Project Description (Section 15124), describes the project location, project details, and the objectives of the Project.

Chapter 3, Environmental Impact Analysis and Cumulative Project Scenario (Sections 15125, 15126.2, 15126.4, 15128, and 15130), describes the existing environmental conditions and regulatory framework for each environmental resource area before Project implementation, methods and assumptions used in the impact analysis, criteria for determining significance, impacts that would result from the Project, and feasible mitigation measures that would eliminate or reduce significant impacts. “Cumulative Impacts” (Section 15130) are also discussed, which describe impacts that could occur from the combined effect of other past, present, and reasonably foreseeable future projects. For each significant adverse impact identified, mitigation measures are presented where feasible to reduce the impacts to acceptable levels. “Residual Impacts” identify impact categories after mitigation is applied; in those instances, where mitigation measures cannot reduce adverse impacts to less than significant levels, impacts are categorized as significant and unavoidable.

Chapter 4, Alternatives Analysis (Section 15126.6), evaluates the environmental effects of Project alternatives, including the No Project Alternative. It also identifies the environmentally superior alternative.

Chapter 5, Other CEQA (Section 15126.2), identifies insignificant issues areas, as well as secondary impacts, potential growth-inducement, and significant and unavoidable effects.
Chapter 6, List of Preparers (Section 15129) and References (Section 15129), identifies the individuals and/or organizations involved in preparing this EIR, and identifies the documents (printed and website references) and individuals (personal communications) consulted during preparation of this EIR. This chapter includes the agencies and people consulted to ascertain information for the analysis of impacts and support for the conclusions made from the analysis.

Chapter 7, Mitigation Monitoring and Reporting Program (MMRP) (Section 15091), provides a program for reporting on or monitoring the changes and measures that are either required as part of the Program's adoption or made as conditions of approval to avoid or substantially lessen significant environmental effects.

Technical Appendices provide information and technical studies that support the environmental analysis set forth in this EIR, and include the NOP, responses to the NOP, and supporting technical studies.
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