



## 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 identified a number of significant impacts and set forth feasible mitigation measures that were included as development standards and requirements in the land use and licensing ordinances, which are applied to site-specific land use entitlement and business licensing applications for commercial cannabis operations authorized under the Program.

The following checklist was prepared pursuant to the State CEQA Guidelines (§ 15168(c)(4)) to document the evaluation of the sites and activities that are the subject of land use entitlement and business licensing applications for commercial cannabis operations authorized under the Program, in order to determine whether the environmental effects of proposed commercial cannabis operations are within the scope of the PEIR.

### B. Project Description

Please provide the following project information.

1. Land Use Entitlement Case Number(s): 19LUP-00000-00064/19APL-00000-00036
2. Business Licensing Ordinance Case Number(s): \_\_\_\_\_

3. Project Applicant(s): Scott Rudolf
4. Property Owner(s): Scott Rudolf
5. Project Site Location and Tax Assessor Parcel Number(s): West Highway 246, approximately 3.3 miles from the intersection of Highway 101 and W Highway 246 in the Buellton area; APN: 099-240-067.

**6. Project Description:** Santa Barbara West Coast Farms, LLC is requesting a Land Use Permit (LUP) that would allow for a cannabis cultivation operation on an approximately 50-acre portion of an approximately 73-acre parcel (Assessor's Parcel Number 099-240-067) located off of Highway 246, approximately 3.3 miles from the intersection of Highway 101 and W Highway 246 in the Buellton area. The project would include approximately 46.12-acres of outdoor cannabis cultivation and 4-acres of nursery, cannabis processing, and storage areas. The processing and storage areas would be located within two-3,000 square foot agricultural accessory structures and the nursery would be located outdoors, northwest of the proposed structures. The northerly structure would be dedicated to storage and the southerly structure would include a small office, two individual restrooms, and the remainder would be dedicated to processing. A 6-foot chain-link fence would be located along the perimeter of the cannabis cultivation and product manufacturing areas to provide security and partial screening. Additional screening of the project site would be provided by landscaping that would be installed on the northern property line, bordering Highway 246. Additional security would be provided with the installation of cut-off, downward facing, motion-sensor lighting and onsite security cameras. During the harvest season, operations will be monitored by 24/7 onsite security. The operation would include 10 full-time staff during the cultivation season and an additional 10-20 temporary employees during the harvest season. Harvest seasons would take place twice a year and last approximately one month each. Approximately 28 onsite parking stalls are included in the project to accommodate employees, including one ADA parking stall. Hours of operation would be 6:00 a.m. to 3:00 p.m., year-round. Potable water would be provided via onsite well and sewage disposal would be provided by an onsite, leach field. All products would be generated, and processed onsite. Thereafter, products would be transported to licensed distributors. Traffic generation and vehicle trips would be reduced by implementation of a Site Transportation Demand Management Plan, that includes ridesharing incentives and compressed work schedules for employees. The Santa Barbara County Fire Department will continue to serve the site. Access will continue to be provided off of Highway 246. The property is a 73-acre parcel zoned AG-II-100 and shown as Assessor's Parcel Number 099-240-067, located approximately 3.6 miles west of the Highway 246 and Highway 101 interchange (no assigned street address), Buellton, Third Supervisorial District.

**C. PEIR Mitigation Measures/Requirements for Commercial Cannabis Operations**

The following table lists the specific mitigation measures set forth in the PEIR and questions to determine if the proposed commercial cannabis operation requires the preparation of a subsequent environmental impact report or negative declaration. 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
<b>Aesthetics and Visual Resources</b>		
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
<b>Agricultural Resources</b>		
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 checked="" type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
MM AG-2. New Structure Avoidance of Prime Soils	LUDC § 35.42.075.D.1.b	Does the proposed project site have prime soils located on it? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	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
<b>Air Quality and Greenhouse Gas Emissions</b>		
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</i>

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
	Article II § 35-144U.C.6	<p><i>Use Permit is required for the proposed commercial cannabis operation.</i></p> <p>Does the proposed project include cannabis cultivation, a nursery, manufacturing, microbusiness, and/or distribution?  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If so, does the project include implementation of the required odor abatement plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<b>Biological Resources</b>		
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	<p><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?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>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</p>
	Article II § 35-144.C.8 and Appendix G	<p><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</p> <p>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</p>
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
	Article II § 35-144.C.8 and Appendix G	If so, does the project include implementation of the required wildlife movement plan? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<b>Cultural Resources</b>		
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
MM CR-2. Archaeological and Paleontological Surveys	Article II §§ 35-144U.C.1 and 35-65	If so, was a Phase I cultural study prepared? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A  If so, did the Phase I cultural study require a Phase II cultural study? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input 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
<b>Hazards and Hazardous Materials</b>		
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
	Article II § 35-144U.C.3.c	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
<b>Hydrology and Water Quality Impacts</b>		
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>	
<b>Land Use Impacts</b>		
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	County Ordinance	Is the proposed project subject to the countywide,

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
of Transportation Impact Fees	No. 4270	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
<b>Noise</b>		
MM AQ-3. Cannabis Site Transportation Demand Management	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
<b>Transportation and Traffic</b>		
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>	
<b>Unusual Project Site Characteristics and Development Activities</b>		
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"> <li>• 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;</li> <li>• 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</li> </ul>

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		<ul style="list-style-type: none"> <li>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).</li> </ul> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

**C.1.1 Environmental Document Determination**

Check the appropriate box below, based on the responses to the questions and requests for information set forth in the checklist in § C.1 (above), Attachment 1 to this checklist, 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.

Kathryn Lehr  
 Name of Preparer of § C.1

\_\_\_\_\_  
 Signature of Preparer of § C.1

April 21, 2020  
 Date

**C.2 Mitigation Measures/Requirements for CEO Staff Review**

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
<b>Air Quality and Greenhouse Gas Emissions</b>		
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
<b>Utilities and Energy Conservation</b>		
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>	
<b>Unusual Project Site Characteristics and Development Activities</b>		
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"> <li>• 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;</li> <li>• structural development that cannot be</li> </ul>



Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		screened from a public viewing location pursuant to the requirements of PEIR mitigation measure MM AV-1 (Screening Requirements); or <ul style="list-style-type: none"> <li>• 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).</li> </ul> <input type="checkbox"/> Yes <input type="checkbox"/> No

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

**C.2.1 Environmental Document Determination**

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

- All of the environmental impacts of the proposed commercial cannabis operation are within the scope of the PEIR, and a subsequent environmental document is not required to evaluate the environmental impacts of the proposed commercial cannabis operation.
- The proposed commercial cannabis operation will have environmental effects that were not examined in the PEIR, and an initial study must be prepared to determine whether a subsequent environmental impact report or negative declaration must be prepared.

\_\_\_\_\_  
 Name of Preparer of § C.2

\_\_\_\_\_  
 Signature of Preparer of § C.2

\_\_\_\_\_  
 Date

**Attachment 1 – Additional Information for Cannabis Activity CEQA Environmental Determination**

## Attachment 1 –

### Additional Information for the Proposed Cannabis Activity CEQA Environmental Determination

The following provides additional analysis of the environmental impacts associated with the proposed West Coast Farms, 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 §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 Program Environmental Impact Report (PEIR) for the Cannabis Land Use Ordinance and Licensing Program (Program), State CEQA Guidelines §15168 checklist prepared for the Proposed Project, and other documents in the administrative record regarding the Proposed Project (e.g., Land Use Permit application).

#### ***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...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, processing, and storage activities that was anticipated and evaluated in the PEIR. The proposed project

site is zoned AG-II-100 (Agriculture II, 100 acre minimum lot size) which is one of the zones in which outdoor cultivation activities was evaluated in the PEIR (PEIR pages 2-33 and 2-36, Table 2-5). Furthermore, the Santa Ynez 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, and assumed to experience a concentration of cannabis activities under the Program (Ibid, pages 2-5, 2-22 through 2-24, and 3-6). The two proposed accessory structures are not unusual for agricultural activities and this type of development was anticipated in the PEIR.

As discussed below, the Proposed Project consists of an activity the impacts of which were disclosed in the PEIR. Outdoor cultivation, cultivation within greenhouses, and processing are cannabis activities that were anticipated to occur on AG-II zoned lands, such as the AG-II zoned lands which exist in the Santa Ynez region on which the Proposed Project site is located. The proposed project includes 10 full time employees and an additional 10-20 seasonal employees during harvest times. The PEIR evaluated the potential increases in employment, traffic, noise, air emissions (including odors), etc., that would result from the Proposed Project and other commercial cannabis activities allowed under the Program. The proposed project would not result in an unusual or unanticipated increase in the amount of employees and traffic, and falls within the scope of the PEIR. In addition, all of types of physical development that are included in the Proposed Project (e.g., greenhouses, processing buildings, fencing, lighting, and landscaping) was evaluated in and the AG-II zone district, and were anticipated to be used as part of cannabis activities in the PEIR analysis of environmental impacts.<sup>1</sup>

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...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 23 land use entitlement applications (including the subject application for a LUP) involving proposed or permitted cannabis activities located generally west of the City of Buellton and near State Route 246 (Santa Barbara County Interactive Map for Cannabis, available at

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<sup>1</sup> For example, see the analysis of impacts to scenic and visual resources (Impact AV-1) starting on page 3.1-18 of the PEIR, which analyzed the impacts resulting from "...the introduction of fencing, security equipment (e.g., gates, wires, cameras, and lights), greenhouses, hoop structures, buildings, accessory structures, lighting, and other development directly related to cannabis cultivation."

<https://sbcopad.maps.arcgis.com/apps/webappviewer/index.html?id=f287d128ab684ba4a87f1b9cff438f91>, accessed on April 9, 2020). 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).<sup>2</sup> 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 PEIR identified the Santa Ynez Valley as one region that would continue to experience cannabis development under the Program, given the historical medicinal cannabis cultivation that was occurring in the Santa Ynez Valley and was part of the existing environmental baseline (Ibid, pages 2-5, 2-22 through 2-24, and 3-6). 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.

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<sup>2</sup> 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)."

For this particular Project, development would not be located on prime soils and processing activities would not occur within proximity to sensitive receptors. The nearest sensitive receptors are over 2 miles away. Therefore, the Proposed Project would not cause new or a substantial increase in impacts to agricultural resources or from noise. The Proposed Project, which is located on a parcel immediately south of Highway 246, includes outdoor cultivation, indoor cultivation within greenhouses, and processing, would contribute to cumulative impacts on aesthetics and visual resources, 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 mitigations include a comprehensive Landscaping and Screening Plan and Site Transportation Demand Management Plan. However, these are not new impacts resulting from a substantial change in the Program. As stated above, the Proposed Project is an activity that was anticipated to result from the Program and, consequently, the impacts associated with the Proposed Project were disclosed and analyzed in the PEIR. As such, the PEIR analysis of impacts and 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, as well as the project-specific and 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 which would prevent a concentration of cannabis activities within any given specific geographic 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, impacts associated with aesthetics and visual resources, agricultural resources, air resources (including odors), noise, and traffic resulting from the Proposed Project and other projects located within proximity to the site will not result in a new significant impacts which were not disclosed in the PEIR.

Therefore, as discussed above and in the Board Agenda Letter dated April 21, 2020, 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 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 Proposed Project consists of approximately 46.12-acres of outdoor cannabis cultivation and 4-acres of nursery, cannabis processing, and storage areas on an agriculturally-zoned property, and would include new security fencing and landscaping to screen the cannabis cultivation activities. The PEIR analyzed the impacts of outdoor cultivation of cannabis on AG-II zoned lots within the Santa Ynez Valley. Furthermore, the PEIR did not assume that there would be a cap or other limitation on activities which would prevent a concentration of cannabis activities within any given specific geographic 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.

- (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 or alternative; or**

There are no mitigation measure 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. The environmental document prepared for the Cannabis Program was a PEIR, therefore there were no project-specific alternatives or mitigation measures. No program amendments are being considered as part of this entitlement, therefore the feasibility of program alternatives from the PEIR are not under consideration as part of this action.

- (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 5.1 of the 15168(c)(4) Checklist hereby incorporated into this attachment. The Proposed Project includes cultivation and processing. The Proposed Project would comply with the applicable mitigation measures from the PEIR, and would be subject to a Landscaping and Screening Plan and Site Transportation Demand Management Plan.