COUNTY OF SANTA BARBARA
Planning and Development
www.sbcountyplanning.org

State CEQA Guidelines § 15168(c)(4) Checklist for Commercial Cannabis Land Use Entitlement and Licensing Applications

A. Purpose

On February 6, 2018, the Santa Barbara County Board of Supervisors certified a programmatic environmental impact report (PEIR) that analyzed the environmental impacts of the Cannabis Land Use Ordinance and Licensing Program (Program). The PEIR was prepared in accordance with the State CEQA Guidelines (§ 15168) and evaluated the Program's impacts with regard to the following environmental resources and subjects:

- Aesthetics and Visual Resources
- Agricultural Resources
- Air Quality and Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Transportation and Traffic
- Utilities and Energy Conservation
- Population, Employment, and Housing

The PEIR evaluated the direct and indirect impacts, as well as the project-specific and cumulative impacts, that would result from the implementation of the Program. The PEIR set forth feasible mitigation measures for several significant impacts, which are now included as development standards and/or requirements in the land use and licensing ordinances.

Pursuant to State CEQA Guidelines (§ 15168(c)(4)), the following checklist was prepared to determine whether the environmental effects of a proposed commercial cannabis operation are within the scope of the PEIR.

B. Project Description

Please provide the following project information.

1. Land Use Entitlement Case Number(s): 19LUP-00000-00312

2. Business Licensing Ordinance Case Number(s): _____

3. Project Applicant(s): Kapono Curry

4. Property Owner(s): Campbell Family Trust 3/7/00

5. Project Site Location and Tax Assessor Parcel Number(s): 4874 Hapgood Road, Lompoc, CA, 93436. APN 099-150-065.

6. Project Description: The project is a request for outdoor cannabis cultivation of approximately 82.62 acres and 4.18 acres of cannabis nursery operations. Nursery and cannabis cultivation will occur outdoors and not under hoop structures. No on-site processing will occur. There will be up to two harvests per year, each lasting a maximum of 3 weeks. An existing 4,800 SF building will be used for a 200 SF office and employee bathrooms. The remaining 4,560 SF of the building will remain unused and not a part of the cannabis operation. An existing 5,000 gallon water tank will be used for domestic purposes. An existing as-built 320 SF shipping container is to be used for irrigation equipment storage related to the cannabis operation and will be permitted under this Land Use Permit. An existing as-built 320 SF shipping container is to be used for chemical and fertilizer storage related to the cannabis operation and will be permitted under this Land Use Permit. One 320 SF shipping container is proposed for additional storage.

Existing permitted structures on-site which are not a part of the cannabis operation include an 800 SF carport, a 1,878 SF residence, an additional 1,450 SF residence, a 1,540 SF shop, a 4,030 SF barn and a 4,800 SF storage building.

A 6-foot high deer fence will enclose the cultivation and nursery area. There is an existing 18-foot wide secured gate located north of the premises. Two 7-foot high, 20 foot wide secured gates are proposed. Security cameras will be mounted to the office and bathroom building and to security poles at a height of eight feet. Security lighting will be pointed downward, fully-shielded, and motion sensor activated. Lighting will be mounted to the office and bathroom building at a height of eight feet and to light poles at a height of ten feet near the gated entrance to the property and in the parking area.

Hours of operation during non-harvest season will be 6:00 A.M. to 3:00 P.M, 7 days a week. Hours of operation during harvest season will be from 5:00 A.M. to 7:00 P.M., 7 days a week in the field, with 24-hour a day on-site security. There will be nine (9) full-time employees year-round, an additional five (5) to fifteen (15) workers during growing season, and up to one hundred (100) additional, seasonal workers. Sanitary facilities for employees will be provided by portable chemical toilets with hand-washing stations. Existing parking includes 47 parking spaces and will include eleven rideshare spaces, four shuttle spaces, and one handicapped space. No grading is proposed.

The parcel will be served by a private on-site well, proposed single parcel water system, and proposed septic system. The project will be served by the Santa Barbara County Fire District. Access will continue to be provided via a private 20-foot access driveway off of Hapgood Road. The property is a 965.59-acre parcel zoned AG-II-100 and shown as Assessor's Parcel Number 099-150-065, located at 4874 Hapgood Road in the Lompoc area, 4th Supervisorial District.

C. PEIR Mitigation Measures/Requirements for Commercial Cannabis Operations

The following table lists the specific mitigation measures set forth in the PEIR. The table further includes questions to determine the scope of the potential environmental impacts of a project. This information will be used by staff to determine if subsequent environmental review of a project is warranted.

Please answer all questions set forth in the following table. Planning and Development Department (P&D) staff complete § C.1 and County Executive Office (CEO) staff complete § C.2. If a question does not apply to the proposed cannabis operation, please check the corresponding "N/A" box.

C.1 Mitigation Measures/Requirements for P&D Staff Review

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
Aesthetics and Visual Resources		
MM AV-1. Screening Requirements	LUDC § 35.42.075.C.3	Is the proposed cannabis operation visible from a public viewing location? ☐ Yes X No
	Article II § 35-144U.C.3	If so, does the proposed project include implementation of the required landscape and screening plan? ☐ Yes ☐ No X N/A
Agricultural Resources		
MM AG-1. Cannabis Cultivation Prerequisite Ancillary Use Licenses	LUDC §§ 35.42.075.D.3 and -4	Does the proposed project include ancillary cannabis uses (e.g., manufacturing of cannabis products)? ☐ Yes X No
	Article II § 35-144U.C.2.a and -3.a	If the proposed project includes ancillary cannabis uses, does the proposed project comply with the minimum cultivation requirements to allow ancillary cannabis uses? ☐ Yes ☐ No X N/A
MM AG-2. New Structure Avoidance of Prime Soils	LUDC § 35.42.075.D.1.b	Does the proposed project site have prime soils located on it? X Yes ☐ No
	Article II § 35-144U.C.1.b	Does the proposed project involve structural development? X Yes ☐ No If the proposed project involves structural development, are the structures sited and designed to avoid prime soils? X Yes ☐ No ☐ N/A
Air Quality and Greenhouse Gas Emissions		
MM AQ-3. Cannabis Site Transportation Demand Management	LUDC § 35.42.075.D.1.j	Does the proposed project include cannabis cultivation? X Yes ☐ No
	Article II § 35-144U.1.j	If so, does the project include implementation of

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		the required Transportation Demand Management Plan? X Yes ☐ No ☐ N/A
MM AQ-5. Odor Abatement Plan	LUDC § 35.42.075.C.6	*This mitigation measure/requirement does not apply to projects in the AG-II zone, unless a Conditional Use Permit is required for the proposed commercial cannabis operation.* Does the proposed project include cannabis cultivation, a nursery, manufacturing, microbusiness, and/or distribution? X Yes ☐ No If so, does the project include implementation of the required odor abatement plan? ☐ Yes ☐ No X N/A
	Article II § 35-144U.C.6	
Biological Resources		
MM BIO-1a. Tree Protection Plan	LUDC § 35.42.075.C.8 and Appendix J	Does the proposed project involve development within proximity to, alteration of, or the removal of, a native tree? ☐ Yes x No If so, does the project include implementation of the required tree protection plan? ☐ Yes ☐ No x N/A
	Article II § 35-144.C.8 and Appendix G	
MM BIO-1b. Habitat Protection Plan	LUDC § 35.42.075.C.8 and Appendix J	*Inland*. Will the project result in the removal of native vegetation or other vegetation in an area that has been identified as having a medium to high potential of being occupied by a special-status wildlife species, nesting bird, or a Federal or State-listed special-status plant species? ☐ Yes x No ☐ N/A If so, does the project include implementation of the required habitat protection plan? ☐ Yes ☐ No X N/A
	Article II § 35-144.C.8 and Appendix G	*Coastal.* Does the project involve development within environmentally sensitive habitat (ESH) and/or ESH buffers? ☐ Yes ☐ No X N/A If so, does the project include implementation of the required habitat protection plan? ☐ Yes ☐ No X N/A
MM HWR-1a. Cannabis Waste Discharge	LUDC § 35.42.075.D.1.d	Does the proposed project involve cannabis cultivation? X Yes ☐ No

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
Requirements Draft General Order	Article II § 35-144U.C.1.d	If so, did the applicant submit documentation from the State Water Resources Control Board demonstrating compliance with the comprehensive Cannabis Cultivation Policy? X Yes ☐ No ☐ N/A
MM BIO-3. Wildlife Movement Plan	LUDC § 35.42.075.C.8 and Appendix J	Is the proposed project site located in or near a wildlife movement area? X Yes ☐ No
	Article II § 35-144.C.8 and Appendix G	If so, does the project include implementation of the required wildlife movement plan? X Yes ☐ No ☐ N/A
Cultural Resources		
MM CR-1. Preservation MM CR-2. Archaeological and Paleontological Surveys	LUDC § 35.42.075.C.1	Does the proposed project involve development within an area that has the potential for cultural resources to be located within it? X Yes ☐ No
	Article II §§ 35-144U.C.1 and 35-65	If so, was a Phase I cultural study prepared? X Yes ☐ No ☐ N/A If so, did the Phase I cultural study require a Phase II cultural study? ☐ Yes X No ☐ N/A If so, does the project involve implementation of cultural resource preservation measures set forth in the Phase II cultural study? ☐ Yes ☐ No X N/A
Hazards and Hazardous Materials		
MM HAZ-3. Volatile Manufacturing Employee Training Plan	LUDC § 35.42.075.D.4.c	Does the proposed project involve volatile manufacturing of cannabis products? ☐ Yes X No
	Article II § 35-144U.C.3.c	If so, does the project involve implementation of the required Volatile Manufacturing Employee Training Plan? ☐ Yes ☐ No X N/A
Hydrology and Water Quality Impacts		
MM HWR-1. Cannabis Waste Discharge Requirements General Order	*See the Biological Resources items, above.*	
MM BIO-1b. Cannabis Waste Discharge Requirements General Order	*See the Biological Resources items, above.*	
Land Use Impacts		

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
MM LU-1. Public Lands Restriction	LUDC § 35.42.075.D.1.h Article II § 35-144U.C.1.h	Does the proposed project involve cannabis cultivation on public lands? ☐ Yes X No
MM AQ-3. Cannabis Site Transportation Demand Management	*See the Air Quality and Greenhouse Gas Emissions items, above.*	
MM AQ-5. Odor Abatement Plan	*See the Air Quality and Greenhouse Gas Emissions items, above.*	
MM TRA-1. Payment of Transportation Impact Fees	County Ordinance No. 4270	Is the proposed project subject to the countywide, Goleta, or Orcutt development impact fee ordinance? ☐ Yes X No If so, did the applicant pay the requisite fee? ☐ Yes ☐ No X N/A
Compliance with Comprehensive Plan Environmental Resource Protection Policies	LUDC § 35.10.020.B	*All cannabis applications.* Does the proposed project comply with all applicable environmental resource protection policies set forth in the Comprehensive Plan? X Yes ☐ No
	CLUP Chapter 3, § 3.1 and Policy 1-4	*Coastal cannabis applications.* Does the proposed project comply with all applicable coastal resources protection policies set forth in the Coastal Land Use Plan? ☐ Yes ☐ No X N/A
Noise		
MM AQ-3. Cannabis Site Transportation Demand Management	*See the Air Quality and Greenhouse Gas Emissions items, above.*	
Transportation and Traffic		
MM AQ-3. Cannabis Site Transportation Demand Management	*See the Air Quality and Greenhouse Gas Emissions items, above.*	
MM TRA-1. Payment of Transportation Impact Fees	*See the Land Use Impacts items, above.*	
Unusual Project Site Characteristics and Development Activities		
Activities and Impacts within the Scope of the Program/PEIR	State CEQA Guidelines § 15168(c)(1)	Does the proposed project involve a project site with sensitive or unusual environmental characteristics, or require unusual development activities, which will result in a significant environmental impact that was not evaluated in the PEIR? Examples of unusual environmental characteristics or development activities which might cause a significant environmental impact

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		include, but are not limited to: • construction of a bridge across a riparian corridor that supports listed species protected under the Federal or California endangered species acts, in order to gain access to a project site; • structural development that cannot be screened from a public viewing location pursuant to the requirements of PEIR mitigation measure MM AV-1 (Screening Requirements); or • development activities that will have a significant impact on cultural resources, which cannot be mitigated to a less-than-significant level pursuant to the County's *Environmental Thresholds and Guidelines Manual* (March 2018). ☐ Yes X No

LUDC = Land Use and Development Code; Chapter 35, Article 35.1 et seq., of the Santa Barbara County Code
Article II = Coastal Zoning Ordinance; Chapter 35, Article II, § 35-50 et seq., of the Santa Barbara County Code
CLUP = Santa Barbara County Coastal Land Use Plan
State CEQA Guidelines = California Code of Regulations, Title 14, Division 6, Chapter 3, § 15000 et seq.

C.1.1 Environmental Document Determination

Check the appropriate box below, based on the responses to the questions and requests for information set forth in the checklist in § C.1, above, and pursuant to the requirements set forth in State CEQA Guidelines §§ 15162 and 15168.

X All of the environmental impacts of the proposed commercial cannabis operation are within the scope of the PEIR, and a subsequent environmental document is not required to evaluate the environmental impacts of the proposed commercial cannabis operation.

☐ The proposed commercial cannabis operation will have environmental effects that were not examined in the PEIR, and an initial study must be prepared to determine whether a subsequent environmental impact report or negative declaration must be prepared.

Dara Elkurdi — Dara Elkurdi — June 9, 2021

Name of Preparer of § C.1 | Signature of Preparer of § C.1 | Date

C.2 Mitigation Measures/Requirements for CEO Staff Review

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
Air Quality and Greenhouse Gas Emissions		
MM UE-2a. Energy Conservation Best Management Practices	BLO § 50-10(b)	Does the proposed project include the implementation of the required energy conservation plan? ☐ Yes ☐ No
MM UE-2b. Participation in a Renewable Energy Choice Program	BLO § 50-10(b)2.ii	Does the proposed project include participation in a renewable energy choice program to meet the applicable energy reduction goals for the proposed project? ☐ Yes ☐ No
MM UE-2c. Plan review by the County Green Building Committee	BLO § 50-10(b)2.iii.K	Did the County Green Building Committee review the proposed project? ☐ Yes ☐ No ☐ N/A If so, does the proposed project conform to the recommendations of the County Green Building Committee? ☐ Yes ☐ No ☐ N/A
Utilities and Energy Conservation		
MM UE-2a. Energy Conservation Best Management Practices	*See the Air Quality and Greenhouse Gas Emissions items, above.*	
MM UE-2b. Participation in a Renewable Energy Program	*See the Air Quality and Greenhouse Gas Emissions items, above.*	
MM UE-2c. Licensing by the County Green Building Committee	*See the Air Quality and Greenhouse Gas Emissions items, above.*	
Unusual Project Site Characteristics and Development Activities		
Activities and Impacts within the Scope of the Program/PEIR	State CEQA Guidelines § 15168(c)(1)	Does the proposed project involve a project site with sensitive or unusual environmental characteristics, or require unusual development activities, which will result in a significant environmental impact that was not evaluated in the PEIR? Examples of unusual environmental characteristics or development activities which might cause a significant environmental impact include, but are not limited to: • construction of a bridge across a riparian corridor that supports listed species protected under the Federal or California

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		endangered species acts, in order to gain access to a project site; • structural development that cannot be screened from a public viewing location pursuant to the requirements of PEIR mitigation measure MM AV-1 (Screening Requirements); or • development activities that will have a significant impact on cultural resources, which cannot be mitigated to a less-than-significant level pursuant to the County's *Environmental Thresholds and Guidelines Manual* (March 2018). ☐ Yes ☐ No

* BLO = Commercial Cannabis Business Licensing Ordinance; Chapter 50, § 50-1 et seq., of the Santa Barbara County Code
State CEQA Guidelines = California Code of Regulations, Title 14, Division 6, Chapter 3, § 15000 et seq.

C.2.1 Environmental Document Determination

Check the appropriate box below, based on the responses to the questions and requests for information set forth in the checklist in § C.2, above, and pursuant to the requirements set forth in State CEQA Guidelines §§ 15162 and 15168.

☐ All of the environmental impacts of the proposed commercial cannabis operation are within the scope of the PEIR, and a subsequent environmental document is not required to evaluate the environmental impacts of the proposed commercial cannabis operation.

☐ The proposed commercial cannabis operation will have environmental effects that were not examined in the PEIR, and an initial study must be prepared to determine whether a subsequent environmental impact report or negative declaration must be prepared.

Name of Preparer of § C.2 Signature of Preparer of § C.2 Date

Attachment 1
Additional Information for the Proposed Cannabis Activity CEQA Environmental Determination

The following discussion supports the determinations made in the Checklist for the SFS Farms OpCo 1, LLC. – Cannabis Cultivation (Proposed Project), pursuant to the requirements of the State CEQA Guidelines §§ 15168(c) and 15162. The State CEQA Guidelines §§ 15168(c)(1) and -(2) state:

> *(1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. That later analysis may tier from the program EIR as provided in Section 15152.*
>
> *(2) If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.*

The requirements of the State CEQA Guidelines § 15168 and 15162 are set forth below, along with an analysis of the Proposed Project with regard to these requirements. The following analysis, as well as the Board Agenda Letter, and associated attachments, dated June 9, 2021, and incorporated herein by reference, supplements the information set forth in the State CEQA Guidelines § 15168 checklist prepared for the Proposed Project.

State CEQA Guidelines § 15168(c)(1)

As discussed below, the PEIR analyzed the environmental impacts of the Cannabis Land Use Ordinance and Licensing Program. The effects of this particular Project were anticipated and examined in the PEIR and there are no project-specific effects that were not examined in the program EIR. Therefore, no new initial study is required and the PEIR can be relied upon for this Project based upon the checklist prepared pursuant to State CEQA Guidelines 15168(c)(4).

State CEQA Guidelines § 15162

State CEQA Guidelines § 15162 states that when a lead agency has prepared an EIR for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that certain conditions exist. The specific conditions that warrant the preparation of a subsequent EIR are set forth below, with an analysis of the proposed project immediately following the respective condition.

The Proposed Project includes a request for a commercial cannabis cultivation activity that was anticipated and evaluated in the PEIR. The Proposed Project site is zoned AG-II-100, which is one of the zones that was evaluated for proposed cannabis cultivation activities in the PEIR (PEIR page 2-36, Table 2-5). Furthermore, the Lompoc region in which the Proposed Project site is located was one of five regions identified in the PEIR for organizing the data and analyzing the impacts of the Program (Ibid, page 2-5).

As discussed below, the Proposed Project consists of an activity the impacts of which were disclosed in, the PEIR. Outdoor cultivation and nursery are cannabis activities that were anticipated to occur on AG-II-100 zoned lands, such as the AG-II-100 zoned lands which exist in the Lompoc region in which the Proposed Project site is located. The PEIR evaluated potential increases in employment, traffic, noise, air emissions (including odors), etc., that would result from the Proposed Project and other cannabis activities allowed under the Program. The Proposed Project's physical development including exterior lighting, fencing, and the use of shipping containers, was evaluated in the PEIR with regard to aesthetics, visual impacts, and loss of prime soils. The only proposed structure is a 320 square foot shipping container, which has been sited to avoid prime soils. Two other as-built shipping containers exist on-site and have also been sited to avoid prime soils. There is nothing unusual about the proposed agricultural activities as outdoor crop cultivation and the use of shipping containers for storage are standard agricultural practices in the Lompoc region and the AG-II zone district. Therefore, the Proposed Project will not result in substantial changes to the Program which will require major revisions of the PEIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Currently, there are approximately 41 land use entitlement applications involving proposed or permitted cannabis activities located west of the City of Buellton and east of the City of Lompoc (Santa Barbara County Interactive Map for Cannabis, available at https://sbcopad.maps.arcgis.com/apps/webappviewer/index.html?id=f287d128ab684ba4a87f1b9cff438f91, accessed on January 25, 2021. The PEIR anticipated that certain areas in which cannabis activities historically have occurred would continue to experience cannabis activities under the Program. Furthermore, the PEIR projected the demand for cannabis cultivation that could occur under the Program (i.e., 1,126 acres of cultivation countywide), based on information that was known at the time the PEIR was prepared. The Program that was analyzed in the PEIR did not include a cap or other requirement to limit either the concentration or total amount of cannabis activities that could occur within any of the zones that were under consideration for cannabis activities (PEIR, pages 3-3, 3-5, 3-12, 3.1-19, and 3.12-26).[1] Although the PEIR did not predict the

[1] The PEIR states, "…[T]he impact analysis in this EIR assumes that **future cannabis activity licenses would not be limited under the Project**, with the total area permitted to be unincorporated areas Countywide that are under County jurisdiction (excludes incorporated cities, state, federal, and tribal lands) (PEIR, page 3-5, emphasis added)."

specific commercial cannabis applications on the properties located on and around the Proposed Project site, the programmatic analysis was broad enough to account for this pattern of development that has resulted from the Program. Therefore, the number and/or location of the commercial cannabis activities that have been either permitted or are currently under consideration within the general area of the Proposed Project site, do not constitute a substantial change with respect to the circumstances under which the project is undertaken.

Furthermore, the potential concentration of cannabis activities near the Proposed Project site will not create new significant environmental effects or a substantial increase in the severity of previously identified significant effects evaluated in the PEIR. The PEIR evaluated the cumulative impacts to which cannabis activities, as well as other pending, recently approved, and reasonably foreseeable non-cannabis projects, would contribute (Ibid, page 3-11, Section 3.0.4). The PEIR concluded that unavoidable and significant (Class I) impacts would result from the Program with regard to the following environmental resources or issues:

- Aesthetics and visual resources
- Agricultural resources
- Air quality (including odor impacts)
- Noise
- Transportation and traffic

The Board of Supervisors adopted a Statement of Overriding Considerations concluding that the benefits of the Program outweigh the unavoidable adverse environmental effects identified above.

For this particular Project, development would not be located on prime soils. Project activities would not occur within proximity to sensitive receptors and noise generation would be limited to the use of normal agricultural equipment and machinery. The Proposed Project is not visible from any public viewing points. Therefore, the Proposed Project would not have impacts to agricultural resources, noise, aesthetics and visual resources. The Proposed Project, which is located off of Highway 246, includes outdoor cultivation and nursery activities, would contribute to cumulative impacts on transportation and traffic and air quality. The Proposed Project would be subject to the mitigation measures set forth in the PEIR to reduce the Proposed Project's contribution to these cumulative impacts. These mitigations include a Site Transportation Demand Management Plan. However, these are not new impacts resulting from a substantial change in the Program. As stated above, the Proposed Project is an activity that was anticipated to result from the Program and, consequently, the impacts associated with the Proposed Project were disclosed in the PEIR. As such, the PEIR analysis of cumulative impacts accounted for the impacts from the Proposed Project.

Therefore, no substantial changes have occurred with respect to the circumstances under which the Project is undertaken under the Program which will require major revisions of the PEIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

The PEIR evaluated the direct and indirect impacts of the Program as well as cumulative impacts that would result from the implementation of the Program. More specifically, the PEIR identified the following unavoidably significant (Class I) impacts that would result from the Program:

- Cumulative impacts to aesthetics and visual resources
- Cumulative impacts to agricultural resources
- Project-specific and cumulative impacts to air resources (including odors)
- Project-specific and cumulative noise impacts
- Project-specific and cumulative transportation and traffic impacts

The PEIR also identified the following significant but mitigable (Class II) impacts that would result from the Program:

- Project-specific impacts to aesthetics and visual resources
- Project-specific impacts to agricultural resources
- Project-specific and cumulative impacts to biological resources
- Project-specific impacts to cultural resources
- Project-specific impacts related to hazards and hazardous materials
- Project-specific impacts related to hydrology and water quality
- Project-specific land use impacts
- Project-specific impacts related to utilities and energy conservation

The PEIR identified a number of mitigation measures to reduce the significant impacts that would result from the implementation of the Program. The mitigation measures were included as development standards and other regulations of Chapters 35 and 50 of the County Code, which are applied to commercial cannabis activities resulting from the Program. As shown in Section C of the State CEQA Guidelines § 15168(c)(4) checklist that was prepared for the Proposed Project, the Proposed Project would be subject to the applicable mitigation measures that were included as development standards and other regulations of Chapters 35 and 50 of the County Code.

As stated above, the PEIR did not assume that there would be a cap or other limitation on activities or location. Therefore, although the PEIR did not predict the specific commercial cannabis applications on the properties located on and around the Proposed Project site, the programmatic analysis was broad enough to account for this pattern of development that has resulted from the Program. Furthermore, the concentration of commercial cannabis activities will not result in a new significant impact which was not disclosed in the PEIR. The cumulative

impacts associated with aesthetics and visual resources, agricultural resources, air resources (including odors), noise, and traffic resulting from the Proposed Project and other proposed projects located within proximity to the Proposed Project site were discussed in the PEIR.

The proposed agricultural activities including outdoor cultivation and the use of shipping containers for storage are standard agricultural practices in the Lompoc region and the AG-II-100 zone district. There is nothing unusual about the project site. The project site was previously used for cultivating row crops such as strawberries. The Proposed Project and project site have been reviewed by a County-authorized archeologist, a County-authorized biologist, the Regional Water Quality Control Board, U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife, County Fire, and County Environmental Health Services. As a result conditions and mitigation measures which were discussed in the PEIR have been incorporated into the Proposed Project. As such, the Proposed Project will not have any new impacts which were not discussed in the PEIR, because there is nothing unusual about the proposed development or the project site.

Therefore, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the PEIR was certified, which shows that the Proposed Project will have one or more significant effects not discussed in the PEIR.

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

As stated above, the Proposed Project consists of a cannabis activity that was analyzed as part of the Program studied in the PEIR. There are no unique features of the Proposed Project such that the Proposed Project could cause more severe impacts than shown in the PEIR. The PEIR analyzed the impacts of outdoor cultivation and nursery on AG-II-100 zoned lots within the Lompoc region. As shown in Section C of the State CEQA Guidelines § 15168(c)(4) checklist that was prepared for the Proposed Project, the Proposed Project complies with the applicable mitigation measures.

Furthermore, the PEIR did not assume that there would be a cap or other limitation on activities or location. Although the PEIR did not predict the specific commercial cannabis applications on the properties located on and around the Proposed Project site, the programmatic analysis was broad enough to account for this pattern of development, and disclosed the corresponding impacts that would result.

Therefore, there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the PEIR was certified, which shows that significant effects previously examined will be substantially more severe than shown in the PEIR.

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

There are no mitigation measures or alternatives previously found not to be feasible that would in fact be feasible and would substantially reduce one or more significant effects of the Proposed Project which are available at this time for the project proponents to consider.

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

There is no new information which was not known and could not have been known at the time the PEIR was certified that shows any mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR which would substantially reduce one or more significant effects on the environment. Further, the project applicant agrees to adopt all applicable mitigation measures as demonstrated by Section C.1 of the 15168(c)(4) Checklist hereby incorporated into this attachment. The Proposed Project includes cultivation and nursery. The Proposed Project would comply with the applicable mitigation measures from the PEIR and would be subject to a Site Transportation Demand Management Plan

ATTACHMENT 2

FINDINGS FOR APPROVAL AND STATEMENT OF OVERRIDING CONSIDERATION
CANNABIS LAND USE ORDINANCES
February 6, 2018

Case Nos. 17ORD-00000-00004, 17ORD-00000-00010, 17ORD-00000-0009, 18ORD-00000-0001, and 17EIR-00000-00003

1.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

1.1 FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CEQA GUIDELINES SECTIONS 15090, 15091, AND 15163:

1.1.1 CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

The Board of Supervisors (Board) find that the Final Programmatic Environmental Impact Report (EIR) (17EIR-00000-00003) dated December 2017, and EIR Revision Letter (RV 01), dated January 4, 2018, were presented to the Board and all voting members of the Board reviewed and considered the information contained in the EIR and its appendices and RV 01 prior to approving the project. In addition, all voting members of the Board have reviewed and considered testimony and additional information presented at, or prior to, its public hearings. The EIR, appendices, and RV 01 reflect the independent judgment and analysis of the Board and are adequate for this project. Attachments 7 and 8, of the Board letter, dated February 6, 2018, are incorporated herein by reference.

1.1.2 FULL DISCLOSURE

The Board finds and certifies that the EIR, appendices, and RV 01 constitute a complete, accurate, adequate, and good faith effort at full disclosure pursuant to CEQA. The Board further finds and certifies that the EIR, appendices, and RV 01 were completed in compliance with CEQA.

1.1.3 LOCATION OF RECORD OF PROCEEDINGS

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.

1.1.4 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d) and 15097 require the County to adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to avoid or substantially lessen significant effects on the environment. The EIR has been prepared as a program EIR pursuant to CEQA Guidelines Section 15168. The degree of specificity in the EIR corresponds to the specificity of the general or program level policies of the project and to the effects that may be expected to follow from the adoption of the project.

A detailed Mitigation Monitoring and Reporting Program (MMRP) has been provided in Section 7.0 of the EIR, incorporated herein by reference, and all mitigation measures identified in the MMRP have been incorporated directly into the Cannabis Land Use Ordinance and Licensing Program as shown in Attachments 1, 2, 3, 6 and 13 of the Board letter dated February 6, 2018, incorporated herein by reference, and into the resolution and amendments to the Uniform Rules for Agricultural Preserves and Farmland Security Zones as shown in Attachment 5 of the Board letter dated February 6, 2018, incorporated herein by reference. To ensure compliance with adopted mitigation measures during implementation of Cannabis Land Use Ordinance and Licensing Program the County Land Use and Development Code (LUDC), Montecito Land Use and Development Code (MLUDC) and the Coastal Zoning Ordinance (CZO) amendments include requirements that future development projects comply with each policy, action, or development standard required by each adopted mitigation measure in the MMRP, as applicable to the type of proposed development. Therefore, the Board adopts the MMRP to comply with Public Resource Code Section 21081.6 and California Environmental Quality Act (CEQA) Guidelines Section 15097, and finds that the Cannabis Land Use Ordinance and Licensing Program's above referenced ordinance amendments in the LUDC, MLUCD, and CZO are sufficient for a monitoring and reporting program.

1.1.5 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS[1] ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE

The EIR (17EIR-00000-00003), its appendices, and EIR Revision Letter (RV 01), for the Cannabis Land Use Ordinance and Licensing Program identify several environmental impacts which cannot be fully mitigated and, therefore, are considered unavoidable (Class I). These impacts involve: agricultural resources; air quality and greenhouse gas emissions; noise; transportation and traffic; and aesthetic and visual resources. To the extent the impacts remain significant and unavoidable, such impacts are acceptable when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein. For each of these Class I impacts described in the EIR, feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects to the maximum extent feasible, as discussed below. The Board letter, dated February 6, 2018, and its attachments are incorporated by reference.

Agricultural Resources

Impacts: The EIR identified significant project-specific and cumulative impacts related to the conversion of prime agricultural soils to a non-agricultural use or the impairment of agricultural land productivity (Impact AG-2).

[1] The discussion of impacts related to aesthetics and visual resources discussed in this section of these findings (below), addresses both the unavoidable cumulative impacts (Class I), as well as the project-specific impacts found to be significant but mitigable to a less-than-significant level (Class II), that are set forth in the EIR.

Mitigation: Mitigation Measure AG-2 requires that any new structures proposed for cannabis site development are sited on areas of the property that do not contain prime soils, to the maximum extent feasible. During the review of applications for cannabis site development, the County Planning and Development Department shall review the proposed location of any new structures proposed for cannabis-related structural development to ensure that they would avoid prime agricultural soils on-site. No other feasible mitigation measures are known that will further reduce impacts. Under a reasonable buildout scenario for cannabis related development, impacts to prime soils will remain significant and unavoidable.

Cumulative impacts to agricultural resources are mitigated to the maximum extent feasible with measure MM AG-2. Program approval would contribute to cumulative agricultural impacts associated with pending and future growth and development projects Countywide. The combined effect of cumulative development is anticipated to result in significant and unavoidable cumulative impacts to agricultural resources.

Findings: The Board finds that the feasible mitigation measure (MM AG-2) has been incorporated into the Cannabis Land Use Ordinance and Licensing Program to reduce the significant environmental effects identified in the EIR to the maximum extent feasible. This mitigation measure will be implemented during the review of entitlement applications for cannabis development, to mitigate project-specific and cumulative impacts to agricultural resources to the maximum extent feasible. However, even with this mitigation measure, impacts to agricultural resources (Impact AG-2) will remain significant and unavoidable. Therefore, the Board finds the Cannabis Land Use Ordinance and Licensing Program's residual impacts to agricultural resources are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Finding 1.1.8 below.

Air Quality and Greenhouse Gas Emissions

Impacts: The EIR identified significant project-specific and cumulative impacts related to air quality and greenhouse gas emissions from future cannabis activities that would be permitted if the Project is approved. Specifically, the EIR identified the following adverse and unavoidable effects: inconsistency with the Clean Air Plan (Impact AQ-1), traffic generated emissions (Impact AQ-3), inconsistency with the Energy and Climate Action Plan (Impact AQ-4), and exposure of sensitive receptors to objectionable odors (Impact AQ-5).

Mitigation: The EIR identifies two mitigation measures, MM AQ-3 and MM AQ-5 to reduce impacts associated with traffic-generated emissions and objectionable odors, respectively.

MM AQ-3 requires that cannabis Permittees implement feasible transportation demand management (TDM) measures that reduce vehicle travel to and from their proposed sites. Each Permittee must consider location, total employees, hours of operation, site access and transportation routes, and trip origins and destinations associated with the cannabis operation. Once these are identified, the Permittee is required to identify a range of TDM measures as feasible for County review and approval. No other feasible mitigation measures are known that will further reduce traffic-generated emissions impacts. Under a reasonable buildout

scenario for cannabis related development, impacts from traffic-generated emissions will not be fully mitigated and will remain significant and unavoidable.

MM AQ-5 requires that cannabis licensees implement feasible odor abatement plans (OAPs) consistent with Santa Barbara County Air Pollution Control District requirements and subject to the review and approval of the County. No other feasible mitigation measures are known that will further reduce odor impacts. Under a reasonable buildout scenario for cannabis-related development, impacts from objectionable odors will not be fully mitigated and will remain significant and unavoidable.

Cumulative impacts related to air quality and greenhouse gas emissions are mitigated to the maximum extent feasible with measures MM AQ-3 and MM AQ-5. Since the Project is inconsistent with the Clean Air Plan and the Energy and Climate Action Plan, and the County is anticipated to remain in non-attainment, the Project's contribution to cumulative air quality impacts would be cumulatively considerable and, therefore, significant and unavoidable (Class I).

Findings: The Board finds that feasible mitigation measures (MM AQ-3 and MM AQ-5) have been incorporated into the Cannabis Land Use Ordinance and Licensing Program to reduce the significant environmental effects identified in the EIR to the maximum extent feasible. These mitigation measures are implemented during project review to mitigate project-specific and cumulative impacts related to air quality and greenhouse gas emissions, to the maximum extent feasible. However, even with these mitigation measures, impacts related to inconsistency with the Clean Air Plan (Impact AQ-1), traffic generated emissions (Impact AQ-3), inconsistency with the Energy and Climate Action Plan (Impact AQ-4), and exposure of sensitive receptors to objectionable odors (Impact AQ-5), will remain significant and unavoidable. Therefore, the Board finds the Cannabis Land Use Ordinance and Licensing Program's residual impacts related to air quality and greenhouse gas emissions are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Finding 1.1.8 below.

Noise

Impacts: The EIR identified significant project-specific and cumulative impacts to sensitive receptors from long-term increases in noise from traffic on vicinity roadways (Impact NOI-2).

Mitigation: As discussed above in the summary of air quality impacts, MM AQ-3 would require cannabis Permittees to implement feasible TDM measures that reduce vehicle travel to and from their proposed sites, subject to the review and approval of the County. No other feasible mitigation measures are known that will further reduce impacts. Under a reasonable buildout scenario for cannabis-related development, impacts to sensitive receptors from long-term noise increases from Project traffic will not be fully mitigated and will remain significant and unavoidable.

Cumulative impacts to sensitive receptors from traffic-generated noise are mitigated to the maximum extent feasible with measure MM AQ-3.The Project has the potential to contribute to cumulative noise impacts from roadway noise effects on ambient noise levels in the County. Combined with other development, increased vehicle trips could increase congestion and daily travel on roadways in rural areas that experience relatively minimal traffic noise. As the Project's contribution would be cumulatively considerable, even with implementation of MM AQ-3 to require reduced employee trips through TDM measures, cumulative impacts from the Project would be significant and unavoidable.

Findings: The Board finds that the feasible mitigation measure (MM AQ-3) has been incorporated into the Cannabis Land Use Ordinance and Licensing Program to reduce the significant environmental effects identified in the EIR, to the maximum extent feasible. This mitigation measure will be implemented during the review of entitlement applications for cannabis activities, in order to mitigate project-specific and cumulative impacts to sensitive receptors from traffic generated noise, to the maximum extent feasible. However, even with this mitigation measure, noise impacts related to long-term noise increases (Impact NOI-2) will remain significant and unavoidable. Therefore, the Board finds the Cannabis Land Use Ordinance and Licensing Program's residual noise impacts are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Finding 1.1.8 below.

Transportation and Traffic

Impacts: The EIR identified significant project-specific and cumulative impacts related to transportation and traffic from future cannabis activities that would be permitted if the Project is approved. The following adverse and unavoidable effects were identified: increases of traffic and daily vehicle miles of travel that affect the performance of the existing and planned circulation system (Impact TRA-1), and adverse changes to the traffic safety environment (Impact TRA-2).

Mitigation: The EIR identifies two mitigation measures, MM AQ-3 and MM TRA-1, to reduce impacts associated with traffic.

As discussed above in the summary of air quality impacts, MM AQ-3 would require cannabis Permittees to implement feasible TDM measures that reduce vehicle travel to and from their proposed sites, subject to the review and approval of the County. No other feasible mitigation measures are known that will further reduce these traffic impacts. Under a reasonable buildout scenario for cannabis-related development, impacts from traffic will not be fully mitigated and will remain significant and unavoidable.

MM TRA-1 requires that cannabis Permittees pay into the County's existing Development Impact Mitigation Fee Program, at an appropriate level (e.g., Retail Commercial and Other Nonresidential Development) in effect at the time of permit issuance for the County and Goleta and Orcutt Planning Areas to improve performance of the circulation system. No other feasible mitigation measures are known that will further reduce these traffic impacts. Under a

reasonable buildout scenario for cannabis related development, impacts from traffic will not be fully mitigated and will remain significant and unavoidable.

Cumulative impacts related to traffic would be mitigated to the maximum extent feasible with measures MM AQ-3 and MM TRA-1. The Project's contribution to cumulative changes in the transportation environment as a result of generation of new vehicle trips could still result in exceedances of acceptable road segment or intersection Level of Service, as well as inconsistency with the Regional Transportation Plan-Sustainable Communities Strategy. Therefore, the proposed Project would make a cumulatively considerable contribution to a significant cumulative traffic impact, and impacts are considered significant and unavoidable.

Findings: The Board finds that feasible mitigation measures (MM AQ-3 and MM TRA-1) have been incorporated into the Cannabis Land Use Ordinance and Licensing Program to reduce the significant environmental effects identified in the EIR, to the maximum extent feasible. These mitigation measures will be implemented during the review of entitlement applications for cannabis activities in order to mitigate project-specific and cumulative impacts related to traffic, to the maximum extent feasible. However, even with these mitigation measures, increases of traffic and daily vehicle miles of travel that affect the performance of the existing and planned circulation system (Impact TRA-1) and adverse changes to the traffic safety environment (Impact TRA-2) would remain significant and unavoidable. Therefore, the Board finds the Cannabis Land Use Ordinance and Licensing Program's residual impacts related to traffic are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Finding 1.1.8 below.

Aesthetics/Visual Resources

Impacts: Although the EIR identifies that project-specific impacts to County scenic resources would be mitigated to a less-than-significant level, it also found that Project-related future development in combination with other County projects and plans would contribute considerably to aesthetic and visual impacts. Thus, potential cumulative impacts resulting from changes to scenic resources and existing character would be significant and unavoidable.

Mitigation: Mitigation Measure MM AV-1 would reduce direct visual impacts associated with hoop structures and ancillary development for cannabis cultivation, such as fencing, by requiring appropriate screening in compliance with the land use entitlement (e.g., LUP, CDP, or CUP) that would be required for the cannabis operation. To the maximum extent feasible, screening for cannabis cultivation sites shall consist of natural barriers and deterrents to enable wildlife passage, prevent trespass from humans, and shall be visually consistent, to the maximum extent possible, with surrounding lands. Screening requirements would be set forth in the conditions of, and on the plans related to, the entitlement for the cannabis operation. While project-specific impacts to aesthetics/visual resources will be less-than-significant (Class II) with implementation of this mitigation measure, cumulative impacts would remain significant and unavoidable (Class I).

Findings: The Board finds that the feasible mitigation measure (MM AV-1) has been incorporated into the Cannabis Land Use Ordinance and Licensing Program to reduce the significant environmental effects identified in the EIR, to the maximum extent feasible. This mitigation measure will be implemented during the review of entitlement applications for cannabis operations in order to mitigate project-specific impacts to a less-than-significant level. However, even with this mitigation measure, the Project's contribution to significant cumulative visual impacts would remain cumulatively considerable, and would be significant and unavoidable. Therefore, the Board finds the Cannabis Land Use Ordinance and Licensing Program's residual cumulative impacts to aesthetic and visual resources are acceptable due to the overriding considerations discussed in the Statement of Overriding Considerations in Finding 1.1.8 below.

1.1.6 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY MITIGATION MEASURES

The EIR (17EIR-00000-00003), its appendices, and EIR Revision Letter (RV 01), for the Cannabis Land Use Ordinance and Licensing Program, identify several subject areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts (Class II). For each of these Class II impacts identified by the EIR, feasible changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect, as discussed below.

Aesthetics/Visual Resources
As discussed in Section 1.1.4 of these findings (above), the EIR identified potentially significant but mitigable project-specific impacts to County scenic resources from development associated with cannabis cultivation (Impact AV-1). The Board finds that implementation of MM AV-1 would reduce the significant project-specific environmental effects related to aesthetic and visual resources (Impact AV-1) to a less-than-significant level (Class II).

Agricultural Resources
Impacts: The EIR identified potentially significant but mitigable project-specific impacts as a result of potential land use incompatibility from manufacturing and distribution uses on agriculturally zoned lands (Impact AG-1).

Mitigation: MM AG-1 would require cannabis Permittees for manufacturing or distribution on lands designated for agricultural use (e.g., AG-I and AG-II), to cultivate cannabis on-site and have approval for a cultivation license. The requirement would specify that non-cultivation activities must be clearly ancillary and subordinate to the cultivation activities on-site so that the majority of cannabis product manufactured and/or distributed from a cannabis site is sourced from cannabis plant material cultivated on the same site. The requirement would also specify that the accessory use must occupy a smaller footprint than the area dedicated to cannabis cultivation. Further, the requirement would apply to microbusiness licenses (Type

12) to ensure that proposed manufacturing or distribution would be ancillary and subordinate to the proposed cultivation area.

Findings: The Board finds that MM AG-1 has been incorporated into the Cannabis Land Use Ordinance and Licensing Program. The Board finds that implementation of MM AG-1 will reduce the significant project-specific environmental effects related to incompatibility with existing zoning for agricultural uses (Impact AG-1) to a less-than-significant level (Class II).

Biological Resources

Impacts: The EIR identified the following potentially significant but mitigable project-specific impacts from future cannabis activities: adverse effects on unique, rare, threatened, or endangered plant or wildlife species (Impact BIO-1); adverse effects on habitats or sensitive natural communities (Impact BIO-2); adverse effects on the movement or patterns of any native resident or migratory species (Impact BIO-3); and conflicts with adopted local plans, policies, or ordinances oriented towards the protection and conservation of biological resources (Impact BIO-4).

Mitigation: The EIR identifies several mitigation measures that would reduce potentially significant impacts to a less-than-significant level.

MM BIO-1a would require applicants who apply for a cannabis permit for a site that would involve pruning, damage, or removal of a native tree or shrub, to submit a Tree Protection Plan (TPP) prepared by a County-approved arborist/biologist. The TPP would set forth specific avoidance, minimization, or compensatory measures, as necessary, given site-specific conditions and the specific cannabis operation for which the applicant would be requesting a permit.

MM BIO-1b would require applicants who apply for a cannabis permit for a site that would involve clearing of sensitive native vegetation, to submit a Habitat Protection Plan (HPP) prepared by a County-approved biologist. The HPP would set forth specific avoidance, minimization, or compensatory measures, as necessary, given site-specific conditions and the specific cannabis operation for which the applicant would be requesting a permit.

MM BIO-3, Wildlife Movement Plan, would be required for outdoor cultivation sites that would include fencing. The Wildlife Movement Plan would analyze proposed fencing in relation to the surrounding opportunities for migration, identify the type, material, length, and design of proposed fencing, and identify non-disruptive, wildlife-friendly fencing, such as post and rail fencing, wire fencing, and/or high-tensile electric fencing, to be used to allow passage by smaller animals and prevent movement in and out of cultivation sites by larger mammals, such as deer. Any required fencing would also have to be consistent with the screening requirements outlined in MM AV-1, which is discussed in these findings (above).

MM HWR-1 would require applicants for cultivation permits to provide evidence of compliance with the State Water Resources Control Board (SWRCB) requirements (or

certification by the appropriate Water Board stating a permit is not necessary). The SWRCB has drafted a comprehensive Cannabis Cultivation Policy which includes principles and guidelines for cannabis cultivation within the state. The general requirements and prohibitions included in the draft policy address a wide range of issues, from compliance with state and local permits to riparian setbacks. The draft general order also includes regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers.

Findings: The Board finds that MM BIO-1a, MM BIO-1b, MM BIO-3, and MM HWR-1 have been incorporated into the Cannabis Land Use Ordinance and Licensing Program. The Board finds that implementation of MM BIO-1a, MM BIO-1b, MM BIO-3, and MM HWR-1 would reduce the significant project-specific environmental effects related to biological resources (Impacts BIO-1, BIO-2, BIO-3, and BIO-4) to a less-than-significant level (Class II).

In addition, the Board finds that implementation of MM BIO-1a, MM BIO-1b, MM BIO-3, and MM HWR-1 would reduce the Project's contribution to significant, cumulative impacts to biological resources, such that the Project would not make a cumulatively considerable contribution and, therefore, the Project's contribution to cumulative impacts to biological resources would be less-than-significant with mitigation (Class II).

Cultural Resources

Impacts: The EIR identified potentially significant but mitigable impacts to historical resources (Impact CR-1) as well as to archaeological resources, tribal cultural resources, human remains, or paleontological resources (Impact CR-2) from future cannabis activities.

Mitigation: The EIR identifies two mitigation measures that would reduce potentially significant impacts to a less-than-significant level.

MM CR-1 would require cannabis licensees to preserve, restore, and renovate onsite structures consistent with the requirements of CEQA and the County Cultural Resources Guidelines. This mitigation measure requires an applicant for a cannabis permit to retain a qualified historian to perform a Phase I survey, and if necessary, a Phase II significance assessment and identify appropriate preservation and restoration/renovation activities for significant onsite structures in compliance with the provisions of the most current County Cultural Resources Guidelines.

MM CR-2 would require a Phase I archaeological and paleontological survey in compliance with the provisions of the County Cultural Resources Guidelines for areas of proposed ground disturbance. If the cannabis development has the potential to adversely affect significant resources, the applicant would be required to retain a Planning and Development Department-approved archaeologist to prepare and complete a Phase II subsurface testing program in coordination with the Planning and Development Department. If the Phase II program finds that significant impacts may still occur, the applicant would be required to retain a Planning and Development Department-approved archaeologist to prepare and complete a Phase III

proposal for data recovery excavation. All work would be required to be consistent with County Cultural Resources Guidelines. The applicant would be required to fund all work.

Findings: The Board finds that the feasible MM CR-1 and MM CR-2 have been incorporated into the Cannabis Land Use Ordinance and Licensing Program. The Board finds that implementation of MM CR-1 and MM CR-2 would reduce the significant project-specific effects related to cultural resources (Impacts CR-1 and CR-2) to a less-than-significant level (Class II).

Hydrology and Water Resources

Impacts: The EIR identified potentially significant but mitigable impacts to surface water quality (Impact HWR-1) as well as groundwater quality (Impact HWR-2) from future cannabis activities.

Mitigation: MM HWR-1 would require applicants for cultivation licenses to provide evidence of compliance with the SWRCB requirements (or certification by the Regional Water Quality Control Board stating that a permit is not necessary). The SWRCB has drafted a comprehensive Cannabis Cultivation Policy which includes principles and guidelines for cannabis cultivation within the state. The general requirements and prohibitions included in the draft policy address a wide range of issues, from compliance with state and local permits to riparian setbacks. The draft general order also includes regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers.

Findings: The Board finds that the feasible MM HWR-1 has been incorporated into the Cannabis Land Use Ordinance and Licensing Program. The Board finds that implementation of MM HWR-1 would reduce the significant project-specific effects related to surface water quality (Impact HWR-1) and groundwater quality (Impact HWR-2) to a less-than-significant level (Class II).

Land Use

Impacts: The EIR identified potentially significant but mitigable impacts related to conflicts with an applicable land use plan, policy, or regulation, specifically with regard to conflicts with public land uses (Impact LU-1).

Mitigation: MM LU-1 would establish a regulation prohibiting cannabis activities on publicly owned lands within the County.

Findings: The Board finds that the feasible MM LU-1 has been incorporated into the Cannabis Land Use Ordinance and Licensing Program. The Board finds that implementation of MM LU-1 would reduce the significant project-specific effects related to conflicts with uses on public lands (Impact LU-1) to a less-than-significant level (Class II).

Utilities and Energy Conservation

Impacts: The EIR identified potentially significant but mitigable impacts related to increased demand for new energy resources (Impact UE-2) from future cannabis activities.

Mitigation: The EIR identifies several mitigation measures that would reduce potentially significant impacts to a less-than-significant level.

MM UE-2a would require cannabis licensees to implement energy conservation best management practices to the maximum extent feasible. This would include the use of renewable energy sources and energy efficient development and operations.

MM UE-2b would require that cannabis licensees participate in a Regional Renewable Choice (RRC) program, Green Rate program, Community Renewable program, or similar equivalent renewable energy program, if feasible.

MM UE-2c would encourage cannabis Permittees to participate in the Smart Build Santa Barbara (SB2) Program as part of the permit review process. This measure would ensure that Permittees receive direction on feasible energy conservation measures, incentives, or other energy-saving techniques.

Findings: The Board finds that the MM UE-2a, MM UE-2b, and MM UE-2c have been incorporated into the Cannabis Land Use Ordinance and Licensing Program. The Board finds that implementation of MM UE-2a, MM UE-2b, and MM UE-2c would reduce the significant project-specific effects related to increased demand for new energy resources (Impact UE-2) to a less-than-significant level (Class II).

1.1.7 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE

The EIR (17EIR-00000-00003) evaluated a no project alternative and three additional alternatives (Alternative 1 - Exclusion of Cannabis Activities from the AG-I Zone District, Alternative 2 - Preclusion of Cannabis Activities from Williamson Act Land, and Alternative 3 - Reduced Registrants) as methods of reducing or eliminating significant environmental impacts. The Board letter, dated February 6, 2018, and its attachments are incorporated by reference. The Board finds that the identified alternatives are infeasible for the reasons stated.

1. No Project Alternative

The No Project Alternative addresses the potential environmental impacts that could result if the proposed Project is not adopted and the mitigation measures of the Project are not implemented. Under the No Project Alternative, the direct impacts associated with licensing of an expanded cannabis industry would not occur. However, this alternative would not address unregulated and illegal cannabis activities, and would not offer an avenue for licensing and permitting. Thus, it is likely that illegal cannabis activities would continue to

exist. Under the No Project Alternative, existing County law enforcement would continue on a primarily response-to-complaints and call-for-service basis. Over the more than three decades of local, state and federal law enforcement activities cannabis cultivation and related activities have not been eradicated. Even with local, state, and federal participation in cannabis law enforcement, as well as pending state-level regulations and programs developed from MAUCRSA, the illicit cultivation and sale of cannabis in California and the County would likely continue to be a major illicit business. Therefore, there would be no orderly development, nor oversight of cannabis activities within the County, with potential for expanded illegal activities.

Under the No Project Alternative, aesthetic/visual and agricultural resource impacts would likely be reduced. However, potential impacts related to air quality, biology, cultural resources, geology and soils, hazards, hydrology, land use, public services, transportation, and utilities/energy would be more severe under the No Project Alternative.

The No Project Alternative fails to achieve the objectives of the project. Therefore, the Board finds that the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) is preferable to the No Project Alternative.

2. Alternative 1: Exclusion of Cannabis Activities from the AG-I Zone District

Under Alternative 1 - the Exclusion of Cannabis Activities from the AG-I Zone District, cannabis-related activities would not be allowed within the AG-I zone districts throughout the County. This would reduce the areas of eligibility in the County, particularly within the Carpinteria Valley and the Santa Ynez Valley. Alternative 1 would reduce the total amount of eligible area and sites as compared to the proposed Project, and would require substantial relocation or abandonment of existing cannabis operations. Existing cultivators would need to find locations within the reduced area of eligibility.

The classification of all impacts under Alternative 1 would be similar to those under the proposed Project, including significant and unavoidable impacts to agricultural resources; air quality and greenhouse gas emissions; noise; and transportation and traffic. Adoption of Alternative 1 would achieve most of the Project objectives, which include regulating cannabis activities within the County including: providing an efficient and clear cultivation and manufacturing permit process and regulations; and regulating sites and premises to avoid degradation of the visual setting and neighborhood character, odors, hazardous materials, and fire hazards. However, adoption of Alternative 1 would not achieve Project objectives related to development of a robust and economically viable legal cannabis industry (Objective 1), encouraging businesses to operate legally and secure a license to operate in full compliance with County and state regulations (Objective 4), and minimization of adverse effects of cultivation and manufacturing and distribution activities on the natural environment (Objective 6).

Although this alternative would be consistent with some of the objectives of the Proposed Project, it would not adequately meet Objectives 1, 4, and 6. As such, it has been found infeasible for social, economic and other reasons. The Board finds that the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) is preferable to Alternative 1.

3. Alternative 2: Preclusion of Cannabis Activities from Williamson Act Land

Alternative 2 considers environmental impacts under a modified set of licensing regulations that would reduce the area of eligibility on lands that are subject to a Williamson Act contract in the County where licenses may be issued for cannabis cultivation activities. Under Alternative 2, cannabis activities would not count towards the minimum cultivation requirements to qualify for an agricultural preserve contract pursuant to the Williamson Act; however, cannabis activities would be considered compatible uses on lands that are subject to agricultural preserve contracts. Cannabis cultivation activities would be limited to a maximum of 22,000 square feet of cannabis canopy cover for each Williamson Act contract premises. Agricultural use data for commercial production and reporting that would be used to determine compliance with minimum productive acreage and annual production value requirements would not include cannabis activities.

This alternative would result in limiting the potential for cannabis activities on over 50 percent of eligible County area, and would eliminate hundreds of potential cannabis operations from occurring on Williamson Act lands. As compared to the proposed Project, the approximate total area of eligibility for manufacturing and distribution would be reduced while retail sales and testing area would remain about the same.

Adoption of Alternative 2 would achieve some of the Project objectives which include regulating commercial cannabis cultivation, manufacturing, and distribution activities within the County, providing an efficient and clear cultivation and manufacturing permit process and regulations, and regulating sites and premises to avoid degradation of the visual setting and neighborhood character, odors, hazardous materials, and fire hazards. However, Alternative 2 would not reduce any significant impacts to a less-than-significant level. Moreover, adoption of this alternative would not achieve some of the basic Project objectives, including those related to development of a robust and economically viable legal cannabis industry (Objective 1), encouraging businesses to operate legally and secure a license to operate in full compliance with County and state regulations (Objective 4), and minimization of adverse effects of cultivation and manufacturing and distribution activities on the natural environment (Objective 6).

Although this alternative would be consistent with some of the objectives of the Proposed Project, it would not adequately meet Objectives 1, 4, and 6. As such, it has been found infeasible for social, economic, and other reasons. The Board finds that the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) is preferable to Alternative 2.

4. Alternative 3: Reduced Registrants

Under the Reduced Registrants Alternative, the total number of licenses issued by the County would consist of half of the number of each category of licenses that were indicated as part of the 2017 Cannabis Registry. This would restrict the County to issuing a total of 962 licenses (50 percent of the 1,924 identified), which would subsequently limit the representative buildout of the Project analyzed in the EIR by a commensurate 50 percent. Existing operators identified in the 2017 Cannabis Registry would be prioritized for licensing under this alternative, which would substantially reduce the net new buildout, while allowing for limited growth.

Alternative 3 would result in substantial reductions in the severity of most impacts compared to the Project, and would reduce significant and unavoidable impacts to agricultural resources to a less-than-significant level. However, it would not achieve the most basic Project objectives, including those related to development of a robust, economically viable, and legal cannabis industry (Objective 1), and encouraging businesses to operate legally and secure a license to operate in full compliance with County and state regulations (Objective 4).

Although this alternative would be consistent with some of the objectives of the Proposed Project, it would not adequately meet Objectives 1 and 4. As such, it has been found infeasible for social, economic and other reasons. The Board finds that the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) is preferable to Alternative 3.

1.1.8 STATEMENT OF OVERRIDING CONSIDERATIONS

The Board makes the following Statement of Overriding Considerations: The Cannabis Land Use and Licensing Program EIR (17EIR-00000-00003) found that impacts related to agricultural resources, air quality and greenhouse gas emissions, noise, transportation and traffic, and aesthetic and visual resources (cumulative) will remain significant and unavoidable (Class I). The Board has balanced "the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits" of the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) against these effects and makes the following Statement of Overriding Considerations, which warrants approval of the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) notwithstanding that all identified adverse environmental effects are not fully avoided or substantially lessened [CEQA Guidelines Section 15093(a)]. The Board finds that the benefits of the "proposed project outweigh the unavoidable adverse environmental effects," and therefore, "the adverse environmental effects may be considered 'acceptable'" [CEQA Guidelines Section 15093(a)].

Each of the reasons for approval cited below is a separate and independent basis that justifies approval of the Cannabis Land Use Ordinance and Licensing Program. Thus, even if a court

were to set aside any particular reason or reasons, the Board finds that it would stand by its determination that each reason, or any combinations of reasons, is a sufficient basis for approving the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) notwithstanding the significant and unavoidable impacts that may occur. The substantial evidence supporting the various benefits can be found in the other Findings for Approval set forth in this document, the EIR, and in the Record of Proceedings, including, but not limited to, public comment received at the numerous public hearings listed in the incorporated Board letter dated February 6, 2018.

Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Sections 15043, 15092, and 15093, any unavoidable adverse environmental effects of the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) are acceptable due to the following environmental benefits and overriding considerations:

A. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) provides for a robust and economically viable legal cannabis industry to ensure production and availability of high quality cannabis products to help meet local demands, and, as a public benefit, improves the County's tax base. For a detailed discussion of the economic viability, see the Fiscal Analysis of the Commercial Cannabis Industry in Santa Barbara County, prepared by Hdl Companies and dated October 31, 2017 and incorporated herein by reference:

   https://santabarbara.legistar.com/View.ashx?M=F&ID=5685428&GUID=E6A9F289-B740-40DC-A302-B4056B72F788

B. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) enhances the local economy and provides opportunities for future jobs, business development, and increased living wages. Moreover, the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) promotes continued agricultural production as an integral part of the region's economy by giving existing farmers access to the potentially profitable cannabis industry, which in turn would provide relief for those impacted by competition from foreign markets and rising costs of water supply.

C. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) expands the production and availability of medical cannabis, which is known to help patients address symptoms related to glaucoma, epilepsy, arthritis, and anxiety disorders, among other illnesses.

D. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) allows for the orderly development and oversight of commercial cannabis activities by applying development standards that

require appropriate siting, setbacks, security, and nuisance avoidance measures, thereby protecting public health, safety, and welfare.

E. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) provides a method for commercial cannabis businesses to operate legally and secure a permit and license to operate in full compliance with County and state regulations, maximizing the proportion of licensed activities and minimizing unlicensed activities. Minimization of unlicensed activities will occur for two reasons. First, the County will be providing a legal pathway for members of the industry to comply with the law. Secondly, the County will use revenue from the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) to strengthen and increase code enforcement actions in an effort to remove illegal and noncompliant operations occurring in the County unincorporated areas.

F. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) establishes land use requirements for commercial cannabis activities to minimize the risks associated with criminal activity, degradation of neighborhood character, groundwater basin overdraft, obnoxious odors, noise nuisances, hazardous materials, and fire hazards.

G. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) minimizes the potential for adverse impacts on children and sensitive populations by imposing appropriate setbacks and ensuring compatibility of commercial cannabis activities with surrounding existing land uses, including residential neighborhoods, agricultural operations, youth facilities, recreational amenities, and educational institutions. For detailed discussions on compatibility, see Section 3.9, *Land Use and Planning*, in the EIR, incorporated herein by reference, as well as the other Findings for Approval in this document.

H. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) provides opportunities for local testing labs that protect the public by ensuring that local cannabis supplies meet product safety standards established by the State of California.

I. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) protects agricultural resources, natural resources, cultural resources, and scenic resources by limiting where cannabis activities can be permitted and by enacting development standards that would further avoid or minimize potential impacts to the environment.

2.0 ADMINISTRATIVE FINDINGS FOR CANNABIS LAND USE ORDINANCES

In compliance with Section 35.104.060.A (Findings for Comprehensive Plan, Development Code and Zoning Map Amendments) of the Santa Barbara LUDC the Board shall make the

findings below in order to approve a text amendment to the County Land Use and Development Code (LUDC).

The findings to approve a text amendment to the County's certified Local Coastal Program are set forth in Section 35-180.6 (Findings Required for Approval of Rezone or Ordinance Amendment) of the Coastal Zoning Ordinance (CZO). In compliance with Chapter 2, Administration, Article V, Planning and Zoning, Section 2-25.2, Powers and Duties, the Board shall make the following findings in order to approve the text amendment to the CZO.

In compliance with Section 35.494.050 (Action on Amendment) of the Montecito Land Use and Development Code (MLUDC), the Board shall make the following findings in order to approve the text amendment to the MLUDC.

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

The proposed ordinance amendments are in the interest of the general community welfare since the amendments will serve to (1) define new land uses associated with cannabis activities (2) indicate those zones that allow the Cannabis land uses, and (3) set forth development standards for various permitted commercial cannabis activities to avoid compromising the general welfare of the community, as analyzed in the Board letter, dated February 6, 2018, which is hereby incorporated by reference.

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

Adoption of the proposed ordinances, as analyzed in the Board letter, dated February 6, 2018, which is hereby incorporated by reference, will provide more effective implementation of the State planning and zoning laws by revising the LUDC, CZO, and MLUDC to provide clear zoning standards that will benefit the public, consistent with the state licensing program for the cannabis industry. The proposed ordinances: define the uses associated with commercial cannabis activities; identify the zones in which cannabis land uses would be prohibited; and set forth a number of development standards and other requirements that would apply to personal cultivation, in order to avoid or otherwise minimize adverse effects from cannabis activities. The proposed ordinances would be consistent with the adopted policies and development standards of the Comprehensive Plan, including the Community Plans. The proposed ordinance amendments are also consistent with the remaining portions of the LUDC, CZO, and MLUDC that these ordinance amendments would not be revising. Therefore, the proposed ordinance amendments would be consistent with the Comprehensive Plan including the Community Plans, the requirements of State Planning and Zoning Laws, and the LUDC, CZO, and MLUDC.

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

The proposed ordinances, as analyzed in the Board letter, dated February 6, 2018, which are hereby incorporated by reference, clearly and specifically address personal cultivation and commercial cannabis activities within the unincorporated area of Santa Barbara County. The ordinances are consistent with sound zoning and planning practices to regulate land uses for

the overall protection of the environment and community values since it provides for clear direction regarding where cannabis land uses are allowed and prohibited, which serves to minimize potential adverse impacts to the surrounding area. As discussed in Finding 2.2, above, the amendments are consistent with the Comprehensive Plan, including the Community Plans, LUDC, CZO and MLUDC. Therefore, the proposed ordinances are consistent with sound zoning and planning practices to regulate land uses.

3.0 ADMINISTRATIVE FINDINGS FOR AMENDMENTS TO ARTICLE X (CASE NO. 18ORD-00000-00001)

In compliance with Section 35.104.060.A (Findings for Comprehensive Plan, Development Code and Zoning Map Amendments) of the Santa Barbara LUDC the Board shall make the findings below in order to approve the amendment and partial rescission of Article X, Medical Marijuana Regulations, of Chapter 35, Zoning, of the Santa Barbara County Code (Case no. 18ORD-00000-00001).

3.1 The request is in the interests of the general community welfare.

The proposed ordinance to amend and partially rescind Article X is in the interest of the general community welfare since it will:

- Maintain the amortization of Legal Nonconforming medical marijuana operations as established by the Board in November of 2017.
- Clarify the timing of the amortization periods for Legal Nonconforming medical marijuana operations, thereby providing certainty to the operators and the public alike regarding the status of the operations.
- Rescind the existing prohibition against medical marijuana cultivation upon the operative dates of the Cannabis Land Use Ordinances (Case Nos. 17ORD-00000-00004, -00009, -00010), thereby ensuring that the new regulations are not in conflict with existing regulations.
- Rescind the entirety of Article X upon the termination of Legal Nonconforming uses, thereby removing obsolete regulations.

3.2 The request is consistent with the County Comprehensive Plan, the requirements of state planning and zoning laws, and the LUDC and CZO.

Adoption of the proposed ordinance, as analyzed in the Board letter, dated February 6, 2018, which is hereby incorporated by reference, will ensure that the provisions in Article X are consistent with the new regulations in the LUDC, CZO, and MLUDC should the Board adopt the Cannabis Land Use Ordinances (Case Nos. 17ORD-00000-00004, -00009, -00010). The amended Article X would be consistent with the adopted policies and development standards of the Comprehensive Plan, including the Community Plans. Together with the Cannabis Land Use Ordinances, the amended Article X will allow for more effective implementation of the State planning and zoning laws by ensuring consistency with the new State licensing program for the cannabis industry. Therefore, the proposed ordinance amendments would be

consistent with the Comprehensive Plan including the Community Plans, the requirements of State Planning and Zoning Laws, and the LUDC, CZO and MLUDC.

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

The proposed amendments to Article X are consistent with sound zoning and planning practices since they will ensure that there is no conflict between the new cannabis regulations and the existing medical marijuana regulations. Moreover, the amendments provide a clear timeframe for the termination of Legal Nonconforming uses for medical marijuana cultivation. Finally, the amendments provide for Article X to be rescinded entirely once Legal Nonconforming medical marijuana operations are terminated and the separate medical marijuana regulations are no longer necessary. Thus, the proposed amendments are consistent with sound zoning and planning practices to regulate land uses.

4.0 AMENDMENT TO THE UNIFORM RULES FINDINGS (Case No. 17ORD-00000-00019)

4.1 The request is in the interests of the general community welfare.

The proposed amendment to the Uniform Rules would limit the amount and types of cannabis activities that would be permitted on Williamson Act lands. This is in the interests of the general community welfare because the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and also for the assurance of adequate, healthful, and nutritious food for residents of the state and the nation. The amendment would also specify that cannabis activities are not compatible with Williamson Act contracts for open space or Williamson Act contracts for recreation, thereby ensuring the continued protection of scenic, biological and recreational resources in those preserves.

4.2 The request is consistent with the County Comprehensive Plan, the requirements of state planning and zoning laws, and the LUDC and CZO.

The amendment of the Uniform Rules, as analyzed in the Board letter, dated February 6, 2018, which is hereby incorporated by reference, would be consistent with the adopted policies and development standards of the Comprehensive Plan, including the Land Use and Agricultural Elements. The Agricultural Element contains goals and policies which require the protection of agriculture lands, the reservation of prime soils for agricultural uses, and the preservation of a rural economy. The amendment would limit the types and amounts of cannabis activities that would be permitted on Williamson Act lands. It would also specify that some cannabis activities, including cultivation, are compatible with the agricultural uses on Williamson Act lands, thereby ensuring consistency with the Cannabis Land Use Ordinances (Case Nos. 17ORD-00000-00004, -00010).

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

The Agricultural Preserve Advisory Committee (APAC) held three hearings on the matter of cannabis activities to be permitted on Williamson Act lands. At the hearings, public input was received and information such as current zoning and planning practices, assessor policies and procedures, potential environmental impacts, and approaches taken by other counties was discussed. The purpose of agricultural preserve program and uniform rules was also discussed

as a factor in making a recommendation to the Board. APAC recommended the proposed amendments to the Uniform Rules on December 1, 2017, with particular consideration given to applying good zoning/planning practices while preserving agricultural and open space land in the County. As also stated under 4.2 above, the proposed Uniform Rules amendment is consistent with all applicable policies of the Comprehensive Plan and Land Use and Development Code.

Attachment 3 –
Biological Resources Assessment
January 25, 2021

SFS Farms (APN 099-150-065)
4874 Hapgood Road, Lompoc, CA 93436
Biological Assessment of Proposed Agricultural Development
SFS Farms OpCo 1, LLC.,19LUP-00000-00312

Prepared for:
Jason Kiredjian
SFS Farms, LLC
606 Alamo Pintado Rd
Unit 233
Solvang, CA 93463

Prepared by:
David Lee
David N. Lee Consulting
Ojai, CA 93023

January 25, 2021

SFS Farms

APN 099-150-065

Table of Contents

1.0 EXECUTIVE SUMMARY

This updated biological assessment contains revisions and amendments requested by County of Santa Barbara, Planning and Development per the Biological Report Peer-Review document dated April 30, 2020.

This report describes biological resources, potential impacts and their mitigation on a proposed 86.8-acre cannabis operation located in an agricultural field under continuous cultivation since at least 1928 (UCSB, 2020). Parcel **APN 099-150-065** is located on a ranch at 4874 Hapgood Road, 16 miles east of Lompoc, California.

Important biological resources on and around the Project Area were identified, including an ephemeral drainage that runs east-west along the northern boundary of the field and a state-listed coast horned lizard observed during a site visit. A potential California tiger salamander (*Ambystoma californiense*) breeding pond was located off-site that could support CTS.

Direct, indirect and cumulative impacts of cannabis activities on these and other biological resources were analyzed. Potential direct impacts include wildlife mortality and restricted movement due to increased agricultural activity such as tilling and vehicle traffic. Indirect impacts could include release of soil and pesticides into the ephemeral drainage and secondary wildlife poisoning from rodenticides.

There will be no direct, adverse effects on habitats or sensitive natural communities as a result of implementing the proposed project.

Habitat buffers will be maintained by the landowner through grazing with goats or cattle; oak trees will be protected from grazing impacts and no project traffic or other activities will occur inside the buffers.

Finally, several mitigation measures are proposed to reduce impacts of the project. These include a Wildlife Movement Plan, a buffer between riparian habitat and cannabis activities, use of shielded lighting, pre-construction wildlife surveys, and construction monitoring.

2.0 INTRODUCTION

This report describes biological resources (vegetation, habitats, special status plant and animal species) on a property located 16 miles east of Lompoc, Ca, analyzes potential impacts to those resources and proposes mitigation measures.

This report is required as part of the applicant's Santa Barbara County Land Use Permit application. Within the 966-acre parcel, the 86.8-acre proposed "Project Area" (ie project footprint) will be planted in cannabis or used for supporting infrastructure. *The Project Area has been continuously cultivated since 1928 (UCSB, 2020).* Property location and other details follow.

- **Brief project description:** The 86.8-acre proposed project is to cultivate approximately 82.6 acres of outdoor cannabis and 4.1 acres of nursery operations with 21.3 acres of farm roads, habitat buffers and parking. Please see Section 3.0 for details.

  Storage of hazardous substances such as herbicides, pesticides, and fertilizes and restrooms will be located approximately 830 feet north of the drainage on the other side of a ridge. Project waste receptacles will be of the type that prevents wildlife and pest access.

  Habitat buffers will be maintained by the landowner through grazing with goats or cattle; oak trees will be protected from grazing impacts and no project traffic or other activities will occur inside the buffers.

- **P&D Project name and case number:** SFS Farms OpCo 1, LLC., 19LUP-00000-00312

- **Longitude/Latitude**: 34.652643°N, 120.353069°W (center of Project Area).

- **USGS quadrangle:** Los Alamos

- **Parcel APN** 099-150-065 (966 acres)

- **Project footprint** (Project Area): 86.8 acres

3.0 PROJECT DESCRIPTION

This Land Use Permit is based upon and limited to compliance with the project description and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

This Land Use Permit is to allow for approximately 82.57 acres of outdoor cannabis cultivation and 4.18 acres of nursery operations on approximately 86.8 acres on a 965.6 -acre parcel. The project includes the use of an existing 4,800 square foot AG support structure for proposed employee bathrooms and a single 200 sqft office. Proposed pole-mounted motion-sensor lighting and building-mounted lighting is proposed for security purposes, along with security cameras. Power for full cutoff lighting and cameras will be pulled from existing power running to the processing building. Power and data cables will be run across existing utility poles to each device as necessary. The site will be accessible via a private access driveway off Highway 246 and will be secured by a locked gate.

Traffic generation will be reduced by implementing a Site Transportation Demand Management Plan, which includes ridesharing and compressed work schedules to reduce vehicle trips. The applicant estimates that nine (9) full-time employees will be on site, year-round and an additional 5-15 daily workers during the growing season. During harvest season, there will be up to one hundred (100) additional, seasonal workers twice per year. The existing parking area with 47 parking spaces is proposed to be used for the project and will include eleven (11) rideshare spaces, four (4) shuttle

spaces, and one (1) handicapped space. All product will originate from the subject property and will be transported west via 246 to processing facilities throughout California. During non-harvest season, operations will run from approximately 6:00 a.m. to 3:00 p.m., 7 days a week. During harvest season, operations will be from 5:00 a.m. to 7:00 p.m., 7 days a week in the field, with 24 hour a day on site security and processing.

Employee bathrooms inside the existing agricultural building are proposed for use of full-time staff and daily workers. Fresh water will be supplied from an existing well for employee use, and portable potable water stations will be made available for harvest and daily labor staff during growing and harvest seasons. Additionally, during the growing and harvest seasons, chemical toilet facilities will be maintained by a third-party supplier once a week, and every two weeks during the non-harvest season. The crop is anticipated to be harvested 1-2 times per year; with cultivation activities taking place from February through October. Harvest lasts approximately 1 month. During the harvest season, it is anticipated that 6-10 vehicles will transport product from the site per day.

Historic and current aerial photography shows the cultivation site has been in continuous cultivation since 1928. The current landowner and operator has stated the project area has been used to grow organic strawberries in raised beds covered in plastic and a variety of crops going back before 1928.

Currently, ten to fifteen (10-15) full time employees are on-site year-round from 6 AM to 3 PM. Their main growing season is from May to November with an additional forty to fifty (40-50) daily workers for five to six months of the year. Up to two hundred (200) daily workers during peak season & harvest operations, July-August-September (5 AM - 7 PM). Ten to twelve (10-12) trucks per day are used to transport strawberries to cold storage processing in Lompoc. Three to four (3-4) shuttle vans used to transport workers to and from the Lompoc area daily during the existing strawberry growing and harvest season. An additional two to three (2-3) trucks per week deliver miscellaneous services and supplies.

The proposed cannabis operations will employ nine to ten (9-10) full-time employees year-round from 6AM to 3 PM. During the main growing season, February to October, there will be five to fifteen (5-15) additional daily workers. During the harvest season, up to one hundred (100) daily workers will work on site from 5 AM to 7 PM. During the harvest season, from six to ten (6-10) trucks per day will be used to transport harvested cannabis to related processing centers. One to two trucks per week (1-2) will be used to bring miscellaneous services and supplies to the operation.

Existing agricultural roads provide service to commercial farms north of the project and an active cattle ranch south of the project. These agricultural operations will continue to utilize these roadways as they are continuing commercial agricultural operations.

Existing plant and potential riparian habitat will be further protected by designating a series of fallow buffer zones in which no cultivation activity will take place. Existing agricultural roads on the border of the project will be shifted inward to create fallow buffers between the cultivation activities and project boundaries. The southern border of the project area will incorporate a 25-foot fallow buffer, the eastern side will incorporate a 50-foot fallow buffer, the western edge will incorporate a 50-foot fallow buffer, and the north edge will incorporate a 50-foot fallow buffer from the edge of riparian habitat.

Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval. Please see **Figure 1**.

High-resolution digital site plans were submitted with this report. For digital files or prints, please contact Kapono Curry (kapono@bayke.com).

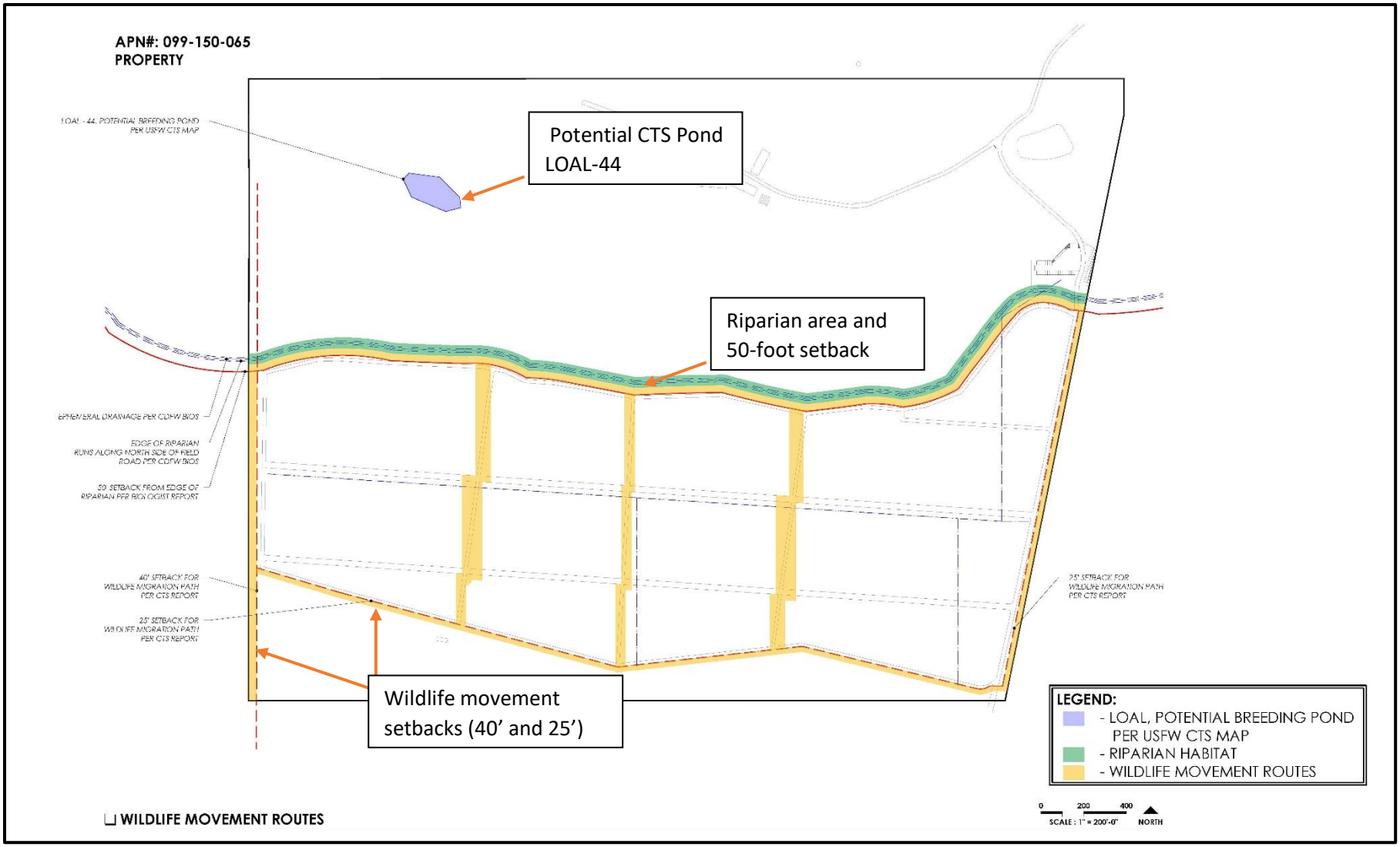


Figure 1. Site Plan

High resolution digital or print site plans are available from kapono@bayke.com

4.0 PROJECT LOCATION

The property is located at 4874 Hapgood Rd, Lompoc, CA 93436 approximately 16 miles east of Lompoc within Santa Barbara County (**Figure 2**).

Figure 2. Project Location

5.0 METHODS

Desktop Review

Before the site visit, a desktop literature review was conducted to determine which special status species may occur in the project region. Probability of occurrence was evaluated based on historic records and current land use of the Property. Online databases of special status plants and animals were reviewed using the California Natural Diversity Database (CNDDB).

Site Visits

Two site visits were conducted; one on Aug. 5, 2019 and another on Sept. 3, 2019. During the Aug. 5 general site visit, Biologist David Lee walked the perimeter of the Project Area (project footprint), including the ephemeral drainage on the north boundary of the cultivation field. Special habitat types were noted and habitat quality was assessed for special status plants and animals.

Animal and plant species observed were noted and are included in **Appendix 3**. This general site visit was not intended to detect specific special status animals or plants. Rare plant and protocol-level surveys for special status species were not conducted. A complete floristic inventory was not taken and the site visit was conducted outside the blooming period for most flowering plants. A wetland delineation was not conducted.

A second site visit was conducted on September 3, 2019 by biologists David Lee and Vince Semonsen to evaluate the two potential California tiger salamander ponds (LOAL-10 and LOAL-44) and an agricultural reservoir. Protocol surveys for CTS were not conducted.

Vegetation classification and mapping

Vegetation in the vicinity of the Project Area was classified to the alliance and association level using CDFW-CNPS protocol for the Combined Vegetation Rapid Assessment (CNPS 2019) and the California Manual of Vegetation, 2nd edition (Sawyer, et al 2008). Once classified, vegetation communities were mapped using Google Earth Pro. The Vegetation Rapid Assessments were conducted by biologists David Lee and Shamata James on March 4, 2020.

Handheld GPS were used to map biological features in and around the Project Area. Photographs of the Project Area and surrounding habitats were taken and are included in **Appendix 1**.

6.0 EXISTING CONDITIONS

Landforms and Land Use

The Project Area includes varied topography, from rolling hills to flat agricultural land. A drainage runs along the north size of the Project Area. Land use is mainly active agriculture (vineyards and field crops) and grazing. Project Area topography is depicted in **Figure 2a**.

Soils

Soils in the Project Area are predominately Corralitos loamy sand on 2 to 9 percent slopes (CuC) and Elder shaly loam, 0 to 2 percent slopes (EnA2) (USDA, 2018).

Waterbodies and Wetlands

An ephemeral drainage with some riparian vegetation runs along the north boundary of the Project Area. The drainage was dry at the time of our site visit in August except for a few shallow pools, the result of leakage from a nearby agricultural well. An 0.8-acre reservoir is located 0.15 miles northwest of the Project Area, surrounded by aquatic vegetation that contained water at the time of our survey. The reservoir will not be used for project-related activities (**Figures 4 and 5**).

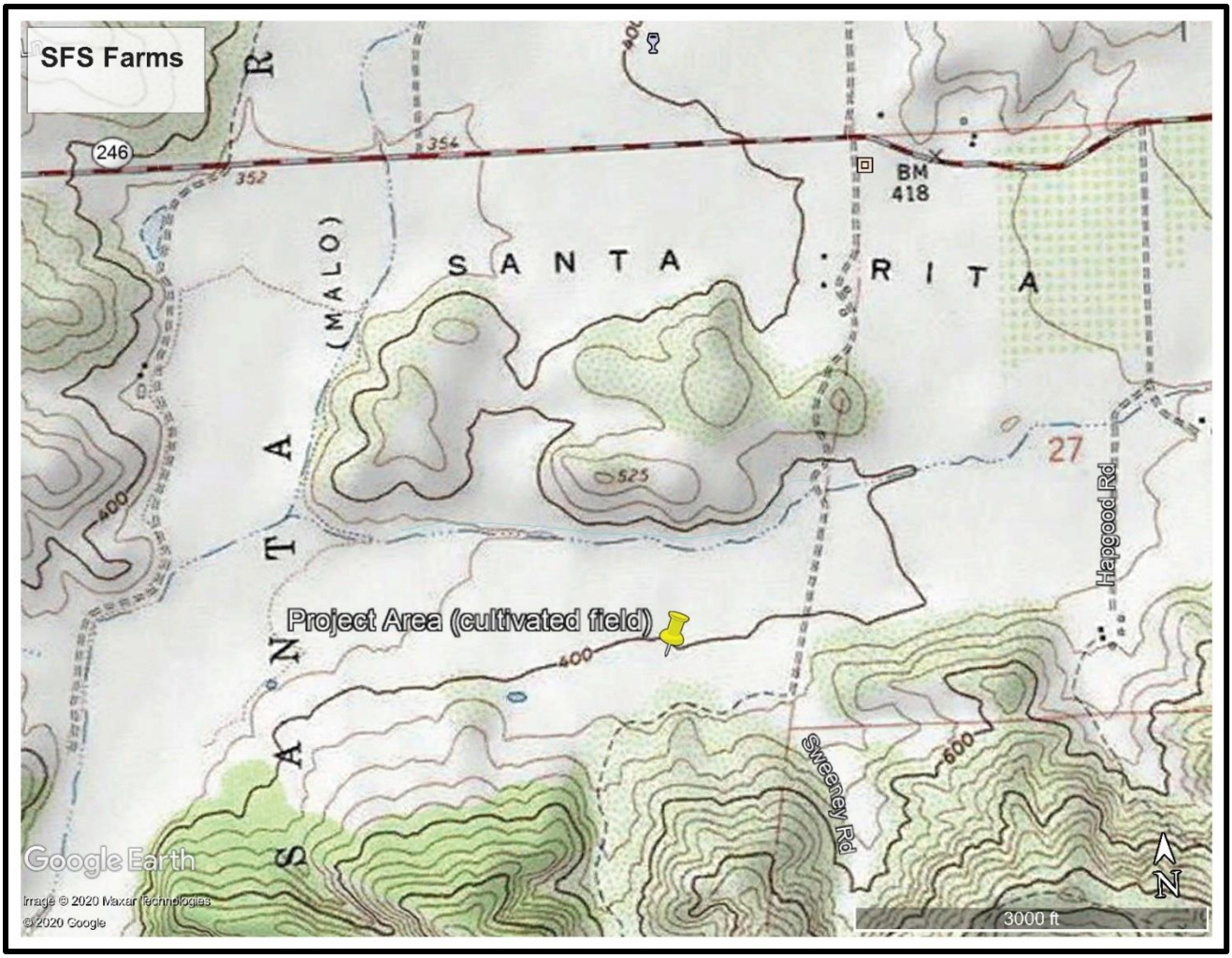


Figure 2a. Project Area Topography

7.0 SPECIAL STATUS HABITATS

The CNDDB lists three (3) special status habitats in the project vicinity: Central Marine Chaparral, Southern Cottonwood Willow Riparian Forest and Southern Willow Scrub. Of these, only Southern Willow Scrub is present in the drainage near the Project Area along the northern border of the cultivation field (CNDDB, 2019).

Vegetation Communities on Site
Four vegetation alliances were identified one the periphery of the Project Area using the CDFW-CNPS protocol for the Combined Vegetation Rapid Assessment: *Salix lasiolepus* Shrubland Alliance, *Artemisia californica* Shrubland Alliance, *Schoenoplectus (acutus, californicus)* Herbaceous Alliance, and *Erodium sp.* Herbaceous Alliance. Please see **Figure 3** for a map of vegetation alliances.

- ***Salix lasiolepus* Shrubland Alliance** (arroyo willow thickets).
  Stand size: 1.9 Acres (A). Impacted area: 0A. Sensitive status: Yes
  Association*: Salix lasiolepis - Baccharis pilularis /Rubus ursinus*

  This riparian alliance stand is located in an ephemeral drainage just north of the Project Area. *Salix lasiolepis* is co-dominant with *Baccharis pilularis* in the tall shrub canopy. *Sambucus nigra* was present but not dominant. All shrubs in the stand were <10m with *Quercus agrifolia* the only tree at <10% cover. The herbaceous layer was variable, dominated by non-native weeds including *Conium maculatum*.

- ***Artemisia californica* Shrubland Alliance** (California sagebrush scrub).
  Stand size: 28.2A. Impacted area: 0A. Sensitive status: No
  Association: A*rtemisia californica - Baccharis pilularis/ Leymus condensatus*

  This alliance stand is located on the south-facing slopes above (north) of the ephemeral drainage. *Artemisia californica* is dominant or co-dominant in the shrub canopy with *Baccharis pilularis*. *A. californica* is more than three times the cover of *B. pilularis.* The shrub canopy is < 2m and intermittent on a south facing slope. The herbaceous layer is dominated by *Erodium sp.*

- ***Schoenoplectus (acutus, californicus)* Herbaceous Alliance** (Hardstem and California bulrush marshes).
  Stand size: 0.3A. Impacted area: 0A. Sensitive status: Yes
  Asocition: *Schoenoplectus acutus* association.

  This alliance stand describes the potential CTS pond LOAL-44. *Schoenoplectus acutus* was the dominant aquatic herbaceous species with no co-dominants observed.

- ***Erodium sp.* Herbaceous Alliance** (Fillaree grassland).
  Stand size: 7.8A. Impacted area: 0A. Sensitive status: No

  This stand is located on flat grazing land downslope of the potential CTS pond. *Erodium sp.* is dominant with assorted grasses as co-dominants. Proposed new alliance.

- ***Non-native Alliance 1*** (non-native grassland)
  Stand size:1.27A. Impacted area: 0A. Sensitive status: No

  This stand is located along the western boundary of the property. The herbaceous layer is dominated by non-native grasses such as wild oats (*Avena sp*.) and bromes *(Bromus sp*.), along with poison hemlock (*Conium maculatum*), milk thistle (*Silybum marianum*) and black mustard (*Brassica nigra*). Some native shrubs are extant, but all are sporadic and non-dominant with cover less than 10%. These include blue elderberry (*Sambucus nigra*), and coyote brush (*Baccharis pilularis*). A few coast live oaks (*Quecus agrifolia*) were noted along the fencelines well within the habitat buffer.

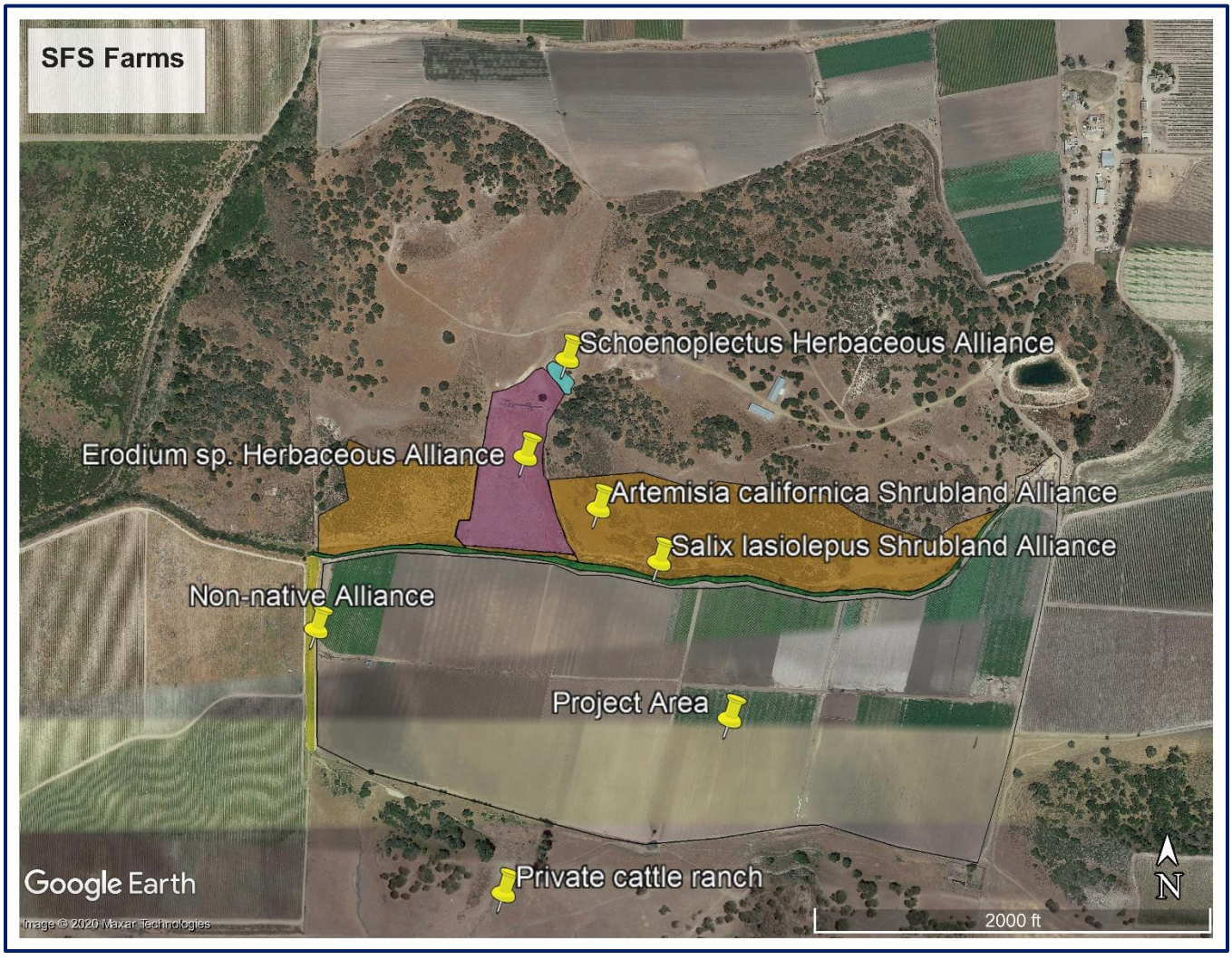


Figure 3. Vegetation Communities on Site.

8.0 SPECIAL STATUS PLANTS

Special status wildlife and plants are herein defined as rare, threatened, endangered, candidate, or special concern species listed by state or federal agencies (CDFW and USFWS), or in local or regional policies or regulations.

No special status plants were observed in the Project Area or nearby during our general site visit conducted Summer 2019, although we did not conduct focused botanical surveys and the site visit was done outside the blooming period of most flowering plants. The CNDDB lists 12 special status plants species with potential to occur on or near the Project Area (CDFW, 2019). Please see **Appendix 2**. None of these species have potential to occur in the Project Area due to active cultivation, the lack of suitable habitat, and its history of long-term disturbance.

There is a **very low** potential for any rare plants to occur within the habitat buffers. **Therefore, a rare plant survey is not required, since there will be no project activities within the buffers**. Please see **Appendix 3** for a list of plant species observed on site.

9.0 SPECIAL STATUS WILDLIFE

A search of the CNDDB resulted in eight (8) special status wildlife species with potential occur on or near the Project Area (CDFW, 2019). Our 5-mile radius database search included sensitive wildlife species known from the project region that could potentially occur as seasonal transients or residents on or near the Project Area due to the presence of suitable habitat. Please see **Appendix 2** for a detailed species list, including closest CNDDB record to the Project Area.

Special status wildlife and plants are herein defined as rare, threatened, endangered, candidate, or special concern species listed by state or federal agencies (CDFW and USFWS), or in local or regional plans, policies or regulations.

Thirteen (13) wildlife species were observed during our Aug. 5, 2019 site visit (please see list in **Appendix 3**). Several special status wildlife species warrant special attention including California tiger salamander, coast horned lizard, American badger, California legless lizard, Western spadefoot toad and patch-nosed sneak. **Appendix 2** lists each species' nearest known CNDDB record.

Wildlife Resources on Site

California tiger salamander (*Ambystoma californiense*).
California tiger salamander (CTS) spend approximately 90 percent of their lives underground in small mammal burrows. The most efficient way to detect their presence is surveying potential breeding ponds. Biologists conducting protocol surveys utilize nets to capture any CTS larva of the year. However, there must be enough winter rain to fill a potential breeding pond before it can be surveyed. Often in dry years there is insufficient rainfall to fill ponds, and surveys must be postponed.

While not a substitute for protocol surveys, a habitat evaluation by a CTS expert can provide additional information in dry years when surveys cannot be conducted. Based on his Sept. 3, 2019 site visit,

permitted CTS biologist Vince Semonsen did not find any evidence of ponding at pond LOAL-10. The site was dry with no wetland vegetation and no outline of a pond. A review of historical Google Earth Pro imagery confirmed the lack of a pond at this location. The history of why this spot was considered a potential CTS breeding pond is unknown.

Based on Semonsen's site visit, CTS Pond LOAL-44 and the surrounding natural habitat probably support CTS. However, "since all of the proposed agricultural development will be done on land that has no CTS upland habitat there is very little chance of any short-term impacts to the endangered salamanders," Semonsen concluded. To mitigate this, Semonsen recommended creating a CTS movement corridor through the Project Area (Semonsen, 2019). See **Figure 4**.

The nearest known occupied CTS breeding pond is approximately 2.25 miles to the southwest (LOAL-2w). See **Figure 4**. The maximum distance CTS have been observed to travel over land from breeding pools is 1.24 miles (USFWS, 2003). Pond LOAL-44 is approximately 0.18 miles (960 feet) from the norther boundary of the Project Area.

The applicant has initiated consultation with the US Fish and Wildlife Service regarding potential impacts to CTS.

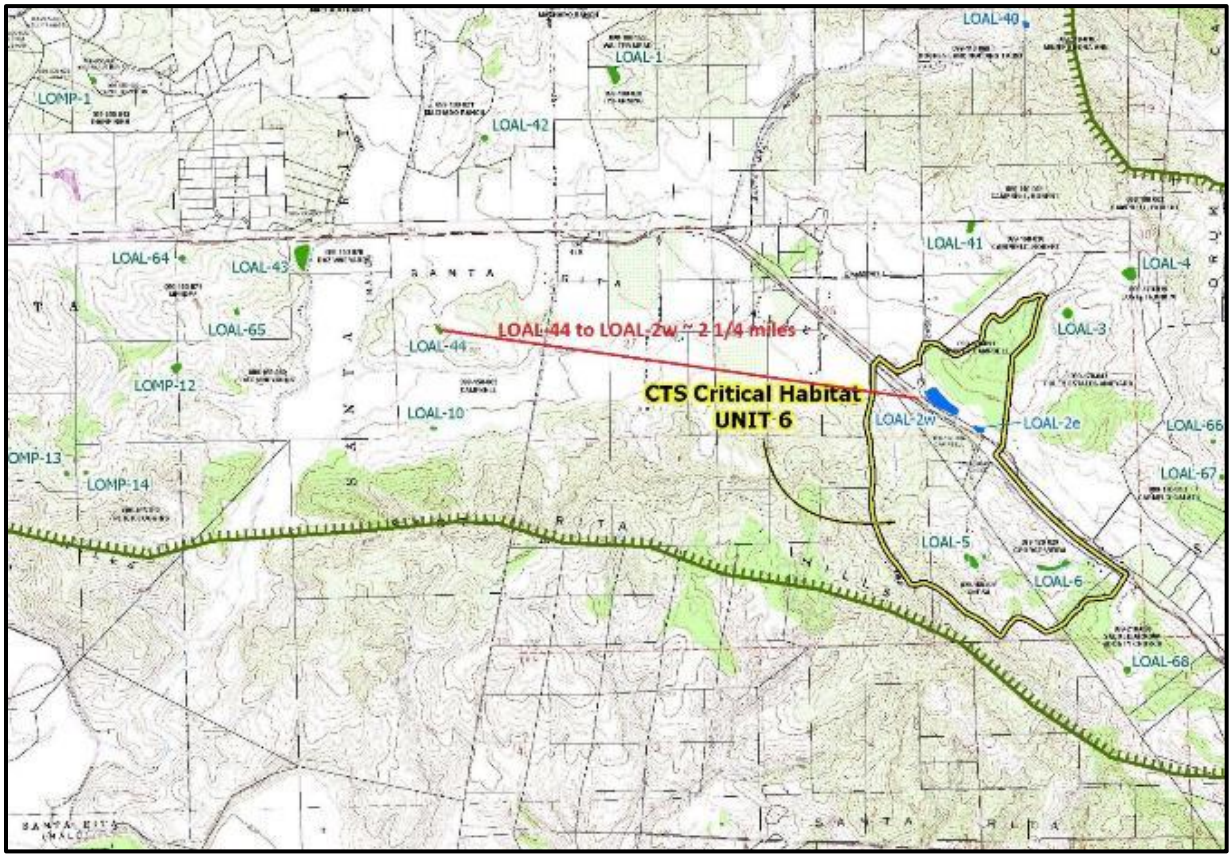


Figure 4. USFWS Map of CTS pools in the project region.

Coast Horned Lizard – observed
The only special status species observed was an adult Blainville's (coast) horned lizard (*Phrynosoma (Anota) coronatum)* on the road bordering the south edge of the Project Area (cultivation field). Coast horned lizard are listed by CDFW as a Species of Special Concern. **Please see Figure 5.**

Other Special status Species
Other special status wildlife species with low potential occur on or near the Project Area include northern California legless lizard (*Anniella pulchra),* western spadefoot (*Spea hammondii),* and coast patch-nosed snake (*Salvadora hexalepis virgultea),* and American badger (*Taxidea taxus*). Since the Project Area contains no native habitat, there is low potential for these species to occur on site. Please see **Appendix 3** for a list of wildlife species observed on site.

The site visit was conducted toward the end of nesting bird season (Feb 1 – Sept 1) in August, 2019 and no active nests were observed. However, it is possible nesting birds may occur in native habitat that borders the Project Area.

Wildlife Movement Corridors
An ephemeral drainage runs east-west along the north boundary of the Project Area. This drainage and associated riparian habitat and the proposed setback will provide excellent opportunities for east-west wildlife movement. A ridge to the north, upslope of the drainage provides additional wildlife movement routes.

North-south wildlife movement through the Project Area will be accommodated with a 50-foot setback along the western edge of the Project Area, 25 feet on the south and 50 feet on the east border, and through gaps between crop blocks. Please see **Figure 1**. Please see the projects' Wildlife Movement Plan (Lee, 2020) for details.

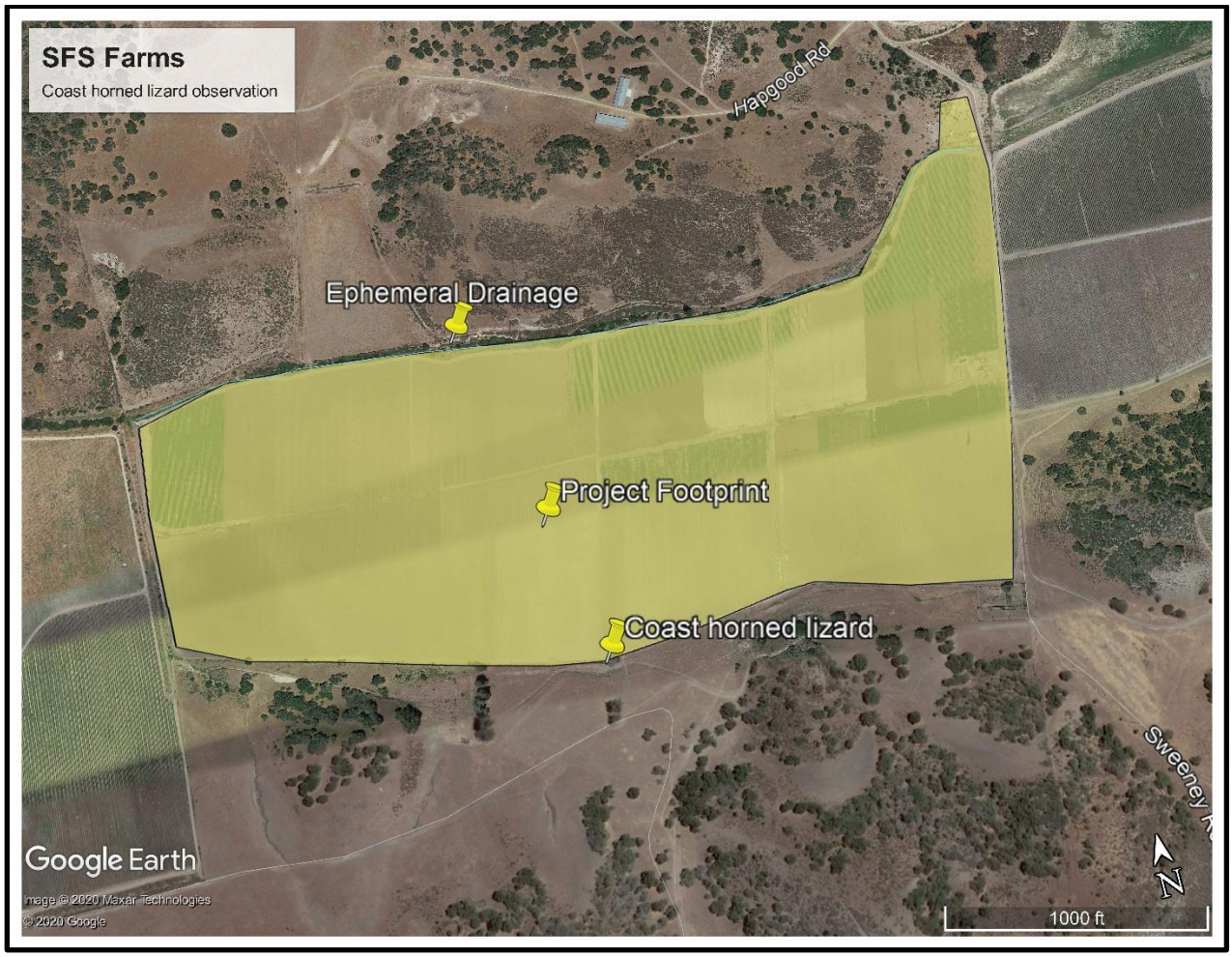


Figure 5. Location of adult Coast horned lizard observed 8-5-19. Project footprint is shaded yellow.

10.0 WETLAND DELINEATION

A wetland delineation for potential Federal and State jurisdictional boundaries on the Project Area has not been conducted. According to the National Wetlands Inventory (USFWS, 2019), the drainage on the north edge of the cultivation field (Project Area) is classified as Freshwater Forested / Shrub Wetland.

A wetland delineation is not required, since there will be no impacts to wetlands due to 1) a 50-foot setback from the edge of all riparian vegetation and 2) erosion control measures.

11.0 REGULATORY SETTING

Biological resource regulation is shared by Federal, State and County authorities under a variety of statutes and guidelines. Applicable statutes may include the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), the Clean Water Act Section 404 (for protection of wetlands), Bald Eagle Protection Act, Migratory Bird Treaty Act, Executive Order 11990

(wetlands protection), and California Fish and Game Code Section 1601 and 1603 Stream Alteration Agreements.

Under CEQA, the County of Santa Barbara has primary authority for regulating biological resources on the Project Area, which is not located within any city jurisdiction. Other agencies involved in regulation of special status species and protected habitats include the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS).

County of Santa Barbara

This Biological Assessment has been prepared as a required attachment to proposed project's application for a County of Santa Barbara Land Use permit for a cannabis operation.

County Cannabis Regulations

This report also addresses the Tree Protection, Habitat Protection and Wildlife Movement Plans as required in the County's Cannabis Land Use Ordinances. According to the ordinance, these plans would be required if the permit application includes 1) trimming or removal of native trees, 2) clearing of native vegetation, 3) in or near a wildlife movement area.

- *A Habitat Protection Plan is not required for this project; no natural habitat will be disturbed.* ***Any existing farm roads within habitat buffers will not be used*** *(Santa Barbara County, 2011).*

- *A Tree Protection Plan is not required for this project; no trees or shrubs will be pruned or removed, all trees are well within habitat buffers and all driplines are at least 10 feet from project activity boundaries.* ***Any existing farm roads within habitat buffers will not be used*** *(Santa Barbara County, 2011).*

California Department of Fish and Wildlife

The California Department of Fish and Wildlife (CDFW) is a trustee agency for biological resources throughout the State under CEQA, the California Endangered Species Act and California's Fish and Game Code, which includes protections for riparian areas, wetlands and nesting birds.

If the Project will disturb wetlands or natural drainages, a CDFW Streambed Alteration Agreement may be required. Nesting bird protections may be required for ground disturbance and tree trimming or removal during the nesting season (Feb – Aug).

CDFW shares jurisdiction with the USFWS for California tiger salamander; CTS are listed as Threatened under both Federal and California Endangered Species Acts.

California Regional Water Quality Control Board

Section 19332 (d) of the Business and Professions Code directs the State Water Board, in consultation with the California Department of Fish and Wildlife (CDFW) and the California Department of Food and Agriculture (CDFA), to ensure, pursuant to Section 13149 of the Water Code, that individual and cumulative effects of water diversions and discharges associated with cannabis cultivation do not affect the instream flows needed for fish spawning, migration, rearing, and the flows needed to maintain natural flow.

U.S. Fish and Wildlife Service

The U. S. Fish and Wildlife Service (USFWS) manages protected plants and animals under the Federal Endangered Species Act (FESA). If there is potential to harm or "take" of a FESA listed species, a USFWS permit is required through either the FESA Section 7 or Section 10 process. USFWS lists California tiger salamander (CTS) (*Ambystoma californiense*) as federally-threatened.

USFWS has developed a *General Conservation Plan for Cultivation Activities in Santa Barbara County.* This plan streamlines permitting for impacts to California tiger salamander and their habitat in Santa Barbara County. The General Conservation Plan covers activities associated with the installation and operation of vineyards, crops, and other agricultural development involving land-clearing ripping, plowing and other soil cultivation techniques (USFWS, 2019.2). *CTS consultation with USFWS has been initiated for this project.*

U.S. Army Corps of Engineers

Wetland and riparian communities may be subject to U.S. Army Corps of Engineers (USACE) jurisdiction as '*Waters of the U.S.*', pursuant to the Federal Clean Water Act. Protection for wetlands and riparian habitat is also afforded the State Clean Water Act (Porter-Cologne Act) which is administered by the California Regional Water Quality Control Boards (RWQCB).

The Proposed Project will not remove or otherwise alter wetlands, riparian habitat, or "Waters of the U.S." USACE or the RWQCB permitting is not anticipated.

12.0 PROJECT IMPACTS

The following analysis determines the potential direct, indirect and cumulative effects of the proposed project on biological resources in and around the Project Area. The Project Area is in an agricultural field which has been under continuous cultivation for at least 36 years (Google Earth, 2020). Therefore, *there will be no direct, adverse effects on habitats or sensitive natural communities as a result of implementing the proposed project.*

Analysis of potential project-related impacts to biological resources is based on two field site visits, review of aerial photographs, and a review of the California Natural Diversity Data Base (CNDDB) records for special status species and habitats. Our evaluation of impacts follows the Santa Barbara County Cannabis Final Environmental Impact Report (Santa Barbara, 2017) and the County's Environmental Thresholds and Guidelines Manual (Santa Barbara, 2018).

Our environmental impact analysis and mitigations also take into account Federal and State biological resource regulations. The Federal Endangered Species Act and California Endangered Species Act formally list plant and animal species determined to be rare, threatened or endangered, or candidate species, and establish regulations for protecting these species and their habitats.

Santa Barbara County Cannabis EIR

Under CEQA, if some project impacts cannot be avoided or mitigated, an Environmental Impact Report (EIR) is required. A programmatic EIR (PEIR) was prepared for the County's Cannabis Land Use Ordinance and Licensing Program (the Project) in 2017.

Impacts of this proposed Project Area are analyzed according to the PEIR (Santa Barbara, 2017). Impacts are classified into four types:

- Class I: Significant; cannot be mitigated to a level that is not significant
- Class II: Significant; less than significant with mitigation
- Class III: Adverse, but not significant
- Class IV: Beneficial impacts.

"Significant effect" is defined by Section 15382 of the CEQA Guidelines as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."

A loss of, or disturbance to unique, rare, or threatened habitats, species or movement corridors, or conflict with local, state or federal policies, would be considered significant because it could result in the reduction or elimination of a population or the habitat upon which it depends for survival.

Santa Barbara County Environmental Thresholds

Several Santa Barbara County policies require the protection of natural habitats and associated

wildlife and vegetation. Requirements for the protection of biological resources in the unincorporated area of Santa Barbara County are provided by the Comprehensive Plan Conservation Element, Environmental Resource Management Element (ERME), Land Use Element, Community Plans, and the Coastal Land Use Plan. These documents identify sensitive habitats and species, and provide measures to direct project design and policies to protect biological resources. These policies are summarized in the County's Environmental Thresholds and Guidelines Manual (Santa Barbara, 2018).

Project Impacts

State CEQA Guidelines provide the County with general direction for the evaluation of biological resource impacts as a part of the environmental review of proposed projects. Specific biological impacts have been developed for the PEIR for cannabis activities in Santa Barbara County (Santa Barbara, 2017). These impacts encompass the biological effects listed in the County's Environmental Thresholds and Guidelines Manual. Please see **Table 1** for a summary of impacts and their significance and **Section 13** for proposed mitigation measures.

Impact BIO-1. Cannabis activities could have adverse effects on unique, rare, threatened, or endangered plant or wildlife species.

Direct impacts include soil tilling, equipment and vehicle traffic which could result in special status wildlife mortality including California tiger salamander, coast horned lizard, American badger, northern California legless lizard, western spadefoot toad, coast patch-nosed snake and ground-nesting birds.

While hoop houses have been removed from the proposed project description, an increase in human activity due to cannabis farming may have a negative impact on foraging use by raptors and other predators. Soil permeability and impacts to ground-dwelling wildlife unlikely to change, since the field is currently under active cultivation with regular ground disturbance.

Project buffers to protect wildlife resources, habitat and trees are as follows: 50 feet from the edge of riparian on the northern drainage, 50 feet on the west boundary and 25 feet on the south and 50 feet on the east boundaries. Please see Figure 1. **There will be no project activities within the habitat buffers**, including vehicle traffic and employee access routes within these habitat buffers. Any existing roads within these buffers will not be used.

Indirect impacts include release of sediment, fertilizers and pesticides from the Project Area into the ephemeral riparian drainage, use of rodenticides that cause secondary mortality (via ingestion of poisoned rodents). these materials will be stored 830 feet from the drainage on the other side of ridge. Unshielded lighting which could impact wildlife in surrounding habitat and human disturbance from increased agricultural activity.

Cumulative impacts include regional conversion of wildlife habitat for vineyards, cannabis and other agricultural products, regional reduction in surface water quality and a regional down-trend in wildlife populations.

Therefore, due to the potential presence of special status species, this impact is considered significant and would require mitigation measures to reduce impacts to *less than significant with mitigation (Class II)***.**

Impact BIO-2. Cannabis activities could have adverse effects on habitats or sensitive natural communities.

There will be no direct, adverse effects on habitats or sensitive natural communities as a result of implementing the proposed project. No trees or shrubs will be pruned or removed; no sensitive natural community will be disturbed.

A **Habitat Protection Plan** is not required for this project; no natural habitat will be disturbed. **Any** existing farm roads within habitat buffers will not be used (Santa Barbara County, 2011).

A **Tree Protection Plan** is not required for this project; no trees or shrubs will be pruned or removed, all trees are well within habitat buffers and all driplines are at least 10 feet from project activity boundaries. Any existing farm roads within habitat buffers will not be used (Santa Barbara County, 2011).

Project buffers to protect wildlife resources, habitat and trees are as follows: 50 feet from the edge of riparian on the northern drainage, 50 feet on the west boundary and 25 feet on the south and 50 feet on the east boundaries. Please see Figure 1. **There will be no project activities within the habitat buffers**, including vehicle traffic and employee access routes within these habitat buffers. Any existing roads within these buffers will not be used.

Release of sediment, fertilizers and pesticides from Project Area into the ephemeral riparian drainage could cause an indirect impact to that sensitive natural habitat. However, these materials will be stored 830 feet from the drainage on the other side of ridge.

Therefore, due to the potential presence of special status species, this impact is considered significant and would require mitigation measures to reduce impacts to *less than significant with mitigation (Class II)***.**

Impact BIO-3. **Cannabis activities could have adverse effects on the movement or patterns of any native resident or migratory species.**

Direct impacts include cultivation activities which could impede migration of California tiger salamander and other wildlife and unshielded lighting which could disturb wildlife in the surrounding habitat. Indirect impacts include limiting wildlife dispersal, genetic diversity and reproductive success.

Cumulative impacts include long-term population decreases, lower bio-diversity and region-wide loss of wildlife habitat.

Therefore, due to the potential for limiting wildlife movement, this impact is considered significant and would require mitigation measures to reduce impacts to *less than significant with mitigation (Class II)***.**

Impact BIO-4. Cannabis activities may conflict with adopted local plans, policies, or ordinances oriented towards the protection and conservation of biological resources.

Direct and indirect impacts are unlikely. Cumulative impacts could include long-term population decreases, lower bio-diversity and region-wide loss of wildlife habitat.

Several County regulations contain plans, policies and ordinances that are oriented towards the protection of biological resources. These include Chapter 15B of the County Code, *Development Along Watercourses,* County Code Chapter 35 Article IX, *Deciduous Oak Tree Protection and Regeneration,* and the Comprehensive Plan Conservation Element.

Applicants would be required to submit site plans to be reviewed and approved by the Planning and Development Department as a part of the permitting process before being approved for a license by the County. Therefore, any necessary permits would not be approved without compliance with adopted local plans, policies, or ordinances oriented towards the protection and conservation of biological resources. These existing policies and processes would serve to reduce these potential adverse effects, but impacts could potentially occur to sensitive biological resources such as those included in the Conservation Element that are not protected by enforceable policies or ordinances.

Therefore, this impact is considered significant and would require mitigation measures to reduce impacts to *less than significant with mitigation (Class II)***.**

Impact BIO-5. Cannabis activities may conflict with state or federal regulations oriented towards the protection and conservation of special status species.

This impact includes species listed by CDFW or USFWS. Direct and indirect impacts are unlikely. Cumulative impacts could include long-term population decreases, lower bio-diversity and region-wide loss of wildlife habitat if cannabis activities do not comply with federal and state wildlife conservation laws.

These regulations include the California Endangered Species Act, Federal Endangered Species Act, the Migratory Bird Treaty Act, and other state and federal laws and regulations applicable to the protection of special status species, their habitat and movement corridors.

Therefore, this impact is considered significant and would require mitigation measures to reduce impacts to *less than significant with mitigation (Class II)***.**

Cumulative Impacts

The proposed project on this parcel will not result in the conversion of any sensitive habitat including riparian or wetlands. The Project Area is currently being farmed with continuous ground disturbance. No native habitat is present in the Project Area. The 50-foot setback protects riparian and wetland habitat, allows for continued wildlife movement, and supports habitat connectivity along the Santa Ynez River corridor.

Table 1. Project Impact Summary

Biological Resource*	Significance	Direct Impacts	Indirect Impacts	Cumulative Impacts
Impact BIO-1. Cannabis activities could have adverse effects on unique, rare, threatened, or endangered plant or wildlife species. Includes species listed in local or regional plans, policies, or regulations, or by CDFW or USFWS.	Class II Less than significant with mitigation	Soil tilling, equipment and vehicle traffic could result in special status wildlife mortality: California tiger salamander, coast horned lizard, American badger, northern California legless lizard, western spadefoot toad, coast patch-nosed snake and ground-nesting birds.	Release of sediment, fertilizers and pesticides from Project Area into the ephemeral riparian drainage. Use of rodenticides that cause secondary mortality (via ingestion of poisoned rodents). Unshielded lighting could impact wildlife in surrounding habitat. Disturbance caused by increase in human activity.	Regional conversion of wildlife habitat for vineyards, cannabis and other agricultural products. Regional reduction in surface water quality. Regional down-trend in wildlife populations.
Impact BIO-2. Cannabis activities could have adverse effects on habitats or sensitive natural communities.	Class II Less than significant with mitigation	No direct impacts – no natural habitat, trees or shrubs will be disturbed, pruned or removed; no sensitive natural community will be disturbed. Habitat Protection Plan and Tree Protection Plan not required.	Release of sediment, fertilizers and pesticides from Project Area into the ephemeral riparian drainage.	Regional conversion of sensitive habitats for vineyards, cannabis and other agricultural products.
Impact BIO-3. Cannabis activities could have adverse effects on the movement or patterns of any native resident or migratory species.	Class II Less than significant with mitigation	Cultivation activities could impede migration of California tiger salamander and other wildlife. Unshielded lighting could impact wildlife in surrounding habitat.	Limiting wildlife dispersal, genetic diversity and reproductive success.	Long-term population decreases, lower bio diversity and region-wide loss of wildlife habitat.
Impact BIO-4. Cannabis activities may conflict with adopted local plans, policies, or ordinances oriented towards the protection and	Class II Less than significant with mitigation	None expected.	Limited wildlife dispersal, genetic diversity and reproductive success.	Long-term population decreases, lower bio-diversity and region-wide loss of wildlife habitat.

Biological Resource*	Significance	Direct Impacts	Indirect Impacts	Cumulative Impacts
conservation of biological resources.				
Impact BIO-5. Cannabis activities may conflict with state or federal regulations oriented towards the protection and conservation of special status species. Includes species listed by CDFW or CDFW.	Class II Less than significant with mitigation	None expected.	Limited wildlife dispersal, genetic diversity and reproductive success.	Long-term population decreases, lower bio-diversity and region-wide loss of wildlife habitat.

*Source: Santa Barbara County PEIR (2017).

13.0 PROPOSED IMPACT AVOIDANCE AND MITIGATION MEASURES

The Impact Avoidance and Mitigation Measures proposed in this section are intended to reduce project impacts to Class II levels (significant but mitigable). They are based on our site visits, a review of aerial photographs, and a review of California Natural Diversity Database (CNDDB) records for special status species, the County's Cannabis PEIR (Santa Barbara, 2017) and the County's Environmental Thresholds and Guidelines Manual (Santa Barbara, 2018). Please see **Table 2** for a summary of proposed impact avoidance and mitigation measures.

MM BIO-1 Wildlife Movement Plan: A County-approved biologist shall prepare a Wildlife Movement Plan for the proposed project. The Plan will be prepared following guidelines detailed in *County Land Use & Development Code. Appendix J: Cannabis Activities Additional Standards.*

MM BIO-2 Measurable rain: Begin initial ground disturbance at least 72 hours after a measurable rain event to prevent impacts on migrating California tiger salamander.

MM BIO-3 Rodenticides: Only use rodenticides that do not lead to secondary wildlife poisoning via consumption of contaminated rodents.

MM BIO-4 Lighting: Only use lighting sources that are fully shielded to prevent off-site light spillover skyward or into wildlife habitat.

MM BIO-5 Disturbance buffer: Maintain a 50-foot habitat buffer between the edge of Project Area activities and the riparian ephemeral drainage to reduce potential impacts to the drainage and riparian habitat, a 50-foot habitat buffer along the west boundary, a 25 foot buffer on the south boundary and a 50-foot buffer on the east boundary.

MM BIO-6 Erosion Control Plan: Prepare and implement an Erosion Control Plan, including BMPs, to prevent sediment release into the ephemeral riparian drainage. The Plan shall address controlling surface runoff and site stabilization measures to minimize potential for water quality impacts to the ephemeral drainage due to cultivation activities.

The Erosion Control Plan will provide specific BMPs to mitigate potential impacts to the drainage water quality from the parking and storage areas, including runoff to the drainage, equipment maintenance, toilet placement, potential spills and sediment transport.

MM BIO-7 Agency Consultation: The applicant or their representative shall consult with the U.S. Fish and Wildlife Service and CDFW regarding the presence of a potential California tiger salamander breeding pond in the vicinity of the Project Area.

MM BIO-8 Pre-Construction Surveys: A qualified biologist will conduct pre-construction surveys within 10 days of initial ground disturbance ground disturbance. Surveys will include the access roads around the perimeter of the cultivation field. The non-protocol surveys should focus on potential special status species including American badger (*Taxidea taxus*), Blainville's (coast) horned lizard (*Phrynosoma (Anota) coronatum*), northern California legless lizard (*Anniella pulchra*), western spadefoot toad (*Spea hammondii*), and coast patch-nosed snake (*Salvadora hexalepis virgultea*).

Nesting birds should be included in the survey if ground disturbance will occur during the nesting season (Feb. 1 – Sept. 1).

MM BIO-9 Biological Monitor: The applicant will retain a P&D-approved biologist to be onsite during initial ground disturbance, including tilling and road construction to ensure Project Area activities stay within establish boundaries and reduce the potential for harm to wildlife and sensitive natural communities.

MM BIO-10 Development limits: Keep all Project Area activities and new development within existing, previously disturbed and well-defined project boundaries.

MM BIO-11 County Permitting: Applicants are required to submit site plans to be reviewed and approved by the Planning and Development Department as a part of the permitting process before being approved for a license by the County. Therefore, any necessary permits would not be approved without compliance with adopted local plans, policies, or ordinances oriented towards the protection and conservation of biological resources.

MM BIO-12 Western Setback: Implement a 50-foot setback for wildlife movement along the western boundary of the Project Area. See Site Plans.

MM BIO – 13 Listed Species Mitigations

1. Blainville's (coast) horned lizard, northern California legless lizard, western spadefoot toad and coast patch-nosed snake.

A qualified biologist shall conduct pre-construction surveys for Blainville's (coast) horned lizard (*Phrynosoma (Anota) coronatum*), northern California legless lizard (*Anniella pulchra*), western spadefoot toad (*Spea hammondii*), and coast patch-nosed snake (*Salvadora hexalepis virgultea*) immediately before initial ground disturbance. If any of these species are found in the area of disturbance, the biologist shall move the animals to an appropriate location outside the area of disturbance. The relocation shall be identified before initial ground disturbance and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range.

The qualified biologist shall be present and monitor all initial grubbing and grading of the site to capture any of these species and relocate to an appropriate relocation site outside of the area ofdisturbance.

2. American badger

A pre-construction survey for active American badger (Taxidea taxus) dens should be conducted by a qualified biologist within the Project Area and surrounding accessible areas of the property no more than two weeks prior to any ground disturbing activities. The survey should evaluate all dens found to determine if they have the potential to be occupied by American badger. If present, occupied badger dens shall be flagged, and ground-disturbing activities avoided, within 50 feet of the occupied den during the nonbreeding season (July 1 through February 14). Dens

determined to be occupied during the breeding season (15 February through 30 June) shall be flagged, and ground- disturbing activities avoided, within 200 feet to protect adults and nursing young. Buffers may be modified by the qualified biologist, provided the badgers are protected, and shall not be removed until the qualified biologist has determined that the den is no longer in use.

If avoidance of an active non-maternity den is not feasible, badgers shall be relocated by first incrementally blocking the den over a three-day period. If dens are too long to see the end, a fiber optic scope (or other acceptable method such as using tracking medium for a consecutive three-night period) should be used to assess the presence of badgers. Other allowable options should include slowly excavating the den (either by hand or with mechanized equipment under the direct supervision of a qualified biologist, removing no more than 4 inches at a time) before or after the rearing season (February 15 through June 30). Any passive relocation of American badgers shall occur only under the direction of a qualified biologist.

A qualified biologist should be present during the initial clearing and grading activity. If additional badger dens are found, all work should cease until the biologist can complete the measures described above for inactive and active dens. Once all badger dens have been excavated, work on the site may resume.

3. Nesting Birds

To minimize impacts to nesting bird species, including special-status species and species protected by the Migratory Bird Treaty Act, if work is proposed between February 1 through September 15, a qualified biologist should conduct a pre- construction survey for active bird nests within 500 feet of the limits of the project site (may be limited by property boundaries) within 7 days prior toany disturbance activities. If no nesting activity is observed, project activities can proceed.

If active nest sites of non-raptor bird species protected under the Migratory Bird Treaty Act and/or California Fish and Game Code Section 3503 are observed within 500 feet of the project area, then the project should be modified and/or delayed as necessary to avoid direct impacts of the identified nests, eggs, and/or young. Potential project modifications may include establishing appropriate "no activity" buffers around the nest site. "No activity" buffers shall be at a minimum of 250 feet for non-listed bird species unless the qualified biologist determines that smaller buffers would be sufficient to avoid impacts to nesting birds. Factors to be considered for determining buffer size will include: the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; and baseline levels of noise and human activity. Buffers will be maintained until young have fledged or the nests become inactive.

If initial ground disturbance occurs between February 1 and September 15, the qualified biologist will conduct surveys for nesting raptors in accordance with established CDFW raptor survey protocols. Surveys will cover a minimum of a 0.5-mile radius around the Project Area (may be limited by property boundaries). If nesting raptors are detected, the qualified biologist

will establish buffers around nests that are sufficient to ensure that nesting activities are not likely to be disrupted or adversely impacted by ground disturbing activities. Buffers around active raptor nests will be a minimum of 500 feet for non-listed raptors, unless a qualified biologist determines that smaller buffers would be sufficient to avoid impacts to nesting raptors. Factors to be considered for determining buffer size will include: the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; and baseline levels of noise and human activity. Buffers will be maintained until a qualified CDFW biologist has determined that young have fledged and are no longer reliant upon the nest or parental care for survival.

MM HWR-1a Pesticides and Herbicides: Applicant will comply with the Cannabis Waste Discharge Requirements General Order to reduce impacts of pesticide runoff to the ephemeral drainage.

Table 2. Proposed Impact Avoidance and Mitigation Measures

Impact	Mitigation Measure (s)	Residual Significance
Impact BIO-1. Cannabis activities could have adverse effects on unique, rare, threatened, or endangered plant or wildlife species. Includes species listed in local or regional plans, policies, or regulations, or by CDFW or USFWS.	**MM BIO-2**: Begin initial ground disturbance at least 72 hours after a measurable rain event. **MM BIO-3**: Only use rodenticides that do not lead to secondary poisoning. **MM BIO-4**: Only use lighting sources that are fully shielded to prevent off-site light spillover skyward or into wildlife habitat. **MM BIO-7**: The applicant or their representative shall consult with the U.S. Fish and Wildlife Service and CDFW regarding the presence of a potential California tiger salamander breeding pond in the vicinity of the Project Area. **MM BIO-8**: A qualified biologist will conduct non-protocol wildlife and nesting bird surveys within 10 days of initial ground disturbance begins. **MM BIO-9**: A qualified biological monitor will conduct pre-disturbance sweeps and be present during initial ground disturbance, including tilling and road construction. **MM HWR-1a:** Cannabis Waste Discharge Requirements General Order (pesticides and fertilizers).	Less than significant with mitigation (Class II)
Impact BIO-2. Cannabis activities could have adverse effects on habitats or sensitive natural communities.	**MM BIO-5**: Implement a 50-foot habitat buffer between the edge of Project Area and the riparian ephemeral drainage, a 50=foot habitat buffer along the west boundary, a 25- foot buffer on the south and a 50-foot buffer on the east. **MM BIO-6**: Prepare and implement an Erosion Control Plan to prevent sediment release into the ephemeral riparian drainage. **MM BIO-9**: A qualified biological monitor will be present during initial ground disturbance, including tilling and road construction. **MM BIO-10**: Keep all Project Area activities and new development within existing, previously disturbed and well-defined project boundaries. **MM HWR-1a:** Cannabis Waste Discharge Requirements General Order.	Less than significant with mitigation (Class II)

Impact	Mitigation Measure (s)	Residual Significance
Impact BIO-3. Cannabis activities could have adverse effects on the movement or patterns of any native resident or migratory species.	**MM BIO-1**: Wildlife Movement Plan **MM BIO-5**: Implement a 50-foot habitat buffer between the edge of Project Area and the riparian ephemeral drainage, a 50=foot habitat buffer along the west boundary, a 25- foot buffer on the south and a 50-foot buffer on the east. **MM BIO-12**: Implement a 50-foot setback for wildlife movement along the western boundary of the Project Area. See Site Plans.	Less than significant with mitigation (Class II)
Impact BIO-4. Cannabis activities may conflict with adopted local plans, policies, or ordinances oriented towards the protection and conservation of biological resources.	**MM BIO-11**: Applicants are required to submit site plans to be reviewed and approved by the Planning and Development Department as a part of the permitting process before being approved for a license by the County. Therefore, any necessary permits would not be approved without compliance with adopted local plans, policies, or ordinances oriented towards the protection and conservation of biological resources.	Less than significant with mitigation (Class II)
Impact BIO-5. Cannabis activities may conflict with state or federal regulations oriented towards the protection and conservation of special status species. Includes species listed by CDFW or CDFW.	**MM BIO-7**: The applicant or their representative shall consult with the U.S. Fish and Wildlife Service and CDFW regarding the presence of a potential California tiger salamander breeding pond in the vicinity of the Project Area.	Less than significant with mitigation (Class II)

14.0 CONCLUSION

This report has identified important biological resources in and around the Project Area. These include a potential California tiger salamander breeding pond, an ephemeral drainage with riparian vegetation and the sighting of a coast horned lizard, a California species of special concern.

Direct, indirect and cumulative impacts of cannabis activities on these and other biological resources were analyzed. Potential direct impacts include wildlife mortality and restricted movement due to increased agricultural activity such as tilling and vehicle traffic. Indirect impacts could include release of soil and pesticides into the ephemeral drainage and secondary wildlife poisoning from rodenticides. Trends in regional conversion of natural habitat to agricultural lands could lead to a reduction in biological diversity, less connected wildlife habitat and decreasing populations.

There will be no direct, adverse effects on habitats or sensitive natural communities. No natural habitat will be disturbed as a result of implementing the proposed project.

Habitat buffers will be maintained by the landowner through grazing with goats or cattle; oak trees will be protected from grazing impacts and no project traffic or other activities will occur inside the buffers.

Several mitigation measures are proposed to reduce impacts of the project. These include a Wildlife Movement Plan, a buffer between riparian habitat and cannabis activities, use of shielded lighting, pre-construction wildlife surveys, and construction monitoring.

Tree and Habitat Protection Plans are not required. No natural habitat will be disturbed; no trees or shrubs will be pruned or removed and all trees are well within habitat buffers (Santa Barbara County, 2011).

Implementation of the proposed mitigation measure will reduce project impacts to *Class II, less than significant with mitigation.*

15.0 REFERENCES

CDFW (California Department of Fish and Wildlife). 2019. California Natural Diversity Database. Sacramento, CA. February. Accessed online 11-6-19.

_____. 2013. Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander. 9pp.

CNPS (California Native Plant Society). 2019. CDFW-CNPS Protocol for the Combined Vegetation Rapid Assessment and Relevé Field Form. 14 pp.

Google Earth Pro. 2019. Online landscape imagery of present and historic land use. Accessed 9-10-19.

Lee, David N. 2020. SFS Farms Wildlife Movement Plan. Buellton, Ca. 9 pp.

Santa Barbara, County of. 2003. Deciduous Oak Tree Protection and Regeneration. Santa Barbara, CA. 27 pp.

_____. 2011. Santa Barbara County Code – Chapter 35 – County Land Use & Development Code. Appendix J: Cannabis Activities Additional Standards. 6 pp.

_____. 2017. Santa Barbara County Cannabis Land Use Ordinance and Licensing Program Final Environmental Impact Report. Planning and Development Department, Santa Barbara, CA. December. 635 pp.

_____. 2018. Santa Barbara County Environmental Thresholds and Guidelines Manual. Planning and Development Department, Santa Barbara, CA. October. 172 pp.

Sawyer, J.O., T. Keeler-Wolf, and J.M. Evens. 2008. A manual of California vegetation, 2nd ed. California Native Plant Society and California Department of Fish and Game, Sacramento, CA. 1,300 pp.

Semonsen, Vince. 2019. SFS Farms – Initial Field Assessment for California Tiger Salamander. 5 pp.

U. C. Santa Barbara, 2020. UCSB Library Aerial Photography database. Accessed 2020. http://mil.library.ucsb.edu/apcatalog/report/report.php?filed_by=C-311A

US Department of Agriculture, Natural Resources Conservation Service. 2018. SoilWeb; online soil type database accessed 10-25-19.

USFWS, 2019.1 National Wetlands Inventory. Online database accessed 7-5-19. www.fws.gov/wetlands/data/mapper.html.

USFWS, 2019.2 General Conservation Plan for Cultivation Activities in Santa Barbara County. 70 pp.

USFWS, 2003. Interim Guidance on Site Assessment and Field Surveys for Determining Presence or Negative Finding of the California Tiger Salamander. US Fish and Wildlife Service.

APPENDIX 1. Photos of Existing Conditions

View of Impact Area (cultivated field) looking west.

View from within ephemeral drainage, looking west.

Location of Pond LOAL-10 showing no evidence of ponding.

Pond LOAL-44 showing evidence of recent ponding.

Non-native vegetation alliance along the western boundary. View looking south.

1928 aerial photo showing Project Area under cultivation (UCSB, 2020)

1956 aerial photo showing Project Area under cultivation (UCSB, 2020).

APPENDIX 2.
Special Status Plant and Animal Species Lists

Special Status Plant Species

Common Name	Scientific Name	Status - Federal	Status - State	Rare Plant Status	Habitat & Soils	Potential to Occur In Impact Area
Hoover's bent grass	*Agrostis hooveri*	None	None	1B.2	Chaparral, cismontane woodland, closed-cone coniferous forest, valley and foothill grassland. Sandy sites.	None - no native habitat in Project Area.
Santa Ynez groundstar	*Ancistrocarphus keilii*	None	None	1B.1	Chaparral, cismontane woodland. Sandy soils.	None - no native habitat in Project Area.
La Purisima manzanita	*Arctostaphylos purissima*	None	None	1B.1	Chaparral, coastal scrub. Sandstone outcrops, sandy soils.	None - no native habitat in Project Area.
sand mesa manzanita	*Arctostaphylos rudis*	None	None	1B.2	Chaparral, coastal scrub. Sandy soils.	None - no native habitat in Project Area.
seaside bird's-beak	*Cordylanthus rigidus ssp. littoralis*	None	Endangered	1B.1	Closed-cone coniferous forest, chaparral, cismontane woodland, coastal scrub, coastal dunes. Sandy, disturbed sites.	None - no native habitat in Project Area.
dune larkspur	*Delphinium parryi ssp. blochmaniae*	None	None	1B.2	Chaparral, coastal dunes (maritime). Rocky areas.	None - no native habitat in Project Area.
Vandenberg monkeyflower	*Diplacus vandenbergensis*	Endangered	None	1B.1	Cismontane woodland, chaparral, coastal dunes. Sandy, disturbed sites.	None - no native habitat in Project Area.
mesa horkelia	*Horkelia cuneata var. puberula*	None	None	1B.1	Chaparral, cismontane woodland, coastal scrub. Sandy or gravelly sites.	None - no native habitat in Project Area.

Common Name	Scientific Name	Status - Federal	Status - State	Rare Plant Status	Habitat & Soils	Potential to Occur In Impact Area
Robinson's pepper-grass	*Lepidium virginicum var. robinsonii*	None	None	4.3	Chaparral, coastal scrub. Dry soils.	None - no native habitat in Project Area.
Santa Barbara honeysuckle	*Lonicera subspicata var. subspicata*	None	None	1B.2	Chaparral, cismontane woodland, coastal scrub.	None - no native habitat in Project Area.
southern curly-leaved monardella	*Monardella sinuata ssp. sinuata*	None	None	1B.2	Coastal dunes, coastal scrub, chaparral, cismontane woodland. Sandy soils.	None - no native habitat in Project Area.
black-flowered figwort	*Scrophularia atrata*	None	None	1B.2	Closed-cone coniferous forest, chaparral, coastal dunes, coastal scrub, riparian scrub. Sand and diatomaceous shales.	None - no native habitat in Project Area.

Special Status Animal Species

Common Name	Scientific Name	Status - Federal	Status - State	Status - CDFW*	Habitat Notes	Potential to Occur Onsite
California tiger salamander	*Ambystoma californiense*	Threatened	Threatened		Need underground refuges, especially ground squirrel burrows, and vernal pools or other seasonal water sources for breeding. Nearest CNDDB record: 0.9 miles north, 2008.	Moderate - Two mapped ponds in area.
northern California legless lizard	*Anniella pulchra*	None	None	SSC	Sandy or loose loamy soils under sparse vegetation. Prefers high moisture soils Nearest CNDDB record: 2.6 miles east, 1982.	Low – Project Area was recently plowed and has no native vegetation.
Blainville's (coast) horned lizard	*Phrynosoma (Anota) coronatum*		None	SSC	Sandy soils Nearest sighting: Observed on site, 2019.	Observed on site – road along edge of field.
San Diego desert woodrat	*Neotoma lepida intermedia*	None	None	SSC	Coastal scrub of Southern California. Moderate to dense canopies preferred. They are particularly abundant in rock outcrops, rocky cliffs, and slopes. Nearest CNDDB record: 5.0 miles northwest, 2004.	None – no suitable habitat on site.
steelhead - southern California DPS	*Oncorhynchus mykiss irideus pop. 10*	Endangered	None		Rivers and streams with year-round water. Nearest CNDDB record: 2.7 miles south (Santa Ynez River), 1993.	None - no suitable habitat on site.

Common Name	Scientific Name	Status - Federal	Status - State	Status - CDFW*	Habitat Notes	Potential to Occur Onsite
California red-legged frog	*Rana draytonii*	Threatened	None	SSC	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Nearest CNDDB record: 2.4 miles east, 1984.	None - no suitable habitat on site.
coast patch-nosed snake	*Salvadora hexalepis virgultea*	None	None	SSC	Brushy or shrubby vegetation in coastal Southern California. Require small mammal burrows for refuge and overwintering sites. Nearest CNDDB record: 3.8 miles northwest, 2004.	Low - Project Area was recently plowed and has no native vegetation.
western spadefoot	*Spea hammondii*	None	None	SSC	Occurs primarily in grassland habitats, but can be found in valley-foothill hardwood woodlands. Vernal pools are essential for breeding and egg-laying. Nearest CNDDB record: 0.9 miles northeast, 1991.	Low - Project Area was recently plowed and has no native vegetation.
American badger	*Taxidea taxus*	None	None	SSC	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Needs sufficient food, friable soils and open, uncultivated ground. Nearest CNDDB record: 1.0 mile northwest, 2016.	Low – Project Area was recently plowed and has no native vegetation.
* Abbreviations: CDFW = California Department of Fish & Wildlife; SSC= Species of Special Concern						

APPENDIX 3. Species Observed During Site Visit

Wildlife Observed During Site Visit

Common Name	**Scientific Name**
Eurasian collared-dove	*Streptopelia decaocto*
Blue-gray gnatcatcher	*Polioptila caerulea*
Bobcat	*Lynx rufus*
Brush rabbit	*Sylvilagus bachmani*
Wrentit	*Chamaea fasciata*
California thrasher	*Toxostoma redivivum*
California towhee	*Pipilo crissalis*
Western pocket gopher	*Thomomys mazama*
Northern flicker	*Colaptes auratus*
Western scrub-jay	*Aphelocoma californica*
California quail	*Callipepla californica*
Purple finch	*Carpodacus purpureus*
Coast horned lizard	*Phrynosoma blainvillii*

Plants Observed During Site Visit

Common Name	***Scientific Name***
California poppy	*Eschscholzia californica*
California bulrush	*Schoenoplectus californicus*
Eucalyptus	*Eucalyptus sp.*
Fennel	*Foeniculum vulgare*
Yellow starthistle	*Centaurea solstitialis*
Coastal sage brush	*Artemisia californica*
Giant wild rye, Giant wild-rye	*Elymus condensatus*
Mule fat	*Baccharis salicifolia*
Tree tobacco	*Nicotiana glauca*
California mugwort	*Artemisia douglasiana*
Coast live oak	*Quercus agrifolia*
Coyote brush	*Baccharis pilularis*
Poison sanicle	*Sanicula bipinnata*
Horse nettle	*Solanum elaeagnifolium*
Water hemlock	*Cicuta maculata*
Common mustard	*Brassica rapa*
Sandbar willow	*Salix exigua* var. *hindsiana*
Arroyo willow	*Salix lasiolepis*
Cocklebur	*Xanthium strumarium*

From: Kapono Curry <kapono.curry@gmail.com>
Sent: Monday, June 7, 2021 10:40 AM
To: Elkurdi, Dara
Subject: Re: Water information SFS farms
Attachments: SFSFarms_PercolatingGroundwaterMemo+Figures.pdf

Sorry for the delay, I've got answers to your questions below.

Long story short - SFS farms will use **much** less water than the historical use on the parcel (Strawberries and vegetables). A quick annual water comparison would be **124.80 AFY for SFS farms** vs. **315 AFY for Campbell ranch's leases**.
Cannabis uses up to 2,300 gal/acre/day, strawberries use up to 6,800 gal/acre/day
Since the growing seasons aren't the same I did some research to get you academic sources wherever possible.

- **Do you know the anticipated AFY of groundwater expected to be used by this project?**
  - The project expects to use between 1,800-2,300 gal/acre/day
  - With a cultivation season from April 1st - November 1st across 82.62 acres and 325,851 gallons per acre Foot
  - **124.80 AFY if 100% fed by groundwater**
  - We have not accounted for rain in that calculation, so the final number will be lower.
  - The applicant engaged Kear groundwater to evaluate their usage of groundwater resources in December of 2019, his complete report is attached
- **Do you know what basin it is and which groundwater threshold would apply?**
  - According to the Santa Barbara County Land Use and Zoning Map, The project is within the Santa Ynez Valley Groundwater Basin.
  - Looking at the Related website (https://www.santaynezwater.org/), SFS farms would fall in the Western Management Area
  - I'm looking through their published memos to find the threshold and it seems they are still trying to figure that out
    - https://www.santaynezwater.org/western-gsa
    - https://www.santaynezwater.org/files/19be1b84e/2021-02_WMA+Water+Budget+Workshop+2021+-2+-18.pdf
    - https://www.santaynezwater.org/files/471ff56a5/WMA_DraftWB+Figures+04102021.pdf
  - The Santa Barbara County Water Agency report lists the Santa Ynez River Valley as "Medium" if that helps.
    - Page 15 of the following report

        - https://www.countyofsb.org/uploadedFiles/pwd/Content/Water/WaterAgency/GW%20Data%20Report%202020.pdf
- **Do you know if there was any existing ag on the property prior to this project that used groundwater to establish a baseline use on the property?**
    - Yes, historically strawberries and other vegetable crops have been grown in this section of the parcel
    - We have reached out to the Campbell Ranch for historical records or estimates for this baseline and they should get those to us today
    - Estimates for strawberries range from 5,431 gal/acre/day to 6,800 gal/acre/day
        - https://vegetablegrowersnews.com/article/drip-irrigation-fertigation-keep-strawberries-on-track/
    - a UC Davis study from 2004 predicted 3 AFY per acre for strawberries (**315 AFY for this same section of the parcel**)
        - http://sfp.ucdavis.edu/crops/coststudieshtml/BpStrawberrySJV2004comp/

On Mon, Jun 7, 2021 at 8:20 AM Elkurdi, Dara <delkurdi@co.santa-barbara.ca.us> wrote:

> Kapono,
> I need the water information for SFS or we will need to continue the item. Please submit that within the next few hours.
>
> Dara

TO: Jared Kiredjian
SFS Farms, LLC

FROM: Kear Groundwater
P.O. Box 2601
Santa Barbara, CA 93120-2601

DATE: December 20, 2019

SUBJECT: *Hydrologic Overview and Potential Riparian Impact Assessment*
SFS Farms, 4874 Hapgood Road, Lompoc, Santa Barbara County, California

Dear Mr. Kiredjian,

This memorandum provides a summary of Kear Groundwater's (KG) hydrogeologic evaluation and review of potential riparian impacts due to groundwater usage for proposed cannabis cultivation from an existing well at the Campbell Farms parcel (APN 099-150-065), of which SFS Farms plans to use some 100 +/- acres for cultivation, within the Santa Rita Hills between Lompoc and Buellton in Santa Barbara County (Figures 1, 2, 3, 4).

Our objective was to perform a review of available hydrogeologic information and existing on-parcel groundwater resources, as well as to evaluate the potential hydrologic impacts on nearby water quality, aquatic habitat, riparian habitat, wetlands, and springs, as related to the diversion of water associated with cannabis cultivation, in compliance with the State Water Resources Control Board's (SWRCB) Cannabis Cultivation Policy per the California Water Code (Section 13149). SWRCB and the Department of Fish and Wildlife (DFW) may apply these requirements to groundwater extractions (as is the case herein) where determined to be reasonably necessary. We conducted field visits on December 18 and 19, 2019 to map and observe various features, document the existing wells/infrastructure, and measure the static water levels in wells proximal to proposed cultivation areas.

SWRCB defines groundwater as any water found beneath Earth's surface; however, there is a distinction between "percolating groundwater" in a groundwater basin versus groundwater that acts as a "subterranean stream" flowing within a known and defined channel.

Ultimately, KG has found that water usage for cannabis cultivation at SFS Farms is unlikely to acutely "substantially affect instream flows," when rarely present along the local creek, and that the existing well extracts exclusively "percolating groundwater" within a bedrock aquifer at depth. Therefore, SFS Farms' use of the proposed irrigation well should not be subject to limitation under current regulatory framework for cultivation operations during forbearance periods. A summary of our efforts, findings, conclusions, and more detailed recommendations follows.

Existing On-Parcel Groundwater Wells

KG observed appear to be four existing groundwater wells at the parcel partially designated for use by SFS Farms, three of which are active/operational for irrigation supply but only one will be used for cannabis cultivation. The potential cannabis irrigation well is separated by the inactive "Windmill Well" by about 105 lateral ft. The other two active wells supply the row crop agricultural operations in the northern portion of the parcel, separated from the cannabis cultivation areas by the central hills between Santa Rita Creek and Highway 246 locally. A 0.8-acre reservoir is situated ~500 lateral ft due north/uphill from the planned cannabis irrigation well.

Per the Well Completion Report (included inline below), Ron Taylor Drilling ("Taylor") drilled the cannabis irrigation well (Photo 1) in February 2007. Taylor installed the 10-inch-diameter SDR-21 PVC casing to 646 ft below ground surface (bgs) with perforations (0.040-inch aperture) from 360 to 640 ft. Taylor emplaced Monterey gravel pack from the bottom of the borehole at 675 ft up to 60 ft bgs, followed by the cement sanitary seal from 50 ft up to ground surface. Taylor pumped the well at 700 gpm for 8 hours following casing installation, during which the water level fell from the static level of 290 ft to the pumping level of the 340 ft (specific capacity of 14 gpm per ft drawdown). KG measured the static water level at the 10-inch-diameter PVC cannabis irrigation well to be 306.55 ft bgs on December 19, 2019.

KG measured the static water level at the 6-inch-diameter mild steel inactive windmill well (Photo 2) to be 109.80 ft bgs on December 19, 2019, likely an intermediate perched aquifer zone above a clay confining layer. This well appears to correspond with State Well Number (*SWN*)

07N/33W-27M01S, with a reported depth of 125 ft bgs and episodic water levels recorded from 1941 to 1957 per the USGS National Water Information System.

Photo 1. The 10-inch-diameter PVC-cased cannabis irrigation well, with 16-inch-diameter steel sleeve shown above grade.

Photo 2. The 6-inch-diameter mild steel-cased inactive windmill well encased in concrete pedestal.

TRIPLICATE
Owner's Copy

STATE OF CALIFORNIA
WELL COMPLETION REPORT
Refer to Instruction Pamphlet

No. 1098077

DWR USE — STATE WELL NO./STATION NO. — LATITUDE — LONGITUDE — APN/TRS/OTHER

Page ___ of ___
Owner's Well No. 2
Date Work Began 2-07-07, Ended 2-28-07
Local Permit Agency Santa Barbara Co
Permit No. ______ Permit Date ______

GEOLOGIC LOG

ORIENTATION (✓) X VERTICAL ___ HORIZONTAL ___ ANGLE ___ (SPECIFY)
DRILLING METHOD Rotary FLUID Mud

DEPTH FROM SURFACE Ft.	to Ft.	DESCRIPTION (Describe material, grain size, color, etc.)
0	38	Sandy Clay
38	48	Sand
48	55	Clay With Gravel
55	63	Gravel
63	78	Sandy Clay
78	127	Hard Sand & Small Gravel
127	138	Clay
138	175	Sand & Gravel
175	182	Clay
182	265	Sand & Small Gravel
265	273	Clay
273	312	Sand & Gravel
312	338	Sand
338	349	Blue Clay
349	360	Sand
360	405	Brown Sand
404	425	Sandy Clay
425	432	Blue Clay
432	455	Sand
455	475	Blue Clay
475	482	Sand
482	492	Clay
492	538	Sand
538	543	Clay
543	575	Sand
575	590	Soft Sand & Small Gravel
590	595	Clay
595	613	Sand
613	629	Soft Sand & Small Gravel
629	675	Streaks Of Sand & Clay

TOTAL DEPTH OF BORING 675 (Feet)
TOTAL DEPTH OF COMPLETED WELL 646 (Feet)

WELL OWNER

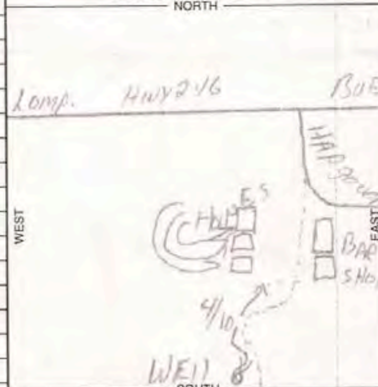
Name Robert Campbell
Mailing Address P. O. Box 625
Lompoc Calif 93438
CITY STATE ZIP

WELL LOCATION

Address Hwy 246 & Hap ??? Rd Ostini Ranch
City Lompoc Calif 93436
County Santa Barbara Co
APN Book ___ Page ___ Parcel 099-150-065
Township ___ Range ___ Section ___
Lat ___ N DEG. MIN. SEC. Long ___ W DEG. MIN. SEC.

LOCATION SKETCH

NORTH



Illustrate or Describe Distance of Well from Roads, Buildings, Fences, Rivers, etc. and attach a map. Use additional paper if necessary. ***PLEASE BE ACCURATE & COMPLETE.***

ACTIVITY (✓)

X NEW WELL
MODIFICATION/REPAIR
___ Deepen
___ Other (Specify)
___ DESTROY (Describe Procedures and Materials Under "GEOLOGIC LOG")

USES (✓)

WATER SUPPLY
___ Domestic ___ Public
X Irrigation ___ Industrial
MONITORING ___
TEST WELL ___
CATHODIC PROTECTION ___
HEAT EXCHANGE ___
DIRECT PUSH ___
INJECTION ___
VAPOR EXTRACTION ___
SPARGING ___
REMEDIATION ___
OTHER (SPECIFY) ___

WATER LEVEL & YIELD OF COMPLETED WELL

DEPTH TO FIRST WATER 30 (Ft.) BELOW SURFACE
DEPTH OF STATIC WATER LEVEL 90 (Ft.) & DATE MEASURED 2-18-07
ESTIMATED YIELD * 700 (GPM) & TEST TYPE Pump
TEST LENGTH 8 (Hrs.) TOTAL DRAWDOWN 50 (Ft.)
* May not be representative of a well's long-term yield.

CASING (S)

DEPTH FROM SURFACE Ft.	to Ft.	BORE-HOLE DIA. (Inches)	BLANK	SCREEN	CON-DUCTOR	FILL PIPE	MATERIAL / GRADE	INTERNAL DIAMETER (Inches)	GAUGE OR WALL THICKNESS	SLOT SIZE IF ANY (Inches)
0	360	20	x				PVC	10	SDR-21	
360	640	20		x			PVC	10	SDR-21	040
640	646	20	x				PVC	10	SDR-21	

ANNULAR MATERIAL

DEPTH FROM SURFACE Ft.	to Ft.	CE-MENT (✓)	BEN-TONITE (✓)	FILL (✓)	FILTER PACK (TYPE/SIZE)
0	50	X			
					Monterey

ATTACHMENTS (✓)

___ Geologic Log
___ Well Construction Diagram
___ Geophysical Log(s)
___ Soil/Water Chemical Analyses
___ Other
ATTACH ADDITIONAL INFORMATION, IF IT EXISTS.

CERTIFICATION STATEMENT

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief.

NAME Ron Taylor Drilling
(PERSON, FIRM, OR CORPORATION) (TYPED OR PRINTED)

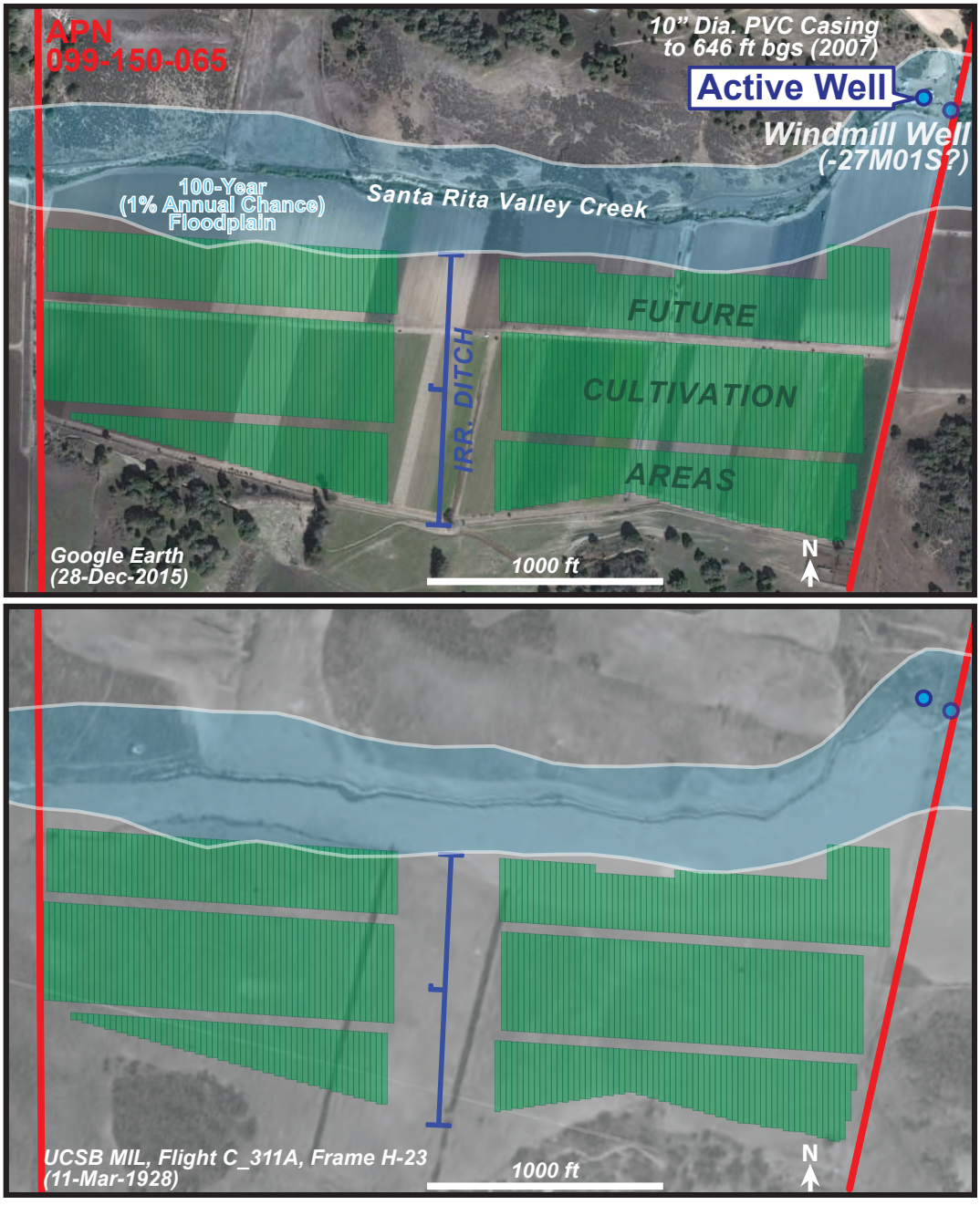
ADDRESS 2801 Bahaney Rd / Santa Maria Calif 93455
CITY STATE ZIP

Signed [signature] (C-57 LICENSED WATER WELL CONTRACTOR) 2-28-07 (DATE SIGNED) 523-858 (C-57 LICENSE NUMBER)

DWR 188 REV. 05-03

IF ADDITIONAL SPACE IS NEEDED, USE NEXT CONSECUTIVELY NUMBERED FORM

KG also reviewed historic aerial photographs available via the FrameFinder application by Map & Imagery Laboratory at the University of California, Santa Barbara Library. The oldest available photograph of the area is dated March 11, 1928, and confirms the relatively unchanged flow pathway of the Santa Rita Valley Creek drainage channel (below), although agricultural grading had already occurred. Manmade barriers have historically pooled ephemeral flow along the local creek drainage, including near the parcels western edge.



Subterranean Stream vs. Percolating Groundwater

SWRCB has permitting authority over surface streams and groundwater classified as subterranean streams, pursuant to the California Water Code. Groundwater classified as percolating groundwater is not subject to provisions concerning the appropriation of water. The legal classification of groundwater as a subterranean stream requires evidence that the water flows through a known and defined channel, where (1) a subsurface channel is present, (2) the channel is relatively impermeable bed and banks, (3) the channel's course is known or capable of being determined by reasonable inference, and (4) groundwater is flowing in the channel. Percolating groundwater includes all water that passes beneath ground surface *without* a definite channel and not shown to be supplied by a definite flowing stream.

The delineation of the bed and banks of a subterranean stream should consider all available pertinent information, primarily geology, soils and topography. Importantly, the geologic contact between the relatively-impermeable bedrock formation and relatively-unconsolidated recent alluvial deposits, where clearly associated with and in reasonable proximity of a stream, can be considered the known and defined bed and banks of the subterranean stream (e.g., Stetson Engineers Inc., 2008).

Hydrogeologic Overview

The 965.59-total-acre parcel of which SFS Farms plans to utilize a portion for cannabis cultivation is situated over the Santa Rita Valley in the north and Santa Rita Hills in the south, bisected by the Santa Rita Valley Creek before it joins the westward-draining Santa Ynez River about 1.5 miles southwest of the property. The lower-lying, northern portion of Campbell Farms (about three-quarters of the parcel) is within the Lompoc Uplands sub-unit of the delineated Santa Ynez River Valley Groundwater Basin ("Santa Ynez Basin") (California Department of Water Resources [DWR] Bulletin 118, Basin No. 3-15). The property overlies the valley and floodplain deposits of the broader basin that are mapped as distinct and separate from the river channel deposits.

The Santa Ynez Basin is bounded by the Pacific Ocean on the west and by the

consolidated/semi-permeable rocks that form the Santa Ynez Mountains to the south, the San Rafael Mountains to the northeast, and the Purisima Hills to the northwest, and the Santa Rita Hills as a gap in its central portion. Groundwater aquifers are primarily stored in unconsolidated alluvial deposits (the upper aquifer, per Bright et al., SYRWCD) and in the older sedimentary formations (most commonly the Paso Robles Formation and Careaga Sandstone [lower aquifer]), especially where fractured, contain remnant primary porosity, and/or coarse-grained.

Santa Barbara County Water Agency's (SBCWA) most recent Groundwater Basins Status Report (2014) estimates an annual extraction of 28,000 acre-ft at the Lompoc sub-units (includes Plain, Terrace, and Uplands) and 170,000 acre-ft of total storage (16.47% of storage extracted annually). Groundwater within the Lompoc Plain is managed in accordance to water rights agreements (Decision 89-18) so as to protect downstream water rights from Bradbury Dam. Therefore, downstream water levels fluctuate less in response to climate-related trends and more so to water available according to the Decision.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) of 2014 is a three-bill package (AB 1739, SB 1168, and SB 1319) that sets the framework for statewide long-term sustainable groundwater management by local authorities. SGMA requires the formation of new groundwater sustainability agencies (GSAs) tasked with assessing the conditions in their local basins and adopting locally-based sustainable management plans. SGMA provides local GSAs with tools and authority to (1) require registration of groundwater wells, (2) measure and manage extractions (including limiting the amount of water pumped by individual well owners), (3) require reports and assess fees, and (4) request revisions of basin boundaries, including establishing new sub-basins. GSAs responsible for high- and medium-priority basins must adopt long-term groundwater sustainability plans (GSPs) by 2022 (or 2020 if in overdraft). Plans will be evaluated every five years. GSAs have until 2040 to achieve groundwater sustainability.

Via the California Statewide Groundwater Elevation Monitoring (CASGEM), the DWR ranks the 204,642-acre Santa Ynez Basin as a medium-priority basin, with some overdraft and groundwater quality impairments as noted impacts. The Santa Ynez Basin has been divided into

three management areas, known as the "Eastern Management Area," "Central Management Area," and the "Western Management Area." SFS Farms proposed operation discussed herein is within the Western Management Area. The Western Management Area GSA includes the Santa Ynez River Water Conservation District (SYRWCD), the SBCWA, the City of Lompoc, Vandenberg Village Community Services District (VVCSD), and the Mission Hills Community Services District (MHCSD). The SYRWCD is a public agency formed in 1939 to protect and preserve local water rights and supplies of the Santa Ynez/Lompoc Valleys.

Hydrostratigraphy

The Santa Ynez River Valley is filled in the low-lying basins with Quaternary-aged alluvium of fluvial origin, with sediment derived from the weathering and erosion of the surrounding mountains. Alluvial deposits are comprised of an unconsolidated mixture of gravels, sands, silts, and clays of various thicknesses. Groundwater is stored in coarser-grained aquifers separated by finer-grained aquitards. Alluvium is generally separated into recent, active (Holocene-aged, Qa) and older, dissected (Pleistocene-aged, Qoa) terrace deposits. The deposits gradually thin toward foothills and become either too thin or unsaturated for sustained groundwater development.

Around the SFS Farms proposed operation (Figure 2), basin fill sediments are unconformably underlain by (from youngest to oldest) unconsolidated Pleistocene-aged terrestrial sediments (Orcutt Sand, Qo), weakly-consolidated Plio-Pleistocene-aged terrestrial strata (the Paso Robles Formation, QTp), Pliocene-aged marine strata (Careaga Sandstone, divided into an upper sandstone Graciosa Member, Tcag, and a lower, softer/finer-grained Cebada Member, Tcac), and Miocene-aged marine strata (Sisquoc Shale, Tsq; Monterey Shale, Tm).

The cannabis irrigation well, with perforations from 360 to 640 ft, appears to produce exclusively "percolating groundwater" (lower aquifer) within the sedimentary bedrock formations of the Paso Robles Formation and potentially the underlying Careaga Sandstone. The weakly-consolidated Paso Robles Formation consists mainly of conglomeratic, sandstone, and mudstone strata of non-marine deposition. The Careaga Sandstone consists mainly of massive fine- to medium-grained sandstone of marine deposition.

The lower aquifer is the principal water-bearing unit in the Lompoc Uplands (Bright et al., 1992). Older formations can yield significant quantities of water to wells, especially where partially cemented, unconsolidated, or highly fractured, which increases porosity.

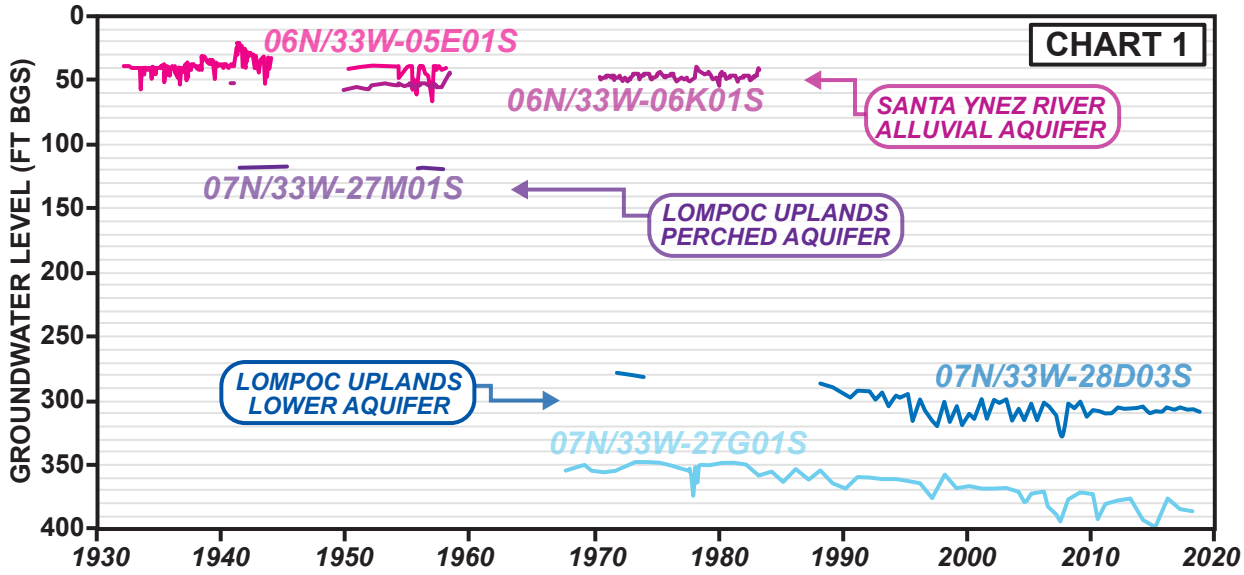
Groundwater Recharge and Levels

Recharge to local aquifers is derived from percolation of precipitation, irrigation return flow, seepage from streams and rivers, and subsurface inflow. Precipitation at SFS Farms proposed operation discussed herein averages 16 to 18 inches annually but reaches an average of over 20 inches along the nearby ridges (Figure 4). Per the Federal Emergency Management Agency's (FEMA) National Flood Hazard Layer (NFHL), the 100-year (1% annual chance) flood hazard zone follows a relatively band adjacent to Santa Rita Valley Creek and its tributary, the Gypsy Canyon Creek. Local surface water drains as intermittent flow in the Santa Rita Valley Creek from east to west across the Campbell Farms parcel before banking southwest through the Santa Rita Hills and joining the Santa Ynez River system by Santa Rosa Road.

Local groundwater flows within the Lompoc Upland flows generally west-southwestward and into the Lompoc Plain (e.g., West Yost Associates, 2013). Beneath the Lompoc Uplands, the Orcutt Sand locally contains a perched aquifer, with water generally more than 100 ft higher than levels in the underlying Paso Robles Formation and Careaga Sandstone (Miller, 1976). Groundwater pumping associated with agricultural development has caused locally caused water within the Lompoc Uplands to decline, resulting in less discharge from the Uplands to the Plain. Per the SBCWA's (2019) Groundwater Basin Report, water levels within the Lompoc Uplands have continued to decline since the 1930s, while the Lompoc Plain has remained fairly stable. Water levels within the alluvium along the river in the alluvial corridor by Santa Rosa Road are shallower (<50 ft bgs) and have historically remained stable.

Local long-term hydrographs (Chart 1) are available via the USGS National Water Information System, including for *SWNs* 07N/33W-28D03S and -27G01S since about the early 1970s in the SFS Farms vicinity of the Lompoc Uplands (lower aquifer), in addition to historical levels for the windmill well (-27M01S; perched aquifer) and for Santa Ynez River's shallow alluvial corridor where the Santa Rita Valley Creek joins the river (07N/33W-05E01S and -06K01S). At the -

27G01S well, located just east of Campbell Farms, water levels declined by about 50 ft between its high in the early 1970s to its nadir in 2015 during the most recent drought.



Within the larger Santa Ynez Basin, groundwater flows generally east to west, parallel to the Santa Ynez River flow regime, with some localized water table depressions in high pumpage zones (such as by the northern part of the Lompoc Plain with municipal supply wells for the City of Lompoc). Per the City's Urban Water Management Plan (Water Systems Consulting, Inc., 2015), ten municipal wells pumped groundwater from the Lompoc Plain within the east-northeast part of the City, with a combined capacity of 8195 gpm.

Groundwater levels within the Lompoc Basin are mostly affected by recharge from the Santa Ynez River and by pumping from wells by the City and agricultural users. Per the City's Groundwater Management Plan (West Yost Associates, 2013), a dynamic equilibrium exists between recharge and pumping such that long-term groundwater levels are stable in the basin. Groundwater levels fluctuate seasonally due to recharge/pumping seasonality cycles and yearly due to the variations in Santa Ynez River stream flow at Lompoc Narrows. While long-term levels are relatively static, significant groundwater declines occur during drought periods due to reduced surface flow at the Narrows and correspondingly reduced recharge, but groundwater levels historically recover after drought periods. Surface flow at the Narrows includes both

tributary runoff downstream from Bradbury Dam and releases from Cachuma Reservoir, with the releases regulated by Decision 89-18.

Structural Geology

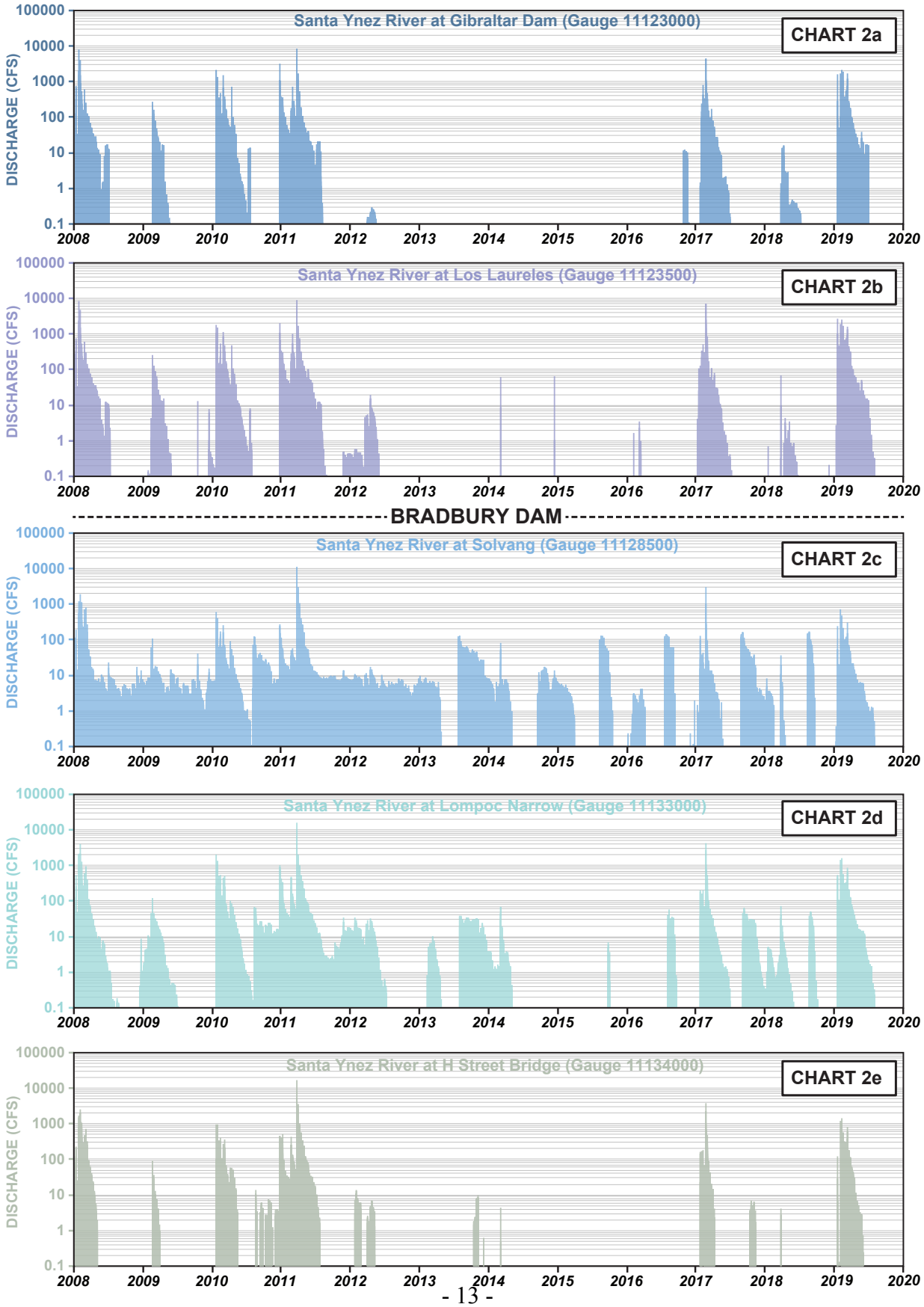
SFS Farms proposed operation discussed herein is within the Transverse Ranges geomorphic province. Rocks in this region have been folded into a series of predominantly east-west-trending anticlines and synclines associated with thrust and reverse faults. Regional deformation was caused by regional north-south compression, which may have begun during the late Pliocene or as late as 700,000 years ago and continues today. In general, the faulting and seismicity of southern California are dominated by the compressionary regime associated with the "Big Bend" of the San Andreas Fault Zone. Models indicate that the San Andreas system and central California Coast Ranges accommodate northwest-directed motion relative to the North American plate of nearly 40 mm per year, mainly by strike-slip faulting but with a convergence zone in the vicinity of the Big Bend.

Local geologic formations are deformed by a series of faults and folds, including the east-west trending Santa Ynez River Fault in the south and the northwest-southeast-trending Lions Head and Casmalia Faults in the north. The Santa Ynez River Fault Zone is mapped as a separate limb from the larger Santa Ynez Fault at the northern front of the Santa Ynez Mountains. Local sedimentary formations dip toward the Santa Rita Syncline in the north. Upwards of 1500 ft thickness of the Pliocene-aged sedimentary formations (Paso Robles Formation, Careaga Sandstone) occurs along the syncline.

Santa Ynez River Surface Water Flow Regime

The 92-mile-long Santa Ynez River drains nearly 900-square-mile area from east to west across the Santa Ynez Valley. Dams impound its flow into reservoirs, largely for water supply purposes, at three locations: from upstream to downstream, Jameson Lake behind Juncal Dam (constructed 1930), Gibraltar Reservoir behind Gibraltar Dam (constructed 1920), and Lake Cachuma behind the Bradbury Dam (constructed 1950-53). Stream discharge along the majority of the Santa Ynez River is controlled by Lake Cachuma operations. Reportedly, the Santa Ynez River had the largest run of steelhead in Southern California prior to dam constructions (CDFW, 2013). Its watershed is generally divided into a lower and upper sub-basins relative to Bradbury Dam.

In addition to numerous precipitation stations, Santa Barbara County's Flood Control District (SBFCD) and the USGS currently maintain automated river/stream gauges within the County (Figure 3 for gauge locations). There are four gauges with continuous/long-term records along the Santa Ynez River: from upstream to downstream, Gibraltar Dam Outflow (USGS 11123000) [Chart 2a], Los Laureles, above Lake Cachuma (USGS 11123500) [Chart 2b], Solvang (USGS 11128500) [Chart 2c], and Lompoc Narrows (USGS 11133000) [Chart 2d]. Each gauge records the stream discharge (flow), water temperature, gauge height, specific conductance, and dissolved oxygen every 15 minutes. Additional daily discharge records are available at other gauges, including at the H Street bridge in Lompoc (USGS 11134000) [Chart 2e]. A stream flow gauge along Santa Rita Valley Creek (USGS 11131700) recorded peak annual streamflows from 1976 to 2006.


Santa Ynez River at Gibraltar Dam (Gauge 11123000)
CHART 2a
Santa Ynez River at Los Laureles (Gauge 11123500)
CHART 2b
BRADBURY DAM
Santa Ynez River at Solvang (Gauge 11128500)
CHART 2c
Santa Ynez River at Lompoc Narrow (Gauge 11133000)
CHART 2d
Santa Ynez River at H Street Bridge (Gauge 11134000)
CHART 2e
DISCHARGE (CFS)
100000
10000
1000
100
10
1
0.1
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020

Lake Cachuma Inflows and Outflows

The United States Bureau of Reclamation (USBR) constructed the 279-ft-tall earthen Bradbury Dam between 1950 and 1953, as part of its Cachuma Project to store excess Santa Ynez River discharge. Lake Cachuma filled for the first time by 1958. The reservoir's maximum storage capacity is 193,305 acre-ft (currently around 139,369 acre-ft, or 72.1% filled, up from around 30% filled prior to the recent [2018-2019] wet winter) [Chart 3a]. Approximately 10% of its storage capacity has been lost due to silt accumulation behind the Dam (SBFCD, 2016). At the Dam's base, the Santa Ynez River's elevation is around 560 ft AMSL. The spillway elevation is 753 ft AMSL (actually spills at 750 ft but is surcharged to 753 ft for fish release). A recent (18-Dec-2019) reservoir surface elevation is 733.58 ft AMSL.

The USBR provides daily summaries on the reservoir's elevation, storage, inflows, and outflows.

Inflow into Lake Cachuma occurs via (1) the Santa Ynez River runoff [Chart 3b], (2) precipitation directly on the reservoir surface [Chart 3c], and (3) the State Water Project through the Central Coast Water Authority (CCWA) [Chart 3d]. Inflow to the Lake from the River is calculated as the sum of the storage change, releases, and evaporation minus contributions from the CCWA and direct precipitation.

Outflow from Lake Cachuma occurs via (1) the Tecolote Tunnel, for delivery to the Cities of Santa Barbara, Goleta, Montecito, Summerland, and Carpinteria through the South Coast Conduit [Chart 4a], (2) continuously pumped water to Hilton Creek as required by the National Marine Fisheries Service for steelhead trout [Chart 4b], (3) generally annual, late-summer controlled outlet releases from the Tunnel to the Santa Ynez River, including subject to Decision 89-18 [Chart 4c], (4) the spillway when the maximum storage capacity is exceeded (most recently in March 2011) [Chart 4d], and (5) evaporation [Chart 4e]. The region's arid climate results in evaporation losses around 16,000 acre-ft per year (SBFCD, 2016).

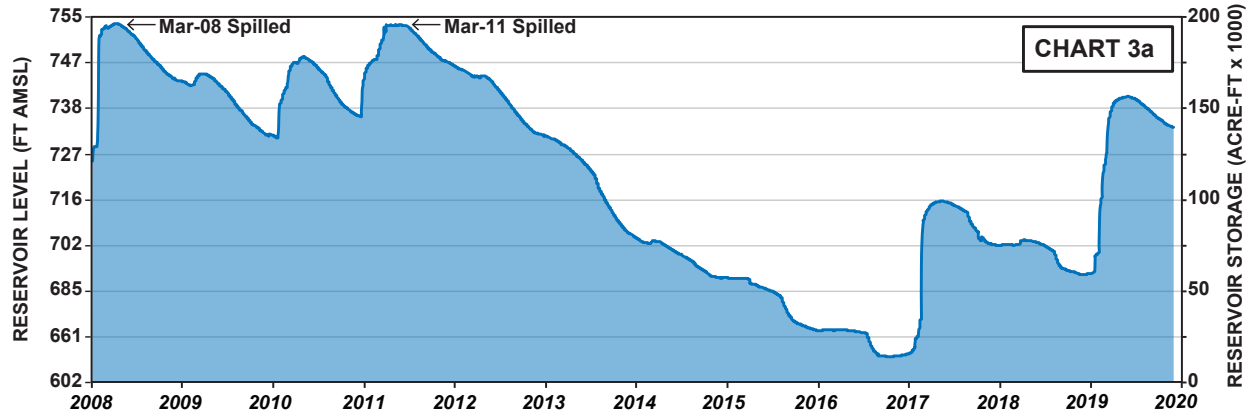
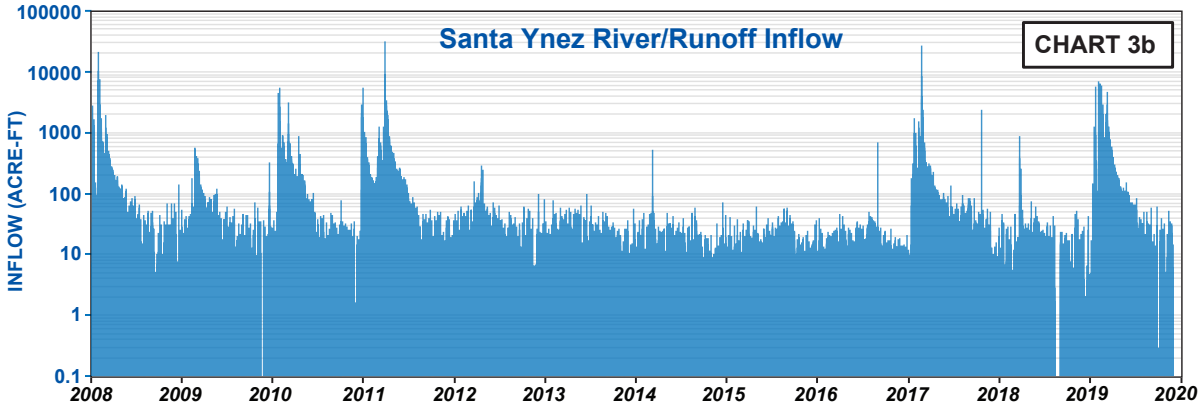
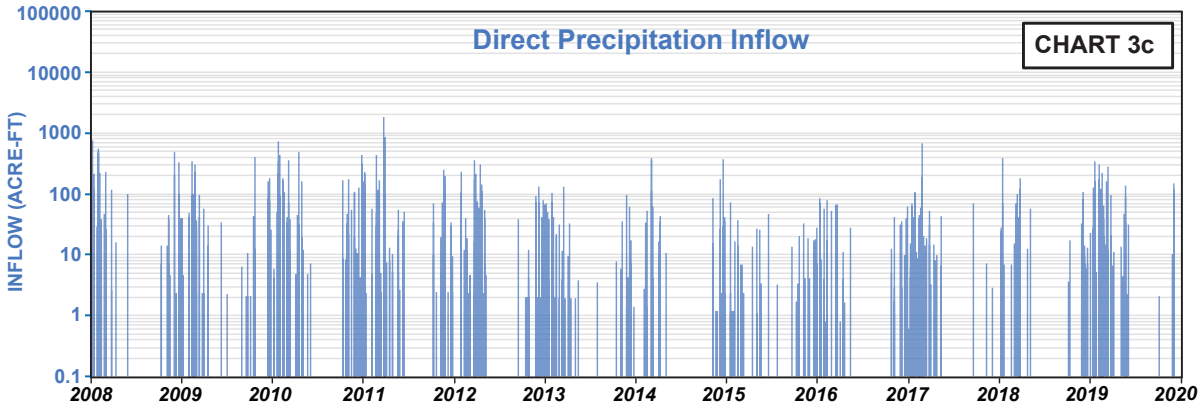
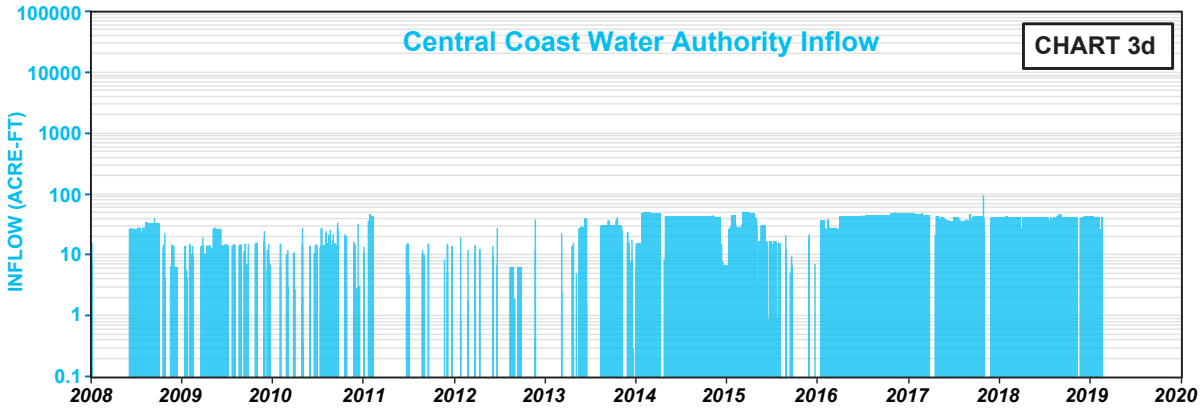
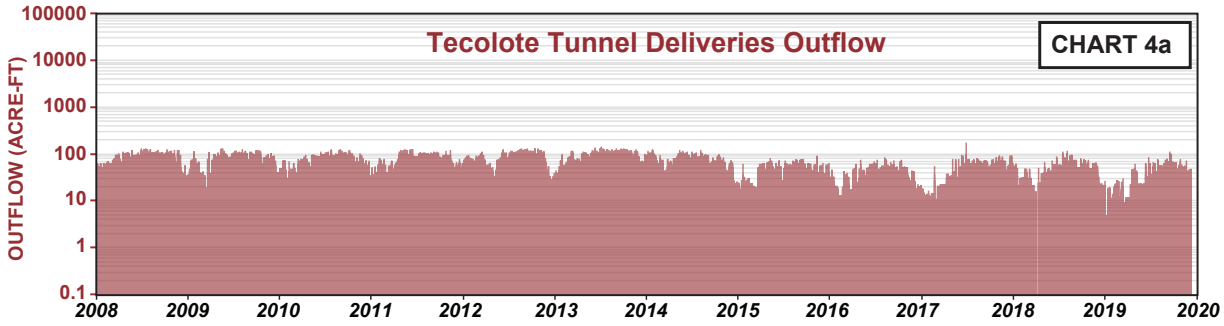


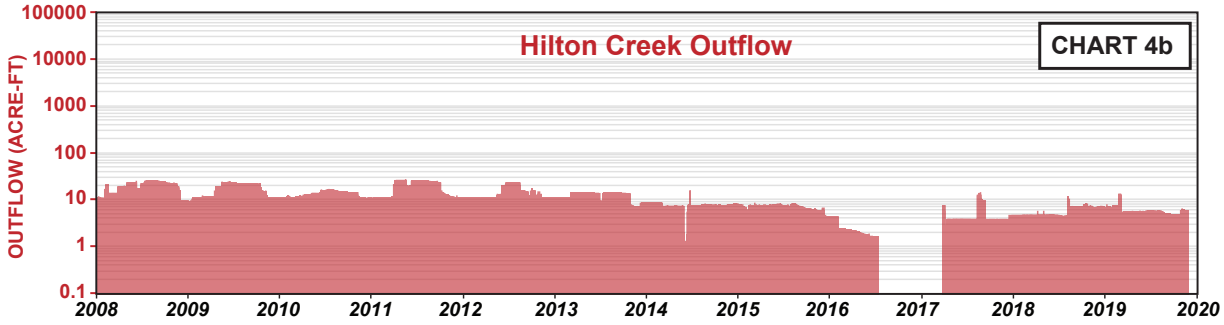
CHART 3a
Mar-08 Spilled
Mar-11 Spilled
RESERVOIR LEVEL (FT AMSL)
RESERVOIR STORAGE (ACRE-FT x 1000)
755
747
738
727
716
702
685
661
602
200
150
100
50
0
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020

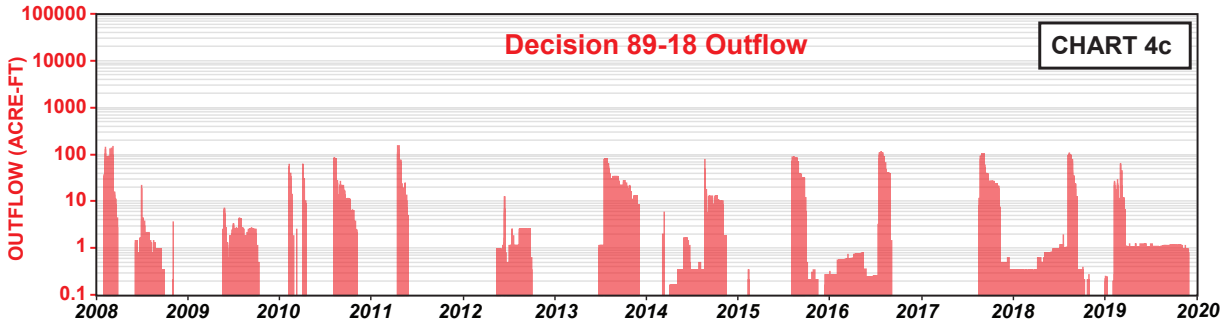

Santa Ynez River/Runoff Inflow
CHART 3b
INFLOW (ACRE-FT)
100000
10000
1000
100
10
1
0.1
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020

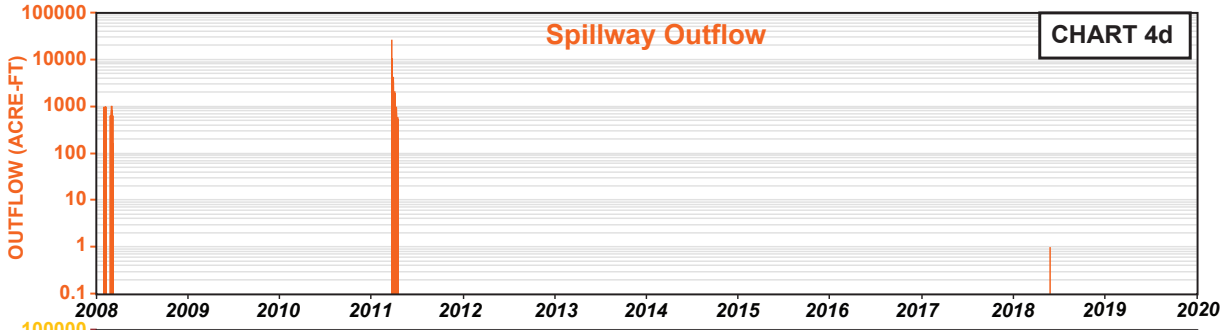

Direct Precipitation Inflow
CHART 3c
INFLOW (ACRE-FT)
100000
10000
1000
100
10
1
0.1
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020

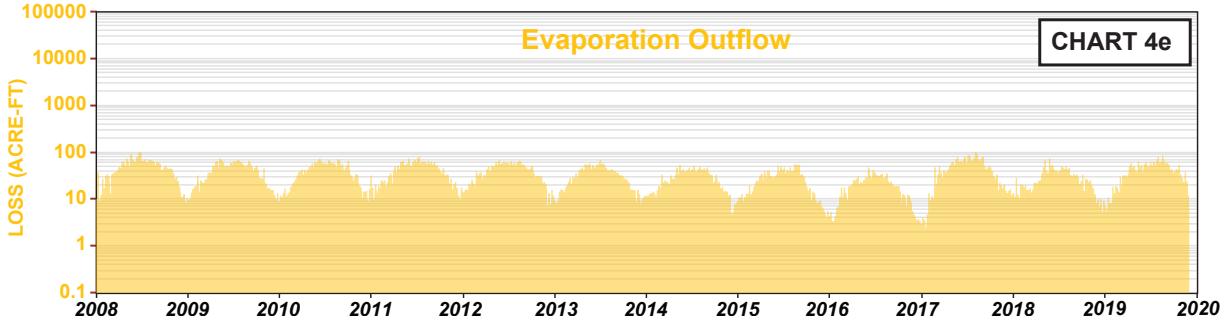

Central Coast Water Authority Inflow
CHART 3d
INFLOW (ACRE-FT)
100000
10000
1000
100
10
1
0.1
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020


Tecolote Tunnel Deliveries Outflow
CHART 4a
OUTFLOW (ACRE-FT)
100000
10000
1000
100
10
1
0.1
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020


Hilton Creek Outflow
CHART 4b
OUTFLOW (ACRE-FT)
100000
10000
1000
100
10
1
0.1
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020


Decision 89-18 Outflow
CHART 4c
OUTFLOW (ACRE-FT)
100000
10000
1000
100
10
1
0.1
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020


Spillway Outflow
CHART 4d
OUTFLOW (ACRE-FT)
100000
10000
1000
100
10
1
0.1
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020


Evaporation Outflow
CHART 4e
LOSS (ACRE-FT)
100000
10000
1000
100
10
1
0.1
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020

The Santa Ynez River Hydrology Model, first developed by the SBCWA in 1979, estimates the following average annual values for surface water budgets at Lake Cachuma. During the 1918-1993 simulation period, the model estimates a total of 85,768 acre-ft of annual inflows, with 74,171 acre-ft from runoff, 7663 acre-ft from the CCWA, and 3934 acre-ft from direct precipitation. The model estimates 85,672 acre-ft total outflow, with 11,066 acre-ft to evaporation, 35,350 acre-ft to spills/leakage, 23,053 acre-ft to deliveries (not including an additional 2050 acre-ft lost to infiltration along the Tecolote Tunnel), 5819 acre-ft to Decision 89-18 releases, 2721 acre-ft to fish/habitat releases, and finally 7663 net acre-ft to other State Water Project deliveries (City of Solvang Master Plan EIR, 2012).

Percolating Groundwater Usage for Cannabis Cultivation

Per the Biological Assessment by Davey Resource Group (September, 2019), no species listed under the California Endangered Species Act are expected to be impacted by the cannabis cultivation at SFS Farms, and there will be no conversion of any wildlife habitat.

Based on our hydrogeologic review, the 10-inch-diameter PVC-cased cannabis irrigation well at the SFS Farms extracts exclusively "percolating groundwater" within an aquifer system that is distinct from both the local Santa River Valley alluvial depots and the main Santa Ynez River channel deposits. Percolating groundwater extraction for cannabis cultivation is unlikely to acutely "substantially affect instream flows" when present along the local ephemeral creek reach. Therefore, irrigation operations at SFS Farms should not be subject to the current regulatory framework for cultivation operations during forbearance periods.

Please do not hesitate to contact us with any questions.

Best Regards,

Jordan Kear
Principal Hydrogeologist
Professional Geologist No. 6960
Certified Hydrogeologist No. 749

Timothy Becker
Professional Geologist No. 9589

References

Upson, J.E. and Thomasson, H.G. (**1951**), Geology and water resources of the Santa Ynez River Basin, Santa Barbara County, California: United States Geological Survey Water-Supply Paper 1107.

Dibblee, T.W., and Ehrenspeck, H.E., ed. (**1988**), Geologic map of the Lompoc and Surf quadrangles, Santa Barbara County, California: Dibblee Geological Foundation, Dibblee Foundation Map DF-20.

Bright, D.J., Stamos, C. L., Martin, P., and Nash, D.B. (**1992**), Ground-water Hydrology and Quality in the Lompoc Area, Santa Barbara County, California, 1987-1988: USGS Water-Resources Investigations Report 91-4172, prepared in cooperation with the SYRWCD.

Dibblee, T.W., and Ehrenspeck, H.E., ed. (**1993**), Geologic map of the Los Alamos quadrangle, Santa Barbara County, California: Dibblee Geological Foundation, Dibblee Foundation Map DF-46.

Department of Water Resources (**2004**), Santa Ynez River Valley Groundwater Basin, Number 3-15, Central Coast Hydrologic Region: Bulletin 118.

Stetson Engineers Inc. (**2008**), Approach to delineate subterranean streams and determine potential streamflow depletion areas, Technical Memorandum: Policy for Maintaining Instream Flows in Northern California Coastal Streams.

West Yost Associates (**2013**), Urban Water Management Plan for the City of Lompoc.

County of Santa Barbara, Water Resources Division (**2014**), Groundwater Basins Status Report.

Water Systems Consulting, Inc. (**2015**), Groundwater Management Plan for the City of Lompoc.

Santa Ynez River Water Conservation District (**2017**), Santa Ynez River Valley Basin, Western Management Area Groundwater Sustainability Agency: Notice of Decision to Become GSA.

Santa Barbara County Water Agency (**2019**), Groundwater Basins Summary Report.

Davey Resource Group (**2019**), Biological Assessment of Proposed Agricultural Development, SFS Farms.

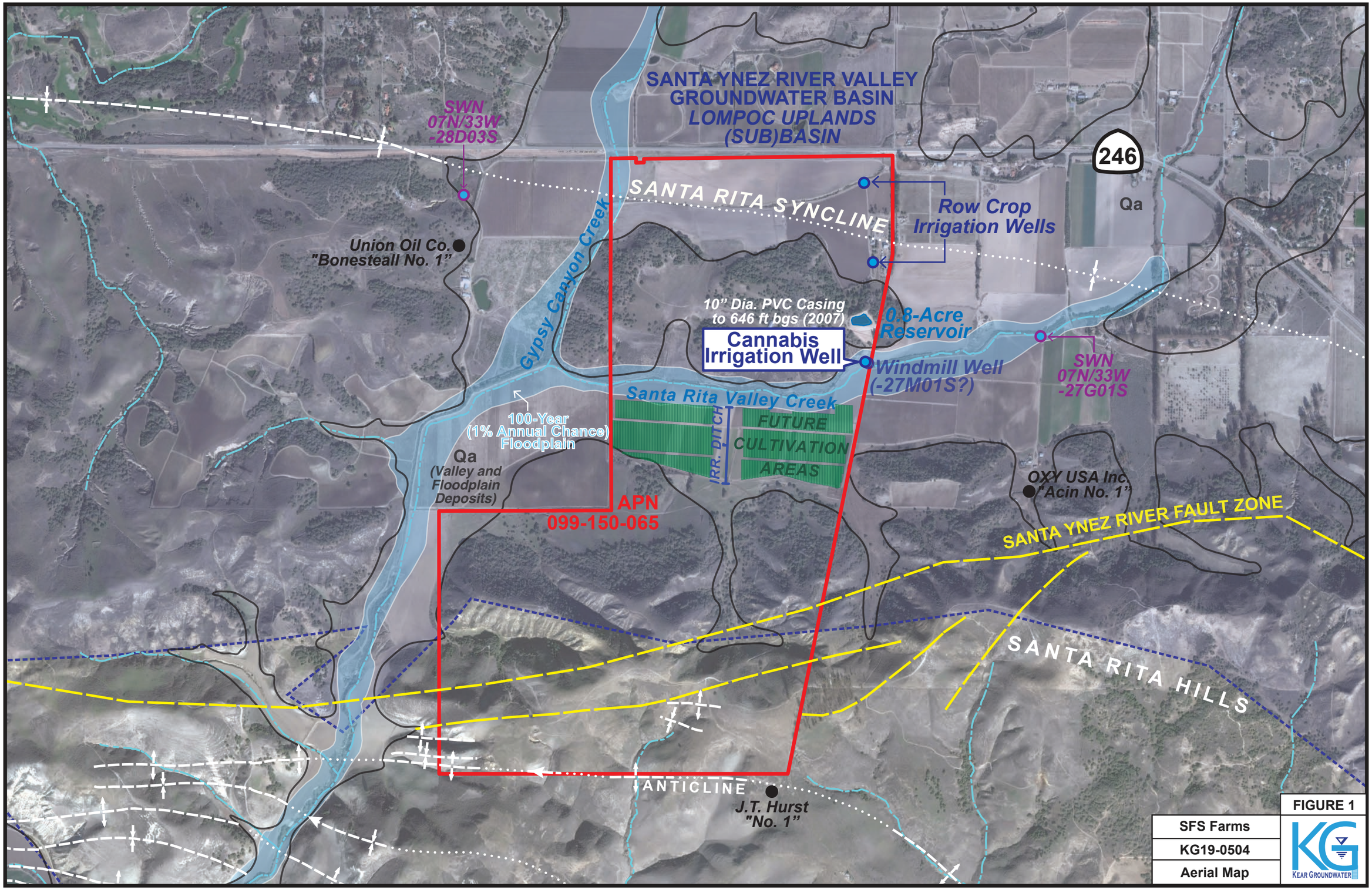


FIGURE 1

SFS Farms
KG19-0504
Aerial Map

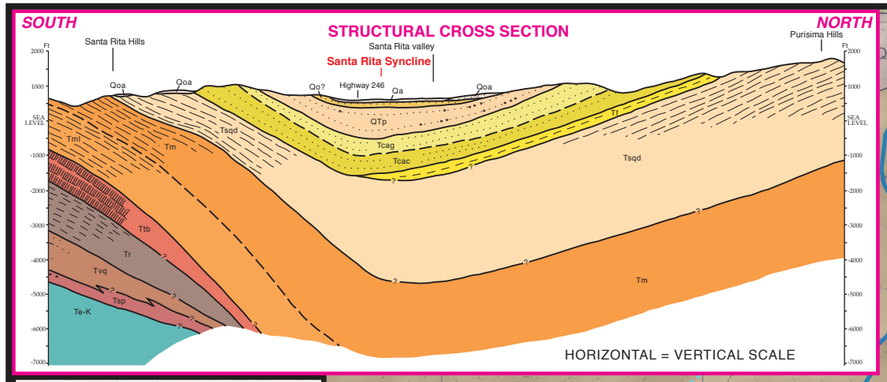
KEAR GROUNDWATER

Faults: USGS EHP
Alluvium Contacts: Dibblee (1988, 1993)
Aerial Basemap: Google Earth (28-Dec-2015)

Groundwater Basin: DWR Bulletin 118
Streams, Creeks: USGS NHD
Floodplains: FEMA NFHL

0 2000 4000 ft

N



FORMATION LEGEND

Qa / Qg — SURFICIAL SEDIMENTS

Qoa — OLDER DISSECTED SURFICIAL SEDIMENTS

— *UNCONFORMITY* —

Qo — ORCUTT SAND
Nonmarine; Pleistocene age

QTp — PASO ROBLES FORMATION
Nonmarine; latest Pliocene to early Pleistocene age

Tcag / Tcac — CAREAGA SANDSTONE
Shallow marine regressive; late Pliocene age

Tsq — SISQUOC SHALE
Marine, late Miocene age

Tm — MONTEREY SHALE
Marine; early to late Miocene age

Ttb — TRANQUILLON VOLCANIC FORMATION
Marine (?); early Miocene age

SANTA YNEZ RIVER VALLEY GROUNDWATER BASIN
LOMPOC UPLANDS (SUB)BASIN

ALLUVIAL CORRIDOR (SUB)BASIN

SANTA RITA HILLS

PURISIMA HILLS

SANTA RITA SYNCLINE

SANTA RITA WATERSHED

SANTA YNEZ RIVER FAULT ZONE

CROSS SECTION LINE

Gypsy Canyon Creek

Santa Rita Valley Creek

SWN 07N/33W -28D03S

Union Oil Co. "Bonesteall No. 1"

Row Crop Irrigation Wells

10" Dia. PVC Casing to 646 ft bgs (2007)

Cannabis Irrigation Well

Windmill Well (-27M01S?)

SWN 07N/33W -27G01S

OXY USA Inc. "Acin No. 1"

APN 099-150-065

J.T. Hurst "No. 1"

SWN 06N/33W -06K01S

SWN 06N/33W -05E01S

246

FIGURE 2

SFS Farms
KG19-0504
Geologic Map

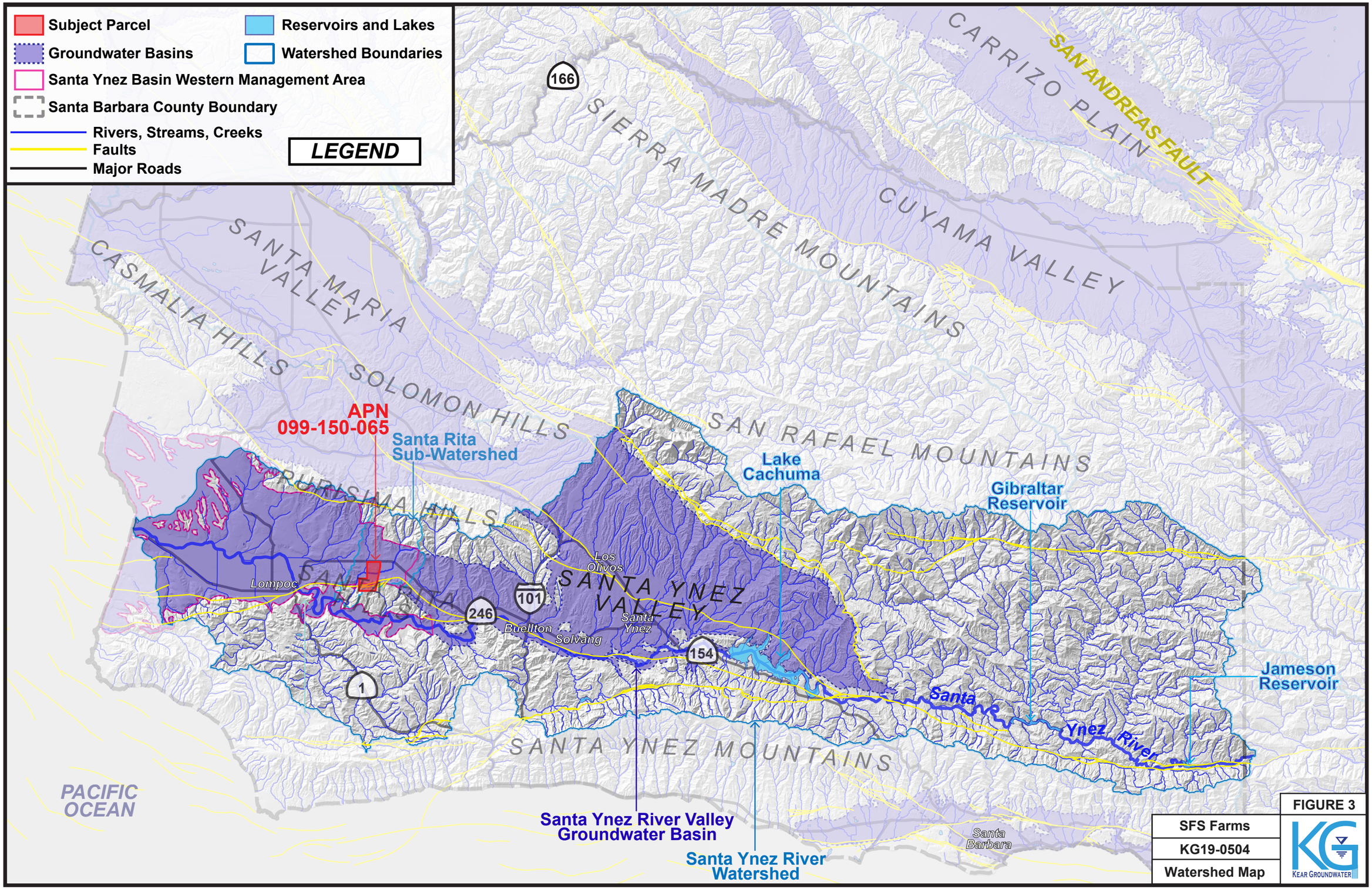
KEAR GROUNDWATER

Parcel Lines: SB County
Water Wells: KG Field Visit/USGS NWIS)
Geologic Basemaps: Dibblee (1988, 1993)

Groundwater Basin: DWR Bulletin 118
River, Streams: CDFW; *Faults:* USGS EHP
Shaded Relief: Modified from USGS NED

0 2000 4000 ft

N



Groundwater Basins: DWR Bulletin 118
Shaded Relief: Modified from USGS NED

Watersheds, Waterbodies: USGS NHD/WBD
Major Rivers & Streams: CDFW
Faults: USGS EHP

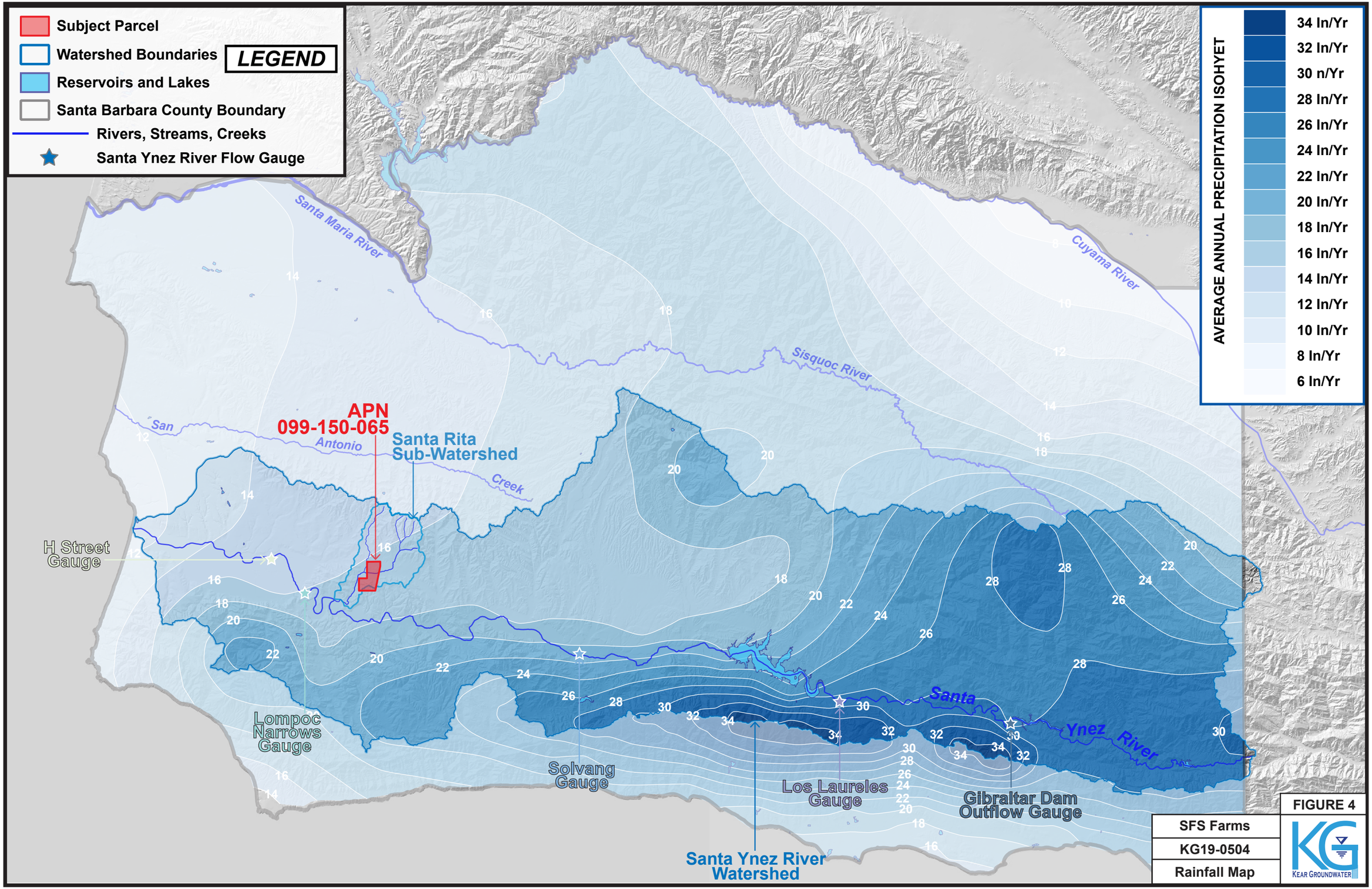


FIGURE 4

SFS Farms
KG19-0504
Rainfall Map

KEAR GROUNDWATER

Rainfall Isohyets: SB County
Shaded Relief: Modified from USGS NED

Watersheds, Waterbodies: USGS NHD/WBD
Major Rivers, Creeks: CDFW
Stream Gauges: USGS

0 5 10 Miles

N

CAMPBELL RANCHES, INC
Post Office Box 625, Lompoc, CA 93438
E-mail: office@campbellranches.com
Telephone (805) 736-5451, Facsimile (805) 736-1333

June 9, 2021

Good Afternoon Kapono,

Below is an estimate of water use by crop that has historically been planted. There are 102 farmable acres available on the back portion of the Ostini Ranch. The figures below reflect the approved allowance of acreage that SFS would be able to farm (roughly 83 ac). It may be important to note that if SFS does not get approved, there will be 102 acres of organic fruits/vegetable that will be planted. That would ultimately lead to an even higher volume of water use than reflected below.

Crop	Acre-foot (6 mo)	Acre-foot (annual)	Total acreage Acre-foot/Yr
Celery	2.0	4.0	332
Strawberries		1.5	124.5
Broccoli	1.55	3.1	257.3
Kale	2.0	4.0	332
Romaine	1.4	2.8	232.4
Peppers	2.0	4.0	332
Grain	.3	.6	49.8

The figures that are reflected above are verifiable through the Santa Ynez River Water Conservation District table of irrigation water use factor pamphlet.

Let us know if you have any questions.

Thanks,
Meredith