



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-00000-00116
2. Business Licensing Ordinance Case Number(s): _____
3. Project Applicant(s): Brandon Gesicki, Agent
4. Property Owner(s): Maldonado Companies, LLC

5. Project Site Location and Tax Assessor Parcel Number(s): 4651 Santa Maria Mesa Road, Santa Maria, CA, 93454; APNs 129-040-010, 129-040-018, and 129-030-022

6. Project Description: The Project includes a request for approval of a Land Use Permit to allow 46.29 acres of outdoor cannabis cultivation and 1.45 acres of cannabis nursery. The outdoor cannabis cultivation area will include 35.95 acres of hoop structures (18 feet in width/300 feet in length) and the cannabis nursery area will include 0.95 acres of hoop structures (20 feet in width/147-248 feet in length). Hoop structures will have a maximum height of 16 feet and will not include any permanent structural elements, utilities, or lighting. The operation will involve two harvests per year for a duration of approximately three weeks per harvest, not to exceed four weeks per harvest. All harvested cannabis will be transferred off site for processing the same day it is harvested. There will be no processing (i.e., drying, curing, trimming, storing, packaging, or labeling) of harvested cannabis on the Project site. The total cannabis cultivation area (as defined by the LUDC) will be approximately 47.74 acres in size.

The secure cannabis operational area will also include a 0.67 acre compost and waste area, 0.64 total acres of compacted soil parking and general agricultural equipment storage area, and a 0.50 acre transport staging (packing and shipping) area. The transport staging area will be used for weighing and recording, boxing, and vehicle loading for movement of cannabis offsite. The Project also includes five 280-sq. ft. storage containers and a 224 sq. ft. temporary office trailer. The five storage containers will be used for general material/equipment storage and pesticide/chemical storage, and will not hold any cannabis plant or product. The temporary office trailer will be permitted for a maximum of one year following land use permit issuance, after which time the trailer will be removed from the site, not to return. The project will not include any grading in excess of 50 cubic yards. The project will not include any tree removal or native vegetation removal.

The proposed cannabis operation will be secured with 6-foot-high “no-climb” chain link fencing along the perimeter of the proposed cannabis operational area. Access to the proposed cannabis operation will be controlled with 6-foot high, 20-foot-wide “no-climb” chain link gates that will remain locked at all times except during times of active ingress/egress. Additional security features include security cameras and security lighting that will be installed around the perimeter and throughout the cannabis operational area. All light fixtures will be fully shielded and directed downward, and installed at a maximum height of 10 ft. All light fixtures will be motion activated, and when triggered, will remain on for a maximum of six minutes. Screening will be provided by approximately 127,899 sq. ft. of landscaping planted along portions of the western, eastern and southern project boundaries.

The proposed cannabis operation will involve a maximum of 24 regular full-time employees and a maximum of 43 additional seasonal employees who will be employed on site for a maximum of 60 days per year during planting and harvest periods. The hours of operation will be 6:30 a.m. to 4:30 p.m. Monday through Friday.

An existing onsite groundwater well will provide irrigation water for the Project. All sanitation facilities will be provided in compliance with OSHA. Fire protection will be provided by the Santa Barbara County Fire Department, law enforcement will be provided by the Santa Barbara County

Sheriff’s Department, and electricity will be provided by Pacific Gas & Electric Co. The project will not include the use of generators.

The Project site is accessed via White Rock Lane, an existing 25-foot wide private road off of Santa Maria Mesa Road. The Project site is on a 431.4-acre lot, zoned Agriculture II (AG-II-100) and shown as Assessor's Parcel Numbers 129-040-010, -018, and 129-030-022, located at 4651 Santa Maria Mesa Road in the unincorporated area of Santa Maria, 5th 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Article II § 35-144U.C.3	If so, does the proposed project include implementation of the required landscape and screening plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
MM AG-2. New Structure Avoidance of	LUDC § 35.42.075.D.1.b	Does the proposed project site have prime soils located on it? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
Prime Soils	Article II § 35-144U.C.1.b	Does the proposed project involve structural development? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If the proposed project involves structural development, are the structures sited and designed to avoid prime soils? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Article II § 35-144U.1.j	If so, does the project include implementation of the required Transportation Demand Management Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
MM AQ-5. Odor Abatement Plan	LUDC § 35.42.075.C.6	<i>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.</i> Does the proposed project include cannabis cultivation, a nursery, manufacturing, microbusiness, and/or distribution? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If so, does the project include implementation of the required odor abatement plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Article II § 35-144.C.8 and Appendix G	If so, does the project include implementation of the required tree protection plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
MM BIO-1b. Habitat Protection Plan	LUDC § 35.42.075.C.8 and Appendix J	<i>Inland.</i> 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?

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A If so, does the project include implementation of the required habitat protection plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
	Article II § 35-144.C.8 and Appendix G	<i>Coastal.</i> Does the project involve development within environmentally sensitive habitat (ESH) and/or ESH buffers? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A If so, does the project include implementation of the required habitat protection plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
MM HWR-1a. Cannabis Waste Discharge Requirements Draft General Order	LUDC § 35.42.075.D.1.d	Does the proposed project involve cannabis cultivation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Article II § 35-144.C.8 and Appendix G	If so, does the project include implementation of the required wildlife movement plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Cultural Resources		
MM CR-1. Preservation	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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If so, was a Phase I cultural study prepared? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A If so, did the Phase I cultural study require a Phase II cultural study? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A If so, does the project involve implementation of cultural resource preservation measures set forth in the Phase II cultural study? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
MM CR-2. Archaeological and Paleontological Surveys	Article II §§ 35-144U.C.1 and 35-65	
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If so, does the project involve implementation of the required Volatile Manufacturing Employee Training Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
	Article II § 35-144U.C.3.c	
Hydrology and Water Quality Impacts		
MM HWR-1. Cannabis Waste Discharge Requirements General Order	<i>See the Biological Resources items, above.</i>	
MM BIO-1b. Cannabis Waste Discharge Requirements General Order	<i>See the Biological Resources items, above.</i>	
Land Use Impacts		
MM LU-1. Public Lands Restriction	LUDC § 35.42.075.D.1.h	Does the proposed project involve cannabis cultivation on public lands? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Article II § 35-144U.C.1.h	
MM AQ-3. Cannabis Site Transportation Demand Management	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
MM AQ-5. Odor Abatement Plan	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	

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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If so, did the applicant pay the requisite fee? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Compliance with Comprehensive Plan Environmental Resource Protection Policies	LUDC § 35.10.020.B	<i>All cannabis applications.</i> Does the proposed project comply with all applicable environmental resource protection policies set forth in the Comprehensive Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	CLUP Chapter 3, § 3.1 and Policy 1-4	<i>Coastal cannabis applications.</i> Does the proposed project comply with all applicable coastal resources protection policies set forth in the Coastal Land Use Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Noise		
MM AQ-3. Cannabis Site Transportation Demand Management	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
Transportation and Traffic		
MM AQ-3. Cannabis Site Transportation Demand Management	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
MM TRA-1. Payment of Transportation Impact Fees	<i>See the Land Use Impacts items, above.</i>	
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: <ul style="list-style-type: none"> • 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

		<p>screened from a public viewing location pursuant to the requirements of PEIR mitigation measure MM AV-1 (Screening Requirements); or</p> <ul style="list-style-type: none"> • 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 <i>Environmental Thresholds and Guidelines Manual</i> (March 2018). <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
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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.

- 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.

Alia Vosburg

 Name of Preparer of § C.1

Alia Vosburg

 Signature of Preparer of § C.1

09/28/21

 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If so, does the proposed project conform to the recommendations of the County Green Building Committee? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Utilities and Energy Conservation		
MM UE-2a. Energy Conservation Best Management Practices	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
MM UE-2b. Participation in a Renewable Energy Program	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
MM UE-2c. Licensing by the County Green Building Committee	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
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: <ul style="list-style-type: none"> • construction of a bridge across a riparian corridor that supports listed species

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		<p>protected under the Federal or California endangered species acts, in order to gain access to a project site;</p> <ul style="list-style-type: none"> • 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 <i>Environmental Thresholds and Guidelines Manual</i> (March 2018). <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

* 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 A

Additional Information for the Proposed Cannabis Activity

CEQA Environmental Determination

The following discussion supports the determinations made in the Checklist for the Canna Rios, LLC – Cannabis Cultivation Project (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 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.

- (1) Substantial changes are proposed in the project 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.**

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 Santa Maria 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 cannabis cultivation and cannabis nursery are cannabis activities that were anticipated to occur on AG-II zoned lands, such as the AG-II-100 zoned lands which exist in the Santa Maria region in which the Proposed Project site is located. The PEIR evaluated the potential increases in employment, traffic, noise, air emissions (including odors), etc., that may result from the Proposed Project and other commercial cannabis activities allowed under the Program. The Proposed Project's physical development is limited to water tanks, storage containers, a temporary office trailer, a permanent restroom structure, fencing, lighting, and landscaping. The scope of the Proposed Project's development was evaluated in the PEIR with regard to aesthetics, visual impacts, and loss of prime soils. There is nothing unusual about the proposed agricultural activities and the minimal physical development is standard in the Santa Maria region 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 5 land use entitlement applications involving proposed or permitted cannabis activities located in the unincorporated area east of the City of Santa Maria (Santa Barbara County Planning and Development Interactive Map for Cannabis, available at <https://sbcopad.maps.arcgis.com/apps/webappviewer/index.html?id=f287d128ab684ba4a87f1b9cf438f91>, accessed on February 3, 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 specific commercial cannabis applications on the properties located on and around the Proposed

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)."

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 the subject Project, proposed structural development has been cited to avoid prime soils and proposed landscaping will screen all proposed structural development and cultivation activities from public view. Additionally, project activities would not occur within proximity to sensitive receptors and noise generation would be limited to the use of standard agricultural equipment and machinery. Therefore, the Proposed Project would not result in impacts to aesthetics, agricultural resources, or Noise.

The Proposed Project, which includes outdoor cannabis cultivation and cannabis nursery, would contribute to cumulative impacts on air quality and transportation and traffic. 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 mitigation measures include implementation of a Site Transportation Demand Management Plan to reduce vehicle trips generated by Proposed Project and operational measures (ensure all harvested cannabis will be transferred offsite the same day it is harvested and no cannabis processing will occur onsite) to minimize cannabis odors generated as a result of the Proposed Project. 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 Project and project site have been reviewed by a County-approved biologist (Attachment C), the Regional Water Quality Control Board, U.S. Fish and Wildlife Service, the California Department of Fish and Wildlife, County Fire, County Flood Control, Project Clean Water, and County Environmental Health Services. Mitigation measures discussed in the PEIR, including implementation of a Lighting Plan, Landscape Screening Plan, Site Transportation Demand Management Plan, Noise Plan, Water Efficiency Plan, and Wildlife Movement Plan, have been incorporated into the conditions of approval for the Proposed Project to ensure the Proposed Project will remain in compliance with the applicable mitigation measures designed to reduce project-level impacts. 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 cannabis cultivation and cannabis nursery on AG-II zoned lots within the Santa Maria 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 outdoor cultivation and cannabis nursery. The Proposed Project would comply with the applicable mitigation measures from the PEIR, including implementation of a Lighting Plan, Landscape Screening Plan, Site Transportation Demand Management Plan, Noise Plan, Water Efficiency Plan, and Wildlife Movement Plan.

Attachment B
Board of Supervisors Findings for Approval and Statement of
Overriding Consideration for the Cannabis Land Use
Ordinances

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

**Case Nos. 17ORD-00000-00004, 17ORD-00000-00010, 17ORD-00000-00009,
18ORD-00000-00001, 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 IMPACTS¹ 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 C

**Revised Biological Resources Assessment Addendum for the
Canna Rios Cannabis Cultivation Project (19LUP-00000-00116),
Santa Barbara, California**



December 2, 2020

Mr. Brandon M. Gesicki
Capitol Consulting Corporation

Sent via email: capitolconsultingcorp@gmail.com

RE: Revised Biological Resources Assessment Addendum for the Canna Rios Outdoor Cannabis Cultivation and Processing Project (19LUP-00000-00116), Santa Barbara, California

Dear Mr. Gesicki,

Terra Verde Environmental Consulting, LLC (Terra Verde) has prepared this revised memorandum for the proposed Canna Rios Outdoor Cannabis Cultivation and Processing Project (project) located at 4651 Santa Maria Mesa Road, Santa Barbara County (County), California (APN: 129-040-010) (see Attachment A – Figure 1: Project Vicinity and Survey Area Map). Specifically, this memorandum has been prepared to address comments received from the County and the California Department of Fish and Wildlife (CDFW) on March 12, 2020 during the environmental review process and supplemental comments received on October 23, 2020. This memorandum includes supplemental information obtained during a site visit with CDFW on September 19, 2020.

This revised memorandum has been prepared as an addendum to the initial Biological Resources Assessment (BRA) prepared by Rincon Consultants, Inc. (Rincon) in May 2019 and is intended to provide supplemental information on the proposed project, the overall biological community, sensitive resources occurring or having potential to occur, and impact analysis to support the environmental review process. Supplemental information provided herein is intended to meet the standards set forth in the *County Biological Report Pre-Screening Checklist* (Checklist) including providing appropriate avoidance and minimization measures to protect sensitive resources.

Revised Project Description

As described in the BRA by Rincon (2019), the project site is within an agricultural area in an unincorporated portion of the County. The total lot (APN 129-040-010) is approximately 432 acres, though cannabis cultivation and associated infrastructure is only proposed on approximately 60 acres located in the eastern portion of the property (see Attachment B – Site Plans). The following is a detailed description of each component of the project.



Cultivation Premises

The overall mature plant cultivation premises will cover approximately 52.5 acres including approximately 45.15 acres of outdoor cannabis cultivation divided into the following:

- 16.60 acres of Tier 1 hoop houses comprised of eight (8) licenses for 9,969 square feet (SF) each.
- 26.55 acres of open canopy comprised of 155 licenses for 9,900 SF each.

The Tier 1 hoop houses will range between approximately 18 feet (ft) wide by 300 ft long and 16 ft high with raised beds and approximately 8-ft walkways between each license (see Attachment B)

The Nursery Premises

The overall immature plant nursery premises will cover approximately 1.2 acres and include the following:

- Two (2) canopy areas totaling 0.95 acre. Canopy areas will measure approximately 130 ft wide by 158 ft long and 119 ft wide by 169 ft long, respectively.

Temporary hoop structures may be placed in the nursery area, as needed (see Attachment B).

The Processing Premises

The processing premises will include approximately 2.25 acres and include the following:

- Ten (10) storage containers measuring approximately 9 ft wide by 28 ft long by 10 ft tall.
- One (1) temporary administrative office measuring approximately 8 ft wide by 28 ft long.
- Ten (10) temporary shade structures.
- Weigh scales.

See Attachment B.

Site Infrastructure and Security

A single 20-foot wide main access road will be constructed from White Rock Lane to the project entrance gate. Parking, common areas, and temporary restroom facilities will be located at the entrance. No septic system is being proposed at this time. Overflow parking will be located at the western end of the main access road near one of the two composting areas.

The site will be surrounded by a 6-foot tall no-climb security fence (see Attachment B). Security light fixtures will be installed around the property. All light fixtures will have appropriate shielding to restrict off site light pollution and impacts to wildlife.

No water impoundments will be used for the operations.

Landscape Screening

The list of proposed screening plants has been revised to eliminate the use of Peruvian pepper (*Schinus molle*) and myoporum (*Myoporum* sp.). As such, only coast live oak (*Quercus agrifolia*) and blue elderberry (*Sambucus nigra* subsp. *caerulea*) will be used for landscape screening.



Riparian Setbacks

The project is implementing at least 200 ft setbacks from top of bank which corresponds to the edge of existing riparian vegetation. The proposed setback is in compliance with the following regulations:

- State Water Resources Control Board (SWRCB) Cannabis Cultivation Policy – Principals and Guidelines for Cannabis Cultivation (Attachment A), which requires:

Table 1. SWRCB Cannabis Cultivation Policy Riparian Setback Requirements

Water Resource	Riparian Setback
Perennial watercourses (e.g. lakes, ponds, springs)	150 feet
Intermittent watercourses or wetlands	100 feet
Ephemeral watercourses	50 feet
Man-made irrigation canals and reservoirs	Limits of the riparian vegetation zone

- County Stream and Riparian Habitat Protection per the Environmental Thresholds and Guidelines Manual (County 2008), which prescribes 50 ft setbacks in urban areas and 100 ft in rural areas from the edge of the riparian canopy or top of bank in the absence of riparian vegetation.

Survey Methods

Prior to conducting the field survey, Terra Verde staff conducted a background review of relevant literature including the Biological Resources Assessment prepared by Rincon (2019) and the following:

- Aerial photographs of the project site (Google Earth 1994 – 2020)
- U.S. Geologic Survey (USGS) topographic map for the Twitchell Dam 7.5-minute quadrangle (National Geologic Map Database 2020)
- Online Soil Survey for Santa Barbara County, California (Natural Resources Conservation Service 2020)
- Consortium of California Herbaria (CCH) online database of plant collections (CCH 2020)
- California Natural Diversity Database (CNDDDB) list of state and federally listed special-status species documented in the project vicinity (California Department of Fish and Wildlife [CDFW] 2020)
- CNDDDB map of special-status species that have been documented within a 5-mile radius of the project site (CDFW 2020) (see Attachment A – Figure 2: 5-mile CNDDDB Map)
- California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants documented in the project vicinity (CNPS 2020)



- United States Fish and Wildlife Service (USFWS) Critical Habitat Portal (USFWS 2020a)
- USFWS National Wetland Inventory map (NWI) (USFWS 2020b)

The list of regionally occurring special-status species compiled in the BRA (Rincon 2019) were reviewed and used to inform the field survey effort.

Terra Verde botanist Amy Golub and wildlife biologist Patrick Scott completed a reconnaissance-level survey during the morning hours of May 11, 2020. The survey lasted approximately 4 hours and included the entire project footprint, an approximate 100 ft buffer, and a visual scan of the surrounding areas, where access was feasible (see Attachment A – Figure 1). All botanical and wildlife species encountered via direct or indirect observation (e.g., scat, track, call) were recorded during the survey effort (see Attachment C – List of Botanical and Wildlife Species Observed). Botanical species identifications and taxonomic nomenclature followed *The Jepson Manual: Vascular Plants of California*, 2nd edition (Baldwin et al. 2012), as well as taxonomic updates provided in the Jepson eFlora (Jepson Flora Project 2019). The survey also included conducting CDFW/CNPS 2019 Protocol for the Combined Vegetation Rapid Assessment and Relevé (refer to Attachment E for datasheets). All vegetation communities were classified to the association level in accordance with *A Manual of California Vegetation* (MCV) classification system (Sawyer et al. 2009), as well as updates included in the MCV Online (CNPS 2019b).

Vegetation Communities

Vegetation communities and land cover types were assessed, classified, and mapped based on vegetation composition, structure, and density, with consideration of known land management practices (see Attachment A – Figure 3: Vegetation Communities Map). The survey area totaled approximately 236 acres, with 178 acres consisting of agricultural fields. Natural vegetation communities identified on site included 40 acres of mule fat thickets and 6 acres of scale broom scrub. Remaining acreage consists of disturbed areas that included roads and equipment storage facilities.

A total of 51 vascular plant species were identified on site, of which 34 (66 percent) were non-native. Most of the survey area consists of ruderal or denuded agricultural fields that are regularly tilled, mowed, and/or disked. These natural vegetation communities and land cover types are described below, and illustrated in Figure 3 of Attachment A.

Agriculture (178.28 acres)

The agricultural land cover type was the dominant land cover type within the project area. This area was primarily void of vegetation though supports monotypic row crops at different times throughout the year. This area is frequently disturbed with agricultural equipment. The field was actively being tilled during the field survey. Due to frequent disturbance, the agricultural areas provide low quality habitat for wildlife and does not classify as a natural vegetation community in the MCV classification system.



Disturbed (10.83 acres)

The disturbed land cover type is primarily restricted to the perimeter of the agricultural area and includes all roads, pads, and materials/equipment storage areas. These areas support only minimal vegetation that is adapted to frequent disturbance including mustard (*Hirschfeldia incana*), flax-leaved horseweed (*Erigeron bonariensis*), and non-native annual grasses in trace amounts. Scattered ornamental trees are present within this community including a cluster of Peruvian pepper (*Schinus molle*) trees located at the junction of White Rock Road and Santa Maria Mesa Road. This land cover type provides low quality habitat for wildlife and does not classify as a natural vegetation community in the MCV classification system.

Mulefat Thickets (40.83 acres)

This community occurs in the northern and western portion of the survey area in association with the Cuyama and Sisquoc Rivers, respectively. Community composition was similar to the mulefat thicket community description in the Rincon BRA (2019) including a dominance of mulefat with sandbar willow (*Salix exigua*) and mustard occurring in disturbed sections. Other tree species occurring throughout this community include blue elderberry (*Sambucus nigra* subsp. *caerulea*) and Fremont's cottonwood (*Populus fremontii* subsp. *fremontii*) with herbaceous species were present at low cover. It should be noted that scale broom scrub (*Leptospermum squamatum*) was not observed in this community. As such this association is not classified as a sensitive natural community, though is still considered an environmentally sensitive habitat area (ESHA) by the County.

This species composition was used in determining the community classification, which most closely corresponds with the *Baccharis salicifolia* Shrubland Alliance (mulefat thickets) in the MCV classification system. Based on a lack of scale broom scrub, this natural community is not considered a sensitive association. This community occurs in canyon bottoms, floodplains, irrigation ditches, lake margins, and stream channels in mixed alluvium soils at elevations below 1,250 to 4,100 feet (1,250 meters). It may provide quality habitat for nesting birds, small mammals, and other wildlife.

Scale Broom Scrub (6.15 acres)

This community occurs in a small area between the agricultural field and the lower terrace of the Sisquoc Riverbank. This strip of vegetation is co-dominated by scale broom scrub and red brome (*Bromus rubens*) with scattered occurrences of white horehound (*Marrubium vulgare*). This community is likely a remnant component of the Sisquoc River floodplain system. However, it is presently surrounded by anthropogenically disturbed areas including the agricultural field to the east, the access road to the west with concrete pilings along the riverbank.

This species composition was used in determining the community classification, which most closely corresponds with the *Lepidospartum squamatum* Shrubland Alliance (scale broom scrub) in association with ephemeral annuals in the MCV classification system. This



community occurs in intermittently or rarely flooded, low-gradient alluvial deposits along streams, washes, and fans at elevations between 164 feet and 4,921 feet (50 – 1,500 meters). Based on the species composition, this community is considered a sensitive natural community and based on its association with the Sisquoc River riparian corridor, considered ESHA. It may provide quality habitat for nesting birds, small mammals, and other wildlife.

It should be noted that native trees on site are limited to the mulefat thicket vegetation community.

Sensitive Habitats

As described above, two ESHAs are present within the survey area including one CDFW sensitive natural community (scale broom scrub) and one County sensitive natural community (mulefat thicket).

In addition, several aquatic resources are present bordering and within one-half mile of the project site. Specifically, the Cuyama River borders the northern portion of the survey area, while the Sisquoc River borders the west and southwest portion of the survey area. The two rivers confluence into the start of the Santa Maria River, a USGS blue line river which outlets to the Pacific Ocean. These rivers are considered sensitive aquatic resources by the County and CDFW.

An agricultural roadside ditch runs between the project site and Santa Maria Mesa Road. This agricultural ditch was dry at the time of the May 2020 survey effort. Further, the agricultural ditch was dry at the time of the September 19, 2020 agency site visit with CDFW. At the time of the September 19, 2020 site visit, the ditch was void of vegetation and lacked any evidence of flow; however, ruderal herbaceous species including annual grasses and mustard were observed in the channel upstream and downstream of the property frontage. This agricultural ditch is located on County property and is the responsibility of the County to maintain. Based on its degraded condition and lack of vegetation, it is unlikely to provide suitable refugium for sensitive wildlife species, though may act as an occasional dispersal corridor for special-status species, if present in the surrounding areas.

There are multiple impoundment basins present immediately south of Santa Maria Mesa Road, on the CalPortland property. The impoundment basins are likely used as sedimentation basins for mining operations by CalPortland. Without conducting a visual inspection of the basins it can be assumed that the basins likely provide some suitable habitat for special-status amphibian species though it is unclear the frequency and intensity of maintenance activities of these basins that may reduce suitability for special-status species.

Sensitive Plant Species

As noted above and in the Rincon report, the site is almost entirely comprised of disturbed agricultural areas. As such, no sensitive plant species are expected to occur, and none were found.



Sensitive Wildlife Species

Quality habitat for sensitive wildlife species is present in Cuyama and Sisquoc Rivers with only marginally suitable habitat present in other features near the project including the agricultural ditch and impoundment basins to the south. Habitat within the study areas is not considered suitable for most regionally occurring special-status species with potential to occur due to frequent disturbance, lack of vegetation, and lack of aquatic resources. Specifically, species such as least Bell's vireo (*Vireo bellii pusillus*) are not expected to be impacted directly or indirectly due to the lack of suitable habitat within the project site and the 200 ft. buffer from the top of bank of the rivers. Further other species known to occur within one-quarter mile of the project site including pallid bat (*Antrozous pallidus*), Northern California legless lizard (*Anniella pulchra*), and tricolored blackbird (*Agelaius tricolor*) are not expected to occur based on a lack of suitable habitat. No suitable roosting sites including caves, crevices or hollow trees are present on site for bats and no aquatic habitat is present on site for tricolored blackbird. Further, based on the frequency of disturbance from standard land management practices (agriculture) and lack of vegetation cover within the project area, Northern California legless lizard is not expected to occur. As such, no further discussion or avoidance measures are provided for those species listed above. The species that may occur nearby with a low potential to pass through the project area are discussed below. The measures in the Rincon document should be incorporated to address nesting birds that may occur.

California Red-legged Frog (*Rana draytonii*; CRLF), Federal – Threatened, State – Species of Special Concern (CSC)

According to CNDDDB records (CDFW 2020), the nearest documented occurrence for this species is a 2003 record approximately 0.29-mile northwest of the project site in the Santa Maria River. Although the occurrence was documented close to the project site, there is no suitable upland or aquatic habitat on the project site. Further, no open water sources are proposed on site. As such, the only suitable habitat nearby is within the rivers when the ephemeral systems are flowing and water is present or potentially within the impoundment basins south of the project site on the CalPortland property. Based on the above and the dispersal capabilities of this species being up to two miles between areas of suitable aquatic habitat, including during the dry season when juveniles are dispersing to new aquatic habitat, there is a very low likelihood that CRLF may on occasion pass through the project site while dispersing or foraging including through the agricultural ditch in the southern portion of the property. As such, CRLF are not expected to occur on site except for potential dispersal events. To further protect CRLF from inadvertent impacts, additional recommended avoidance and minimization measures are provided below.

Arroyo Toad (*Anaxyrus californicus*), Federal – Endangered, State – CSC

According to CNDDDB records (CDFW 2020), the nearest documented occurrence for this species is a 1992 record approximately 0.65-mile south of the project site. The occurrence



details indicate that the species was found in the Sisquoc River within proximity to hauling roads. Although this occurrence is nearby, the only suitable habitat is within the ephemeral rivers and potentially within the impoundment basins (if shallow) south of the project site on the CalPortland property. Arroyo toad is not expected to occur on site except for potential movement during dispersal. To further protect arroyo toad from inadvertent impacts, additional recommended avoidance and minimization measures are provided below.

Western Spadefoot Toad (*Spea hammondi*), State – CSC

According to CNDDDB records (CDFW 2020), the nearest documented occurrence for this species is a 1982 record which overlaps the southwest corner of the project area. The CNDDDB record documents western spadefoot toad in the Sisquoc River near the crossing of Santa Maria Mesa Road. Additional CNDDDB records indicate the species has also been documented in 1987 approximately 0.70-mile southwest of the project site on Foxen Canyon Road (Highway 176) in an area surrounded by agricultural fields. Although records for this species overlap or are in close proximity (within 5 miles) to the project site, no suitable grassland (upland) or aquatic habitat is present on the project site. The only suitable habitat is within the ephemeral rivers to the north and west of the project site or if water is present in the agricultural ditch during their breeding period. As such, western spadefoot toad is not expected to occur on site except for potential dispersal events. To further protect western spadefoot toad from inadvertent impacts, recommended avoidance and minimization measures are provided below.

Coast Horned Lizard (*Phrynosoma blainvillii*), State – CSC

According to CNDDDB records (CDFW 2020), the nearest documented occurrence for this species is a 1993 record approximately 1.25 miles southwest of the project area. The CNDDDB record documents coast horned lizard on the south side of the Sisquoc River, in scrub habitat in an abandoned gravel pit. The only suitable habitat is within the ephemeral rivers and its shrubby vegetation. It is unlikely that this species would be encountered or impacted on the project site, but due to the proximity of habitat, recommended avoidance and minimization measures are provided below.

Impact Analysis and Mitigation to Supplement Rincon Report (2019)

The proposed project footprint is setback from the areas of potential habitat for sensitive species nearby, namely the Cuyama and Sisquoc River corridors. Specifically, the project is more than 200 feet setback from each riverbank and associated riparian vegetation as well as the agricultural ditch adjacent to Santa Maria Mesa Road with a vegetated buffer in between. As such, potential indirect impacts to these aquatic resources and/or special-status species as a result of agricultural run-off from the agricultural field is considered very low.

Further, all fertilizer and/or pesticide applications will be ordered and applied as needed. These applications will be timed to coincide with dry environmental conditions that allow for the applications to be appropriately absorbed by the plants. No water containing chemicals will be



stored on site. Although an area has been identified on site for fertilizer storage per State of California requirements, no fertilizer and/or pesticide storage is proposed on site. Fuel and oil may be stored on site in the designated storage area and have potential to be released during a major storm or flood event. Similarly, temporary restrooms have a potential to result in inadvertent spill during a major storm or flood event. Appropriate avoidance and minimization measures below have been provided to ensure no inadvertent impacts during a major storm or flood event including the use of secondary containment. As such, it is not expected that any hazardous materials would wash across the road into the pond in the event a major storm or flood event was to occur, thus, no impacts to tricolored blackbirds or other sensitive resources is expected with implementation of the recommended avoidance and minimization measures.

All security lighting will be shielding to prevent illumination towards adjacent properties and/or sensitive habitats. As such, no impacts are expected as a result of security lighting. All landscape screening will be comprised of native species. As such, no inadvertent dispersal of invasive plant species is expected as a result of the project.

No sensitive plant communities will be impacted by the project. This limits the potential impacts to the possibility of dispersing species that may cross the site on occasion. Direct impacts to these species could occur from crushing by vehicles or equipment. Indirect impacts are limited to runoff of materials to the rivers, possibly introducing deleterious materials such as oils, lubricants, or other chemicals as well as sedimentation. However, based on the proposed setbacks the potential impacts are considered very low. It should be noted that CDFW has issued a No Lake or Streambed Alteration Agreement Needed letter for the subject project (see Attachment F – CDFW No Agreement Needed Letter). Specifically, this letter reads: *“CDFW has also determined that your project will not substantially adversely affect an existing fish or wildlife resource. As a result, you will not need a Lake or Streambed Alteration Agreement for your project”*.

The County conducted initial correspondence with USFWS via email on October 22, 2019 and received comments regarding the measures proposed to avoid take of amphibians including CLRF and arroyo toad on site from project operations, such as avoiding the use of water impoundments that may attract frogs and toads. Though the initial correspondence was on a smaller scoped project, the potential for impacts have not changed. Based on the 200-foot setback, lack of proposed impoundments, and implementation of Measure 3, no impacts are expected to occur to CRLF or arroyo toad.

The measures listed below are intended to avoid these possible impacts and reduce any potential impacts to a less than significant level.

Measure 1: Environmental Awareness Training

An environmental awareness training shall be presented to all construction personnel by a qualified biologist prior to start of any project activities. The training shall include color photographs and a description of the ecology of all special-status species known or with potential to occur, as well as a review of sensitive habitats near the project. The training shall also include an overview of the Federal and State Endangered Species Acts, and implications for non-



compliance with these regulations. This will also include an overview of the required avoidance and minimization, and mitigation measures for the project. A sign-in sheet with the name and signature of the qualified biologist who presented the training and the names and signatures of the environmental awareness trainees will be kept. A fact sheet conveying the information provided in the environmental awareness training will be provided to all project personnel and anyone else who may enter the project site.

If new construction personnel join the project after the initial training period, they will receive the environmental awareness training from the qualified biologist before beginning work. Visitors to the proposed project site, such as company executives, administrative staff, or other guests, are not required to receive the environmental awareness training as their time in the project area will be of short duration.

Measure 2: Surveys and Monitoring for CRLF, Arroyo Toad, and Western Spadefoot Toad

A qualified biologist shall complete a pre-construction survey for these species within 48 hours prior to the start of any work. Surveys shall include an inspection of all work areas, staging areas, and access routes.

If CRLF, western spadefoot toad, or arroyo toads are discovered in the work areas, they shall be allowed to leave the area on their own volition or be relocated by a qualified biologist with appropriate authorization from CDFW and/or the USFWS to suitable habitat areas located outside the immediate impact area.

Measure 3: Protection for CRLF, Arroyo Toad, and Western Spadefoot Toad

Prior to commencement of clearing/grading/construction/improvement activities, the applicant shall make all efforts to schedule work activities during the dry season when impacts to these species would be minimal. This would include the following:

- Avoid work during the typical rainy season (October 15 through April 15). If work must occur in the rainy season, no work shall occur during or immediately after rain events of 0.25-inch or greater.
- A follow-up biological survey shall be conducted prior to the start of work following any rain event of 0.25-inch or greater.
- Avoid nighttime work. If nighttime work is deemed necessary, a qualified biologist shall be on site until it is determined that no potential impacts to special-status species would occur based on conditions and the scope of work. Work shall halt if any special-status species are discovered within disturbance areas and resource agencies shall be contacted.

Measure 4: Site Maintenance and General Operations

The following general measures are recommended to minimize impacts during active construction:



- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing. No work shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of work areas on site and the location of erosion and sediment controls, the limits of top of bank, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources with emphasis on the Sisquoc and Cuyama River corridors.
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.

Measure 5: Staging and Refueling (revised from Rincon report)

- All refueling, maintenance, and staging of equipment and vehicles will occur at least 100 feet from riparian habitat or bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). The project foreman shall ensure that contamination of these habitats does not occur during such operations.
- Prior to the onset of work activities, an acceptable Spill Response Plan must be in place for prompt and effective response to any accidental spills. All project workers and other project personnel shall be informed of the importance of preventing spills and of the appropriate measures to take should an accidental spill occur.

Summary

The project area is located in previously disturbed areas that are still in active agriculture. As such, no sensitive species were discovered and the potential for sensitive species is considered to be low and primarily during wet conditions. Measures have been provided to ensure no impacts occur to sensitive species. A Habitat Protection Plan, a Tree Protection Plan, and Wildlife Movement Plan were not necessary for this project.

If you should have any questions or require additional information, please contact me at (415) 533-7372.

Sincerely,

A handwritten signature in black ink that reads "Amy Golub".

Amy Golub
Botanist



Attachments:

- A – Figure 1: Project Vicinity and Survey Area Map
 - Figure 2: 5-mile CNDDDB Map
 - Figure 3: Vegetation Communities Map
- B – Updated Site Plans
- C – List of Wildlife and Botanical Species Observed
- D – Representative Site Photographs
- E – Relevé Datasheets
- F – CDFW No Permit Needed Letter



References

- Baldwin, Bruce G., D. H. Goldman, D. J. Keil, R. Patterson, T. J. Rosatti, and D. H. Wilken. 2012. *The Jepson Manual: Vascular Plants of California*, Second Edition. University of California Press. Berkeley, California.
- CNPS (California Native Plant Society). 2020. Electronic Inventory of Rare and Endangered Plants of California. Available at: <http://www.rareplants.cnps.org/>. Accessed May 2020.
- Jepson Flora Project (eds.). 2020. Jepson eFlora. Available online at: <http://ucjeps.berkeley.edu/eflora/>. Accessed May 2020.
- Rincon Consultants, Inc. May 2019. Biological Resources Assessment for Cannas Rios Outdoor Cannabis Cultivation and Processing Project.



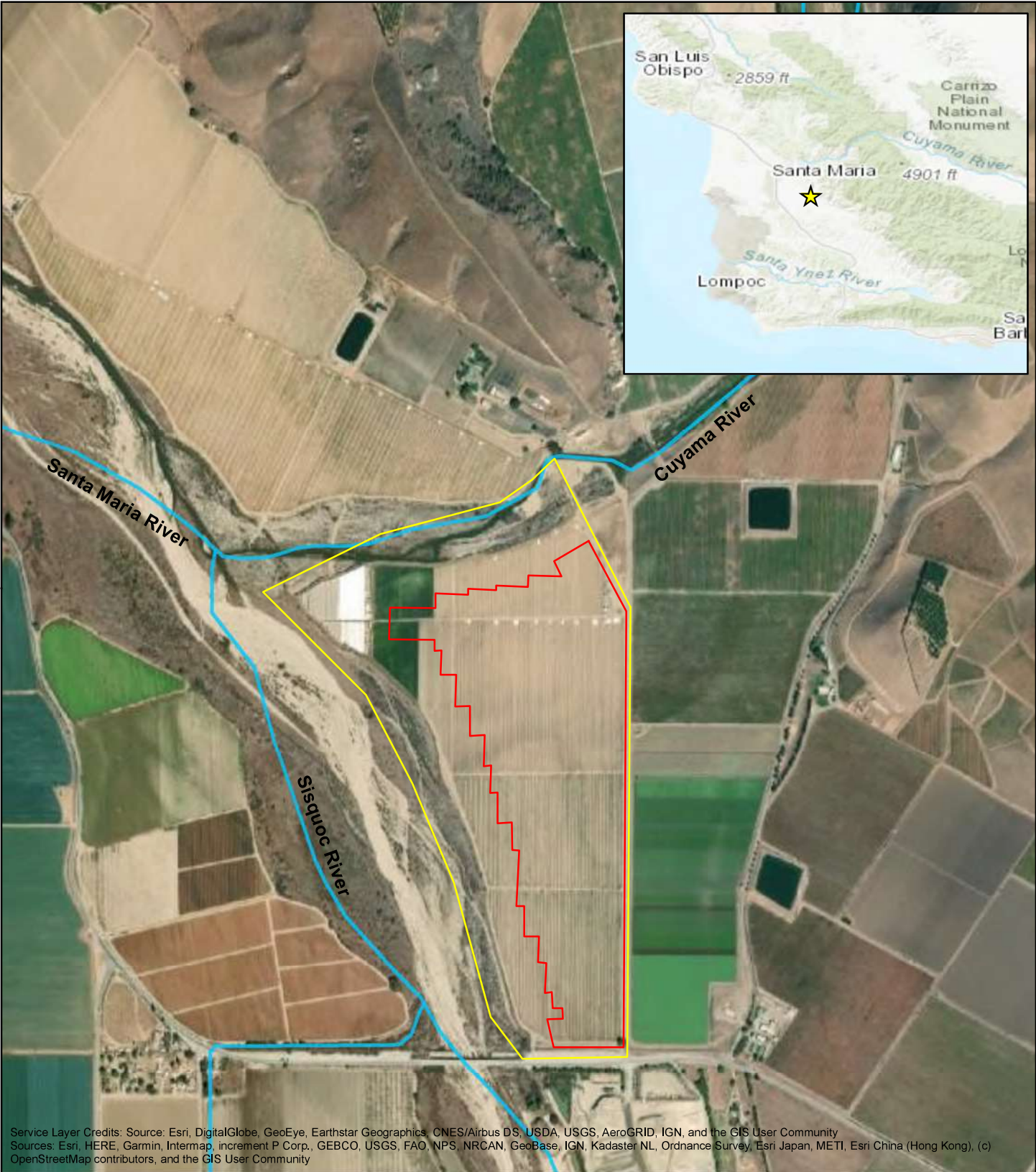
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ATTACHMENT A – Figures



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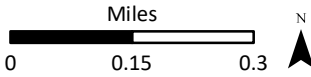
Canna Rios Outdoor Cannabis Cultivation and Processing Project

Figure 1: Project Vicinity and Survey Area Map

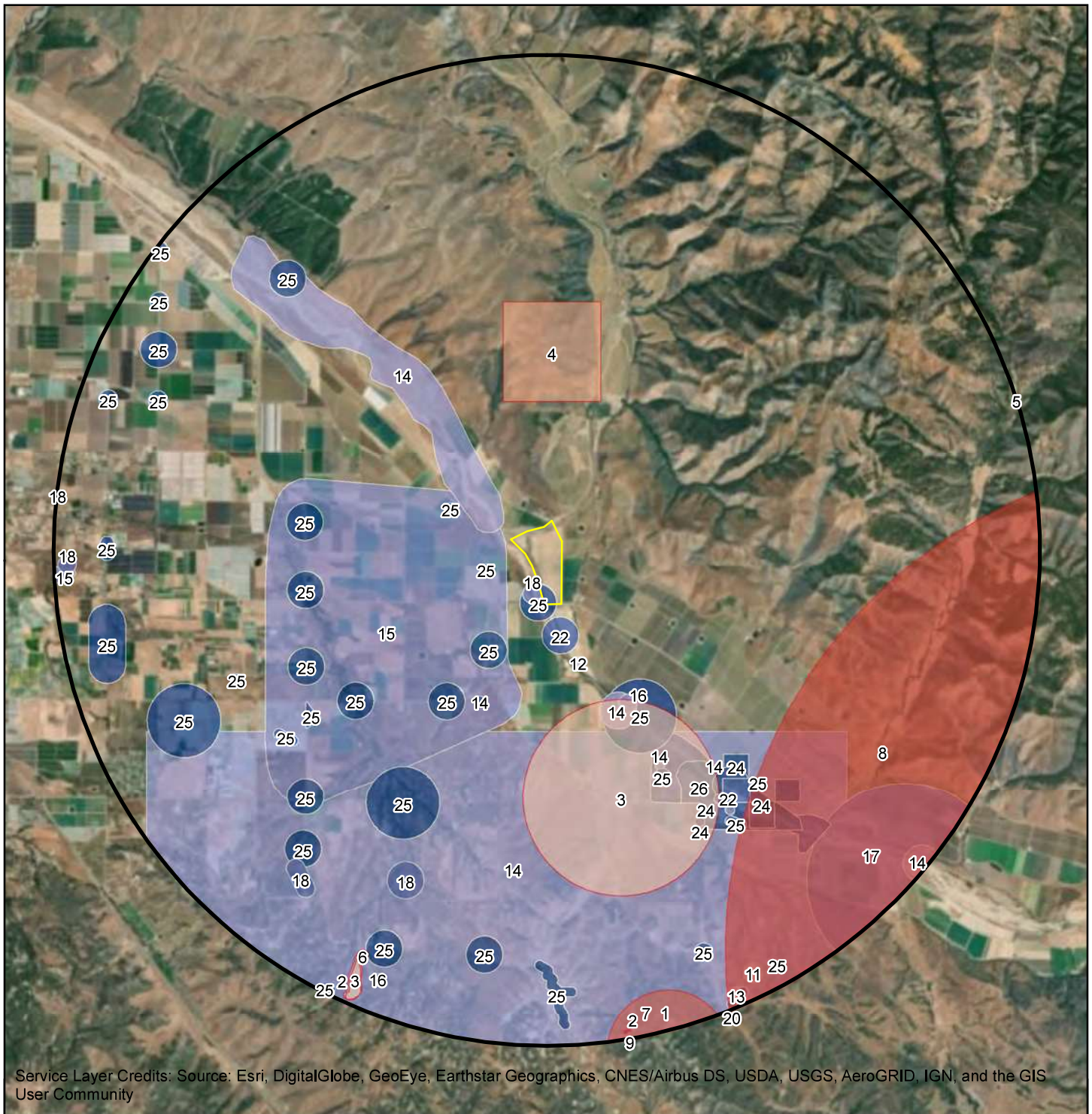
- ★ Survey Location
- Approximate Project Footprint
- Survey Area
- USGS BlueLine Drainage



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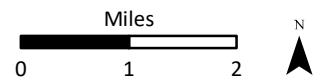
Created: 6/19/2020



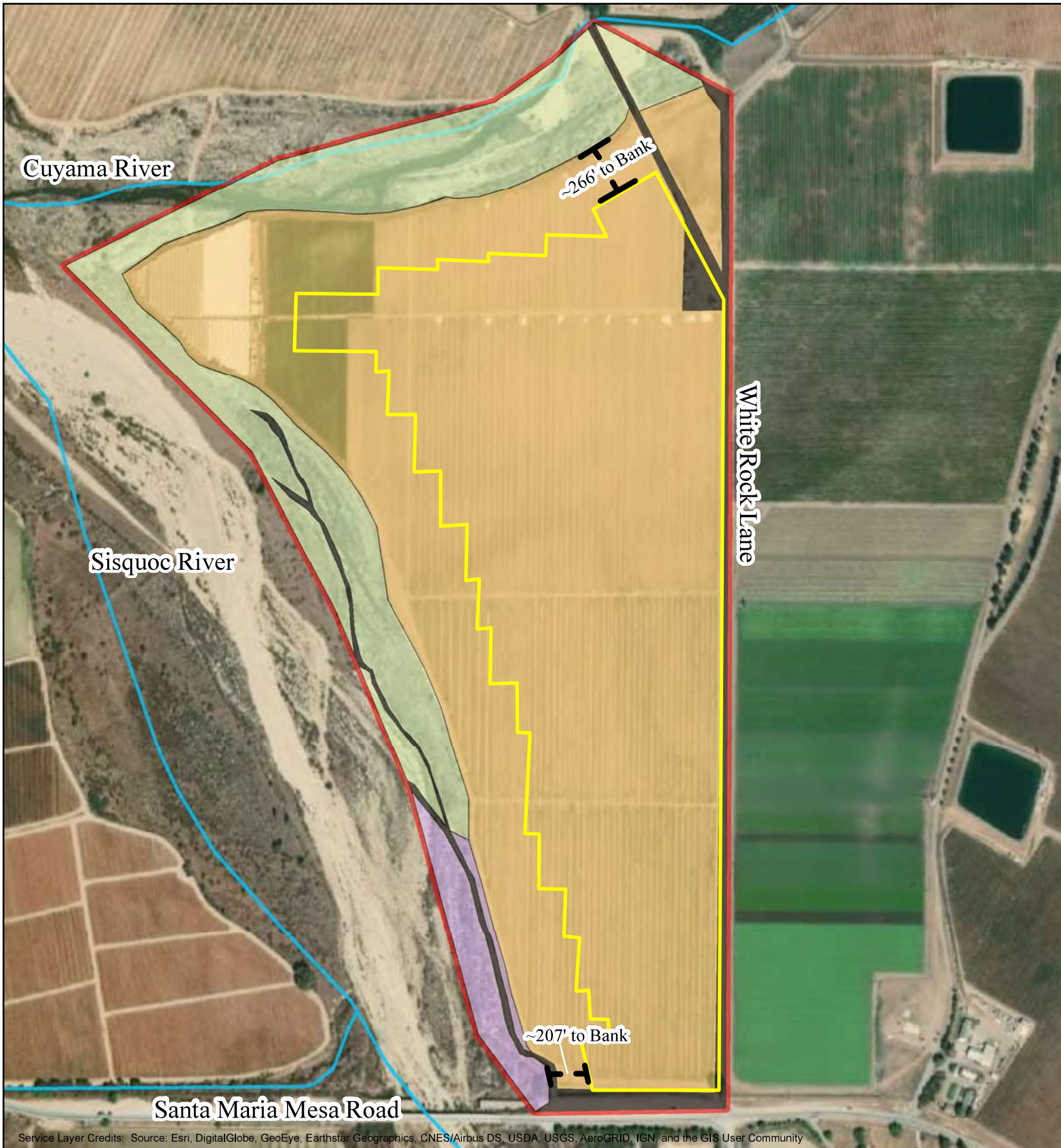
Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Canna Rios Outdoor Cannabis Cultivation and Processing Project Figure 2: 5-Mile CNDDDB Map

- | | | |
|-----------------------------|--------------------------------------|---|
| Survey Area | 8 - southern curly-leaved monardella | 17 - least Bell's vireo |
| 5-mile Buffer | 9 - straight-awned spineflower | 18 - northern California legless lizard |
| <i>Botanical Occurances</i> | | |
| 1 - Hoover's bent grass | 10 - umbrella larkspur | 19 - pallid bat |
| 2 - La Purisima manzanita | <i>Wildlife Occurances</i> | |
| 3 - mesa horkelia | 11 - American badger | 20 - southern California rufous-crowned sparrow |
| 4 - Miles' milk-vetch | 12 - arroyo toad | 21 - steelhead - southern California DPS |
| 5 - Ojai fritillary | 13 - California horned lark | 22 - tricolored blackbird |
| 6 - Refugio manzanita | 14 - California red-legged frog | 23 - vernal pool fairy shrimp |
| 7 - sand mesa manzanita | 15 - California tiger salamander | 24 - western pond turtle |
| | 16 - coast horned lizard | 25 - western spadefoot |
| | | 26 - yellow warbler |



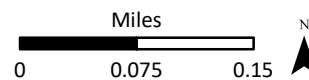
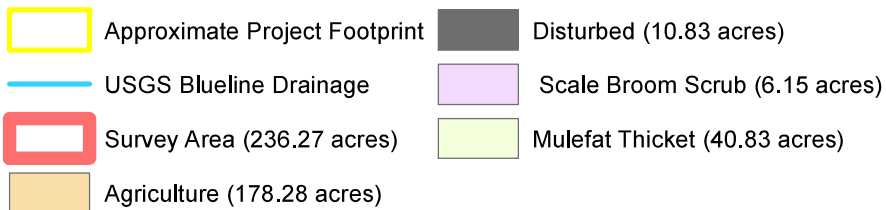
Created: 6/19/2020



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Canna Rios Outdoor Cannabis Cultivation and Processing Project

Figure 3: Vegetation Communities Map



Created: 6/25/2020



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ATTACHMENT B – Updated Site Plans



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ATTACHMENT C – List of Wildlife and Botanical Species Observed



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Canna Rios Outdoor Cannabis Cultivation and Processing Project
List of Botanical Species Observed on May 11, 2020

*Indicates non-native species

Scientific Name	Common Name
Adoxaceae	Muskroot Family
<i>Sambucus nigra</i>	Elderberry
Anacardiaceae	Sumac Family
<i>Schinus molle</i> *	Pepper tree
Apiaceae	Carrot Family
<i>Conium maculatum</i> *	Bladder parsnip
<i>Foeniculum vulgare</i> *	Fennel
Asteraceae	Sunflower Family
<i>Ambrosia psilostachya</i>	Western ragweed
<i>Artemisia californica</i>	California sagebrush
<i>Baccharis pilularis</i>	Coyote brush
<i>Baccharis salicifolia</i>	Mule fat
<i>Carduus pycnocephalus</i> *	Italian thistle
<i>Centaurea melitensis</i> *	Tocalote
<i>Cirsium vulgare</i> *	Bull thistle
<i>Ericameria ericoides</i> *	Mock heather
<i>Erigeron bonariensis</i> *	Flax-leaved horseweed
<i>Helenium puberulum</i>	Sneezeweed
<i>Helminthotheca echioides</i> *	Bristly ox-tongue
<i>Matricaria discoidea</i> *	Pineapple weed
<i>Pseudognaphalium luteoalbum</i> *	Jersey cudweed
<i>Sonchus asper</i> *	Prickly sow thistle
<i>Xanthium strumarium</i>	Cocklebur
Brassicaceae	Mustard Family
<i>Capsella bursa-pastoris</i> *	Shepard's purse
<i>Hirschfeldia incana</i> *	Mustard
<i>Lepidium draba</i> *	Heart-podded hoary cress
<i>Lobularia maritima</i> *	Sweet alyssum
<i>Raphanus sativus</i> *	Radish
Chenopodiaceae	Goosefoot Family
<i>Chenopodium album</i> *	Lamb's quarters
Convolvulaceae	Morning-glory Family
<i>Calystegia macrostegia</i> *	Morning glory
Crassulaceae	Stonecrop Family



Scientific Name	Common Name
<i>Crassula tillaea</i> *	Mediterranean pygmy weed
Fabaceae	Legume Family
<i>Melilotus indicus</i> *	Sourclover
Geraniaceae	Geranium Family
<i>Erodium cicutarium</i> *	Redstem filaree
Lamiaceae	Mint Family
<i>Marrubium vulgare</i> *	Horehound
<i>Urtica dioica</i>	Stinging nettle
Malvaceae	Mallow Family
<i>Malva parviflora</i> *	Cheeseweed
Myrtaceae	Myrtle Family
<i>Eucalyptus globulus</i> *	Blue gum
Onagraceae	Evening-primrose family
<i>Camissonia</i> sp.	Evening-primrose
Pinaceae	Pine Family
<i>Pinus radiata</i>	Monterey pine
Poaceae	Grass Family
<i>Bromus catharticus</i> *	Rescue brome
<i>Bromus diandrus</i> *	Ripgut grass
<i>Bromus rubens</i> *	Red brome
<i>Festuca myuros</i> *	Rat tail fescue
<i>Polypogon monspeliensis</i> *	Rabbitfoot grass
<i>Lamarckia aurea</i> *	Goldentop grass
Polygonaceae	Buckwheat Family
<i>Eriogonum fasciculatum</i>	California buckwheat
<i>Polygonum aviculare</i> *	Knotweed
<i>Rumex crispus</i> *	Curly dock
Ranunculaceae	Buttercup Family
<i>Clematis ligusticifolia</i>	Western virgin's bower
Salicaceae	Willow Family
<i>Populus fremontii</i> subsp. <i>fremontii</i>	Fremont cottonwood
<i>Salix exigua</i>	Narrow-leaved willow
<i>Salix lasiandra</i>	Pacific willow
<i>Salix lasiolepis</i>	Arroyo willow
Solanaceae	Nightshade Family
<i>Datura wrightii</i>	Jimsonweed
<i>Nicotiana glauca</i> *	Tree tobacco

Canna Rios Project



List of Wildlife Species Observed on May 11, 2020

Class	Scientific Name	Common Name	Status
Birds	<i>Agelaius phoeniceus</i>	red-winged blackbird	-
	<i>Anas platyrhynchos</i>	mallard (flyover)	-
	<i>Aphelocoma californica</i>	California scrub-jay	-
	<i>Buteo jamaicensis</i>	red-tailed hawk	-
	<i>Calypte anna</i>	Anna's hummingbird	-
	<i>Cathartes aura</i>	turkey vulture	-
	<i>Corvus corax</i>	common raven	-
	<i>Euphagus cyanocephalus</i>	Brewer's blackbird	-
	<i>Falco sparverius</i>	American kestrel	-
	<i>Geococcyx californianus</i>	greater roadrunner	-
	<i>Haemorhous mexicanus</i>	house finch	-
	<i>Icterus cucullatus</i>	hooded oriole	-
	<i>Melospiza crissalis</i>	California towhee	-
	<i>Mimus polyglottos</i>	northern mockingbird	-
	<i>Myiarchus cinerascens</i>	ash-throated flycatcher	-
	<i>Petrochelidon pyrrhonota</i>	cliff swallow	-
	<i>Pipilo maculatus</i>	spotted towhee	-
	<i>Psaltriparus minimus</i>	bushtit	-
	<i>Sayornis nigricans</i>	black phoebe	-
	<i>Spinus psaltria</i>	lesser goldfinch	-
<i>Spinus tristis</i>	American goldfinch	-	
<i>Sturnus vulgaris</i>	European starling	-	
<i>Thryomanes bewickii</i>	Bewick's wren	-	
<i>Tyrannus verticalis</i>	western kingbird	-	
<i>Zenaidura macroura</i>	mourning dove	-	
Mammals	<i>Sylvilagus audubonii</i>	desert cottontail	-
Reptiles	<i>Aspidoscelis tigris munda</i>	California whiptail	-
	<i>Sceloporus occidentalis</i>	fence lizard	-
	<i>Uta</i>	side-blotched lizard	-
Amphibians	<i>Anaxyrus boreas halophilus</i>	California toad	-



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ATTACHMENT D – Representative Site Photographs



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Photo 1. View northeast of existing site conditions (05-11-20).



Photo 2. Existing agricultural materials (05-11-20).



Photo 3. Habitat adjacent to project location (05-11-20).



Photo 4. Example of dry river bed and mulefat scrub adjacent to project area (05-11-20).



ATTACHMENT E – Relevé Datasheets



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Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised March 27, 2018)

For Office Use:	Final database #:	Final vegetation type: Alliance <u>Agriculture (no alliance)</u>	Association
I. LOCATIONAL/ENVIRONMENTAL DESCRIPTION			circle: Relevé or RA
Database #: Agriculture	Date: 5/11/20	Name of recorder: Amy Golub	
	UID:	Other surveyors: Patrick Scott	
		Location Name: Canna Rios - Agriculture	
GPS name: _____		For Relevé only: Bearing °, left axis at ID point ____ of Long / Short side	
UTME _____ UTMN _____		Zone: 10 NAD83 GPS error: ft./ m./ PDOP _____	
Decimal degrees: LAT _____ LONG _____			
GPS within stand? Yes / No If No, cite from GPS to stand: distance (m) _____ bearing ° _____ inclination ° _____			
and record: Base point ID _____ Projected UTMs: UTME _____ UTMN _____			
Camera Name: AG		Cardinal photos at ID point:	
Other photos:			
Stand Size (acres): <1, 1-5, >5 Plot Area (m²): 100 / _____ Plot Dimensions ____ x ____ m RA Radius <u>20</u> m			
Exposure, Actual °: _____ NE NW SE SW Flat Variable Steepness, Actual °: _____ 0° > 5-25° > 25			
Topography: Macro: top upper mid lower bottom Micro: convex flat concave undulating			
Geology code: <u>CLAL</u> _____ Soil Texture code: Loamy _____ Upland or Wetland/Riparian (circle one)			
% Surface cover: (Incl. outcrops) (>60cm diam) (25-60cm) (7.5-25cm) (2mm-7.5cm) (Incl sand, mud)			
H2O: 0 BA Stems: 0 Litter: 0 Bedrock: 0 Boulder: 0 Stone: 0 Cobble: 15 Gravel: 5 Fines: 80 =100%			
% Current year bioturbation 0 Past bioturbation present? Yes / No % Hoof punch 0			
Fire evidence: Yes / No (circle one) If yes, describe in Site history section, including date of fire, if known.			
Site history, stand age, comments:			
Actively tilled agriculture field. No alive vegetation present within sample area. Historically tilled. Agriculture equipment staged around perimeter.			
Disturbance code / Intensity (L,M,H): <u>3 / L</u> _____ / _____ / _____ / _____ / _____ "Other" _____ / _____			
II. HABITAT DESCRIPTION			
Tree DBH: T1 (<1" dbh), T2 (1-6" dbh), T3 (6-11" dbh), T4 (11-24" dbh), T5 (>24" dbh), T6 multi-layered (T3 or T4 layer under T5, >60% cover)			
Shrub: S1 seedling (<3 yr. old), S2 young (<1% dead), S3 mature (1-25% dead), S4 decadent (>25% dead)			
Herbaceous: H1 (<12" plant ht.), H2 (>12" ht.)			
Desert Riparian Tree/Shrub: 1 (<2ft. stem ht.), 2 (2-10ft. ht.), 3 (10-20ft. ht.), 4 (>20ft. ht.)			
Desert Palm/Joshua Tree: 1 (<1.5" base diameter), 2 (1.5-6" diam.), 3 (>6" diam.)			
III. INTERPRETATION OF STAND			
Field-assessed vegetation Alliance name: <u>Agriculture (no alliance)</u>			
Field-assessed Association name (optional): _____			
Adjacent Alliances/direction: _____ Mulfat thicket _____ / _____ West _____, _____ / _____			
Confidence in Alliance identification: L M H Explain: _____			
Phenology (E,P,L): Herb P Shrub E Tree _____ Other identification or mapping information:			

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised March 27, 2018)

For Office Use:	Final database #:	Final vegetation type:	Alliance <u>Disturbed (no alliance)</u> Association
I. LOCATIONAL/ENVIRONMENTAL DESCRIPTION			circle: Relevé or RA
Database #: <u>Disturbed</u>	Date: <u>5/11/20</u>	Name of recorder: <u>Amy Golub</u>	
		Other surveyors: <u>Patrick Scott</u>	
	UID:	Location Name: <u>Canna Rios - Disturbed</u>	
GPS name: _____		For Relevé only: Bearing °, left axis at ID point ____ of Long / Short side	
UTME _____ UTMN _____		Zone: 10 NAD83 GPS error: ft./ m./ PDOP _____	
Decimal degrees: LAT _____ . _____		LONG _____ . _____	
GPS within stand? Yes / No If No, cite from GPS to stand: distance (m) _____ bearing ° _____ inclination ° _____		and record: Base point ID _____ Projected UTMs: UTME _____ UTMN _____	
Camera Name: <u>AG</u>	Cardinal photos at ID point:		
Other photos:			
Stand Size (acres): <1, 1-5 , >5 Plot Area (m²): 100 / _____ Plot Dimensions ____ x ____ m RA Radius <u>20</u> m			
Exposure, Actual °: _____ NE NW SE SW Flat Variable Steepness, Actual °: _____ 0° > 5-25° > 25			
Topography: Macro: top upper mid lower bottom Micro: convex flat concave undulating			
Geology code: <u>OTHE</u> Soil Texture code: <u>N/A</u> Upland or Wetland/Riparian (circle one)			
% Surface cover: (Incl. outcrops) (>60cm diam) (25-60cm) (7.5-25cm) (2mm-7.5cm) (Incl sand, mud)			
H2O: 0 BA Stems: <1 Litter: 0 Bedrock: 0 Boulder: 0 Stone: 0 Cobble: 15 Gravel: 35 Fines: 65 =100%			
% Current year bioturbation <u>0</u> Past bioturbation present? Yes / No % Hoof punch <u>0</u>			
Fire evidence: Yes / No (circle one) If yes, describe in Site history section, including date of fire, if known.			
Site history, stand age, comments:			
<u>Active agriculture storage yard. Limited vegetation established around old stored materials. Infill of base material evident. Also includes agricultural roads around the perimeter.</u>			
Disturbance code / Intensity (L,M,H): <u>15</u> / <u>H</u> <u>19</u> / <u>M</u> _____ / _____ / _____ "Other" _____ / _____			
II. HABITAT DESCRIPTION			
Tree DBH : T1 (<1" dbh), T2 (1-6" dbh), T3 (6-11" dbh), T4 (11-24" dbh), T5 (>24" dbh), T6 multi-layered (T3 or T4 layer under T5, >60% cover)			
Shrub: S1 seedling (<3 yr. old), S2 young (<1% dead), S3 mature (1-25% dead), S4 decadent (>25% dead)			
Herbaceous: H1 (<12" plant ht.), H2 (>12" ht.)			
Desert Riparian Tree/Shrub: 1 (<2ft. stem ht.), 2 (2-10ft. ht.), 3 (10-20ft. ht.), 4 (>20ft. ht.)			
Desert Palm/Joshua Tree: 1 (<1.5" base diameter), 2 (1.5-6" diam.), 3 (>6" diam.)			
III. INTERPRETATION OF STAND			
Field-assessed vegetation Alliance name: <u>Disturbed (no alliance)</u>			
Field-assessed Association name (optional): _____			
Adjacent Alliances/direction: _____ Agriculture _____ / west and south _____ mulefat thicket _____ / _____ west and north _____			
Confidence in Alliance identification: L M H Explain: _____			
Phenology (E,P,L): Herb <u>E</u> Shrub <u>E</u> Tree _____ Other identification or mapping information:			

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised March 27, 2018)

For Office Use:	Final database #: _____	Final vegetation type: Alliance <u>Mulefat Thicket</u> Association (none)	
I. LOCATIONAL/ENVIRONMENTAL DESCRIPTION			circle: Relevé or RA
Database #: Sisquoc 1	Date: 5/11/20	Name of recorder: Amy Golub	<input type="checkbox"/>
		Other surveyors: Patrick Scott	
	UID: _____	Location Name: Canna Rios - Sisquoc 1	<input type="checkbox"/>
GPS name: _____ For Relevé only: Bearing °, left axis at ID point ____ of Long / Short side			
UTME _____ UTMN _____ Zone: 10 NAD83 GPS error: ft./ m./ PDOP _____			
Decimal degrees: LAT _____ LONG _____			
GPS within stand? Yes / No If No, cite from GPS to stand: distance (m) _____ bearing ° _____ inclination ° _____			
and record: Base point ID _____ Projected UTMs: UTME _____ UTMN _____			
Camera Name: AG Cardinal photos at ID point: _____			
Other photos: _____			
Stand Size (acres): <1, 1-5, >5 Plot Area (m ²): 100 / _____ Plot Dimensions <u>100</u> x <u>10</u> m RA Radius _____ m			
Exposure, Actual °: _____ NE NW SE SW Flat Variable Steepness, Actual °: _____ 0° > 5-25° > 25			
Topography: Macro: top upper mid lower bottom Micro: convex flat concave undulating			
Geology code: <u>GRAL</u> Soil Texture code: <u>SAND</u> Upland or Wetland/Riparian (circle one)			
% Surface cover: (Incl. outcrops) (>60cm diam) (25-60cm) (7.5-25cm) (2mm-7.5cm) (Incl sand, mud)			
H2 : 0 BA Stems: 20 Litter: 30 Bedrock: 0 Boulder: 0 Stone: 5 Cobble: 5 Gravel: 10 Fines: 30 =100%			
% Current year bioturbation <u>0</u> Past bioturbation present? Yes / No % Hoof punch <u>0</u>			
Fire evidence: Yes / No (circle one) If yes, describe in Site history section, including date of fire, if known.			
Site history, stand age, comments:			
Mature stand of Baccharis salicifolia with understory of Conium maculatum, Artemisia californica, and Baccharis pilularis. Community established along berm adjacent to agriculture feild along an upper terrace of the Sisquoc River. A road bisects this community between the agricultural field and the lower terrace.			
Disturbance code / Intensity (L,M,H): <u>15</u> / L <u>5</u> / L _____ / _____ / _____ "Other" _____ / _____			
II. HABITAT DESCRIPTION			
Tree DBH : T1 (<1" dbh), T2 (1-6" dbh), T3 (6-11" dbh), T4 (11-24" dbh), T5 (>24" dbh), T6 multi-layered (T3 or T4 layer under T5, >60% cover)			
Shrub: S1 seedling (<3 yr. old), S2 young (<1% dead), S3 mature (1-25% dead), S4 decadent (>25% dead)			
Herbaceous: H1 (<12" plant ht.), H2 (>12" ht.)			
Desert Riparian Tree/Shrub: 1 (<2ft. stem ht.), 2 (2-10ft. ht.), 3 (10-20ft. ht.), 4 (>20ft. ht.)			
Desert Palm/Joshua Tree: 1 (<1.5" base diameter), 2 (1.5-6" diam.), 3 (>6" diam.)			
III. INTERPRETATION OF STAND			
Field-assessed vegetation Alliance name: <u>Mulefat Thicket</u>			
Field-assessed Association name (optional): <u>Baccharis salicifolia</u>			
Adjacent Alliances/direction: _____ Agriculture (no alliance) / _____ East, _____ / _____			
Confidence in Alliance identification: L M H Explain: _____			
Phenology (E,P,L): Herb P Shrub E Tree _____ Other identification or mapping information: _____			

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised March 27, 2018)

Database #: Sisquoc 1

SPECIES SHEET

IV. VEGETATION DESCRIPTION

% NonVasc cover: 0 Total % Vasc Veg cover: 60

% Cover - Conifer tree / Hardwood tree: 0 / 0 Regenerating Tree: 0 Shrub: 45 Herbaceous: 15

Height Class - Conifer tree / Hardwood tree: 0 / 0 Regenerating Tree: 0 Shrub: 3, 4 Herbaceous: 1, 2

Height classes: 1=<1/2m, 2=1/2-1m, 3=1-2m, 4=2-5m, 5=5-10m, 6=10-15m, 7=15-20m, 8=20-35m, 9=35-50m, 10=>50m

Stratum categories: T=Tree, A = SApling, E = SEedling, S = Shrub, H= Herb, N= Non-vascular

% Cover Intervals for reference: r = trace, + = <1%, 1-5%, >5-15%, >15-25%, >25-50%, >50-75%, >75%

Stratum	Species	% cover	C	Final species determination
S	Baccharis salicifolia	25		
S	Artemisa californica	5		
S	Baccharis pilularis	5		
S	Conium maculatum	10		
H	Centaurea melitensis	5		
H	Ericameria ericoides	15		

Unusual species: _____

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised March 27, 2018)

For Office Use:	Final database #:	Final vegetation type:	Alliance <u>Scale Broom Scrub</u> Association <u>Ephemeral annuals</u>
I. LOCATIONAL/ENVIRONMENTAL DESCRIPTION			circle: Relevé or RA
Database #: <u>Sisquoc 2</u>	Date: <u>5/11/20</u>	Name of recorder: <u>Amy Golub</u>	
	UID:	Other surveyors: <u>Patrick Scott</u>	
		Location Name: <u>Canna Rios - Sisquoc 2</u>	
GPS name: _____		For Relevé only: Bearing °, left axis at ID point ____ of Long / Short side	
UTME _____ UTMN _____		Zone: 10 NAD83 GPS error: ft./ m./ PDOP _____	
Decimal degrees: LAT _____		LONG _____	
GPS within stand? Yes / No If No, cite from GPS to stand: distance (m) _____ bearing ° _____ inclination ° _____			
and record: Base point ID _____ Projected UTMs: UTME _____ UTMN _____			
Camera Name: <u>AG</u>		Cardinal photos at ID point:	
Other photos:			
Stand Size (acres): <1, 1-5, >5 Plot Area (m²): 100 / _____ Plot Dimensions <u>20</u> x <u>40</u> m RA Radius _____ m			
Exposure, Actual °: _____ NE NW SE SW , Flat Variable Steepness, Actual °: _____ 0° > 5-25° > 25			
Topography: Macro: top upper mid lower bottom Micro: convex flat concave undulating			
Geology code: <u>GRAL</u> Soil Texture code: <u>SAND</u> Upland or Wetland/Riparian (circle one)			
% Surface cover: (Incl. outcrops) (>60cm diam) (25-60cm) (7.5-25cm) (2mm-7.5cm) (Incl sand, mud)			
H₂O: 0 BA Stems: 10 Litter: 20 Bedrock: 0 Boulder: 1 Stone: 0 Cobble: 10 Gravel: 4 Fines: 66 =100%			
% Current year bioturbation <u>0</u> Past bioturbation present? Yes / No % Hoof punch <u>0</u>			
Fire evidence: Yes / No (circle one) If yes, describe in Site history section, including date of fire, if known.			
Site history, stand age, comments:			
Land between agriculture field and lower terrace of Sisquoc River. A disturbed access road bisects this community to the west of the agriculture field. The community appears to be remnant with evidence of disturbance including piles of broken concrete which appear to act as rock slope protection along the banks of the Sisquoc. Disturbance to this community has resulted in some transitional community components including establishment of California sagebrush scrub, which is likely establishing following disturbance.			
Disturbance code / Intensity (L,M,H): <u>15</u> / <u>L</u> <u>32</u> / <u>M</u> / _____ / _____ "Other" _____ / _____			
II. HABITAT DESCRIPTION			
Tree DBH : T1 (<1" dbh), T2 (1-6" dbh), T3 (6-11" dbh), T4 (11-24" dbh), T5 (>24" dbh), T6 multi-layered (T3 or T4 layer under T5, >60% cover)			
Shrub: S1 seedling (<3 yr. old), S2 young (<1% dead), S3 mature (1-25% dead), S4 decadent (>25% dead)			
Herbaceous: H1 (<12" plant ht.), H2 (>12" ht.)			
Desert Riparian Tree/Shrub: 1 (<2ft. stem ht.), 2 (2-10ft. ht.), 3 (10-20ft. ht.), 4 (>20ft. ht.)			
Desert Palm/Joshua Tree: 1 (<1.5" base diameter), 2 (1.5-6" diam.), 3 (>6" diam.)			
III. INTERPRETATION OF STAND			
Field-assessed vegetation Alliance name: <u>Scale broom scrub</u>			
Adjacent Alliances/direction: _____ Mulefat thicke / North _____, _____ Agriculture _____ / _____ East _____			
Field-assessed Association name (optional): <u>Lepidospartum squamatum</u> / <u>Ephemeral annuals</u>			
Confidence in Alliance identification: L M H Explain: at least 1% cover of scale broom scrub, but dominated with other species.			
Phenology (E,P,L): Herb <u>P</u> Shrub <u>E</u> Tree _____ Other identification or mapping information: _____			



ATTACHMENT F – CDFW No Permit Needed Letter



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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 15, 2020

Brandon Gesicki
Canna Rios, LLC
4651 Santa Maria Mesa Road
Santa Maria, CA 93454
brandon@capitolcpr.com

Subject: No Lake or Streambed Alteration Agreement Needed for Cannabis Notification No. EPIMS-02335-R5 at 4651 Santa Maria Mesa Road, Santa Barbara County

Dear Mr. Brandon Gesicki:

The California Department of Fish and Wildlife (CDFW) has reviewed your Lake or Streambed Alteration Notification (Notification) for the cultivation located at 4651 Santa Maria Mesa Road (Assessor Parcel Number 129-040-010), Santa Maria, California, 93454. We have determined that your project is subject to the Notification requirement in Fish and Game Code section 1602, including payment of the Notification fee.

CDFW has also determined that your project will not substantially adversely affect an existing fish or wildlife resource. As a result, you will not need a Lake or Streambed Alteration Agreement for your project. You are responsible for complying with all applicable local, state, and federal laws in completing your work. A copy of this letter and your Notification with all attachments should always be available at the work site.

Please note that if you change your project so that it differs materially from that described in your original Notification you will need to submit a new Notification and corresponding fee to CDFW.

Thank you for notifying us of your project. If you have questions regarding this letter, please contact Brock Warmuth, Environmental Scientist, at (805) 962-4698 or by email at brock.warmuth@wildlife.ca.gov.

Sincerely,
DocuSigned by:

Randy Rodriguez
B12F986CDBBD4AA
Senior Environmental Scientist (Supervisory)

ec:

CDFW
Brock Warmuth, brock.warmuth@wildlife.ca.gov
Malinda Santonil, malinda.santonil@wildlife.ca.gov
Sue Howell, susan.howell@wildlife.ca.gov