



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): 21CDP-00000-00118, 20RVP-00000-00058, 21CUP-00000-00006
2. Business Licensing Ordinance Case Number(s): _____

3. Project Applicant(s): Cresco California
4. Property Owner(s): Van Wingerden Family Trust
5. Project Site Location and Tax Assessor Parcel Number(s): 3861 Foothill Road, Carpinteria, CA 93103; APN: 005-310-024
6. Project Description:

The Proposed Project is a request for a Coastal Development Permit, Minor Conditional Use Permit, and Revised Development Plan to a Development Plan (Case No. 10DVP-00000-00010) approved on March 10, 2014 to allow for 7.98 acres of mixed-light cannabis cultivation, nursery, and processing. Mature mixed-light cultivation will take place in the existing 264,500-sq.-ft. greenhouse, and nursery mixed-light cultivation will take place in a new 17-ft.-tall, 61,840 ~~58,396~~-sq. ft. addition to Greenhouse 1. The addition will include locker rooms, administrative offices, a walk-in cooler, and restrooms. Cultivation will utilize water conservation methods including timed drip, evaporative barriers, soil moisture monitors, recycled water, and rain capture. Harvests will take place continuously year round. Compost will be transported offsite by a licensed operator.

Greenhouses 2, 3 and 4 will be demolished. A new 26-ft.-tall, 24,751-sq.-ft. processing building will be constructed and used for freezing, curing, drying, bucking, trimming, grading, packaging, storage, testing sampling, and offsite transport. The processing building will also include an employee break area, locker rooms, administrative offices, and restrooms. An approximately 420-ft.-long, 5-ft.-tall retaining wall will be constructed between the processing building and existing greenhouse.

The Proposed Project will be equipped with the leading active odor neutralizing technology(s) currently available to prevent cannabis nuisance odors from drifting offsite and impacting protected receptors (i.e. residential zoning). These odor control systems are described in detail within the Proposed Project's certified Odor Abatement Plan. Changes to the Odor Abatement Plan will be processed in coordination with the County and may require changes to this permit or a new permit.

The northern portion of the parcel is within the 100-ft. buffer of Arroyo Paredon Creek, which contains Environmentally Sensitive Habitat (ESH). There is no ESH in this buffer area. In the northern portion of the parcel, an existing unpaved parking area will be abandoned, and the northernmost portion of the 100-ft. buffer area along an existing 7-ft.-tall fence will be restored with native vegetation to enhance the ESH buffer area. All restoration in the ESH buffer will take place outside of the nesting season. No native vegetation exists in the 100-ft. buffer area, and no native vegetation or habitat will be removed as part of the Proposed Proj00ect.

Grading for the Proposed Project will consist of expansion of the existing stormwater detention basins as well as site leveling in the parking and structural development areas. Total grading for the Proposed Project will require 6,030 cubic yards (CY) of cut, 3,950 CY of fill, and 2,080 CY of export. There will be 700 linear ft. of retaining walls ranging from 1-ft.-tall to 13-ft.-tall associated with the stormwater

detention basins. As part of the Proposed Project, 12 existing, as-built pre-fabricated storage containers will be removed from the subject parcel. The Proposed Project includes new landscaping planted around the processing building and parking area. As part of the Proposed Project, the landscaping plan includes maintenance of recently planted landscaping located offsite on the adjacent parcel to the east (APN 005-310-021) to provide additional screening from Foothill Road.

The perimeter of the Project site will be enclosed by an existing 7-ft.-tall chain-link fence with wood slats with a 1.5-ft.-tall mesh on the bottom to prevent wildlife entry into the cannabis operation. Wall and pole-mounted light fixtures will be mounted at a maximum height of 10 feet throughout the Project site. All exterior lighting will be fully shielded, downward directed, and on motion sensors with illumination lasting for up to five minutes after movement. A blackout shade system will be utilized within the greenhouse structures to ensure that there is no visible light emanating from the greenhouses from dusk to dawn.

The hours of operation will be from 6:30 a.m. to 7:30 p.m. daily. The cannabis operation will require a maximum of 75 employees year round. Employees will work staggered schedules and will be provided with carpool incentives in order to reduce peak hour trips. Employees will be required to utilize the Via Real access road to enter and exit the site. There will be 65 parking spaces onsite and a loading area located near the processing building.

Domestic and irrigation water will be provided by the Carpinteria Water District through an existing water meter. The Proposed Project includes a new onsite septic system. Power will be provided by Southern California Edison. One back-up emergency generator will be used in power outage situations only. Access to the site will be provided off Via Real via paved driveway with a shared access easement ranging from 16-ft.-wide to 20-ft.-wide as well as Foothill Road via a 20-ft.-wide paved driveway and shared access easement. Fire protection will be provided by the Carpinteria-Summerland Fire District. The property is a 13.66-acre parcel zoned AG-I-10 and shown as Assessor's Parcel Number 005-310-024, located at 3861 Foothill Road in the Toro Canyon Community Plan in the Carpinteria area, First 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
Aesthetics and Visual Resources		
MM AV-1. Screening Requirements	LUDC § 35.42.075.C.3	Is the proposed cannabis operation visible from a public viewing location? ✓ Yes <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? ✓ 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 ✓ 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 ✓ 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? ✓ Yes <input type="checkbox"/> No
	Article II § 35-144U.C.1.b	Does the proposed project involve structural development? ✓ Yes <input type="checkbox"/> No If the proposed project involves structural development, are the structures sited and designed to avoid prime soils? ✓ 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? ✓ Yes <input type="checkbox"/> No
	Article II § 35-144U.1.j	If so, does the project include implementation of the required Site Transportation Demand Management Plan? ✓ 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>
	Article II § 35-144U.C.6	Does the proposed project include cannabis cultivation, a nursery, manufacturing,

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
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 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 tree protection plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input 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? <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
	Article II § 35-144.C.8 and Appendix G	<i>Coastal.</i> Does the project involve development within environmentally sensitive habitat (ESH) or ESH buffers that will result in impacts to ESH? <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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input 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

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
Cultural Resources		
MM CR-1. Preservation MM CR-2. Archaeological and Paleontological Surveys	LUDC § 35.42.075.C.1 Article II §§ 35-144U.C.1 and 35-65	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 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
Hazards and Hazardous Materials		
MM HAZ-3. Volatile Manufacturing Employee Training Plan	LUDC § 35.42.075.D.4.c Article II § 35-144U.C.3.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
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 Article II § 35-144U.C.1.h	Does the proposed project involve cannabis cultivation on public lands? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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	County Ordinance	Is the proposed project subject to the countywide,

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
Transportation Impact Fees	No. 4270	Goleta, or Orcutt development impact fee ordinance? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If so, did will applicant pay the requisite fee? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input 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 screened from a public viewing location

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		pursuant to the requirements of PEIR mitigation measure MM AV-1 (Screening Requirements); or <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). <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, 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.
 - Certification is certification and the PEIR is certified for all purposes.
 - The PEIR's certification is not limited to particular purposes or particular areas of the County.
 - The Coastal Commission considered the County's PEIR, and reached their own conclusion using their certified regulatory program, and found the PEIR consistent with the County of Santa Barbara's Local Coastal Program.
 - When the County of Santa Barbara takes action on cannabis entitlements in the Coastal Zone, the County of Santa Barbara relies on both the PEIR and the Local Coastal Program in making consistency findings.

- 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.

Gwen Beyeler
 Name of Preparer of § C.1


 Signature of Preparer of § C.1

October 26, 2021
 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 protected under the Federal or California endangered species acts, in order to gain

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		<p>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 1

Additional Information for the Proposed Cannabis Activity

CEQA Environmental Determination

The following discussion supports the determinations made in the Checklist for the SLO Cultivation LLC (dba Cresco California) Case Nos. 21CDP-00000-00118, 21CUP-00000-00006, and 20RVP-00000-00058 (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-I-10, 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 South Coast 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. Mixed-light cultivation within greenhouses and indoor processing is a cannabis activity that was anticipated to occur on AG-I-10 zoned lands, such as the AG-I zoned lands which exist in the South Coast region on which the Proposed Project site is located. 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 Project does not include any new structures, and the PEIR reviewed cultivation within greenhouses. There is nothing unusual about the Project.

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 17 land use entitlement applications involving proposed or permitted cannabis activities located in the Carpinteria area south of Summerland and west of Santa Monica Road and Santa Monica Creek (Santa Barbara County Interactive Map for Cannabis, available at <https://sbcopad.maps.arcgis.com/apps/webappviewer/index.html?id=f287d128ab684ba4a87f1b9cf438f91>, accessed on June 15, 2021). The PEIR anticipated that certain areas in which cannabis activities historically have occurred would continue to experience cannabis activities under the Program. Furthermore, the PEIR projected the demand for cannabis cultivation that could occur under the Program (i.e., 1,126 acres of cultivation countywide), based on information that was known at the time the PEIR was prepared. The Program that was analyzed in the PEIR did not include a cap or other requirement to limit either the concentration or total amount of cannabis activities that could occur within any of the zones that were under consideration for cannabis activities (PEIR, pages 3-3, 3-5, 3-12, 3.1-19, and 3.12-26).¹ Although the PEIR did not predict the

¹ The PEIR states, "...[T]he impact analysis in this EIR assumes that **future cannabis activity licenses would not be limited under the Project**, with the total area permitted to be unincorporated areas Countywide that are under

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

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

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

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

For this particular Project, the subject parcel is minimally visible to public viewing areas on Foothill Road and Highway 101. There are no new structures or changes to the existing structures. Cultivation will take place in pots consistent with traditional greenhouse cultivation methods. The Odor Abatement Plan would consist of filtration systems in the greenhouse, greenhouse addition, and processing building with use of the existing vapor-phase system in the greenhouses until the filtration is operational. All noise-emitting equipment would produce average decibel levels well under 65 at the property lines, pursuant to the Noise Plan. According to the Site Transportation Demand Management Plan, employees would be required to participate in carpooling and gain access using the Via Real entrance. 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 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 Project includes implementation of a Site Transportation Demand Management Plan, Landscape and Screening Plan, Fencing and Security Plan, Odor Abatement Plan, Lighting Plan, Noise Plan, Water Efficiency Plan, Wildlife Movement Plan, Tree Protection Plan, and Habitat Protection Plan. 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 mixed light cultivation within greenhouses on AG-I-10 zoned lots within the South Coast 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. The Project includes 7.98 acres of nursery and mature plant cultivation within four existing greenhouses and processing in the new processing building. The expanded detention basins would enhance storm water management associated with the existing greenhouse and proposed development. 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.

Attachment 2 – Biological Resources Assessment

SLO CULTIVATION - CARPINTERIA

3861 FOOTHILL ROAD, CARPINTERIA, CA

APN: 005-310-024

REVISED BIOLOGICAL RESOURCES ASSESSMENT

Prepared for:

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October 8, 2021

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1.0 INTRODUCTION AND PURPOSE

SLO Cultivation, Inc. (Applicant), dba as Cresco California, requests approval of a Coastal Development Permit- With Hearing (CDH), Minor Conditional Use Permit, and a Revision to an existing Development Plan (10DVP-00000-00010) to authorize the development and operation of a cannabis cultivation facility (project) in an unincorporated portion of Santa Barbara County near the city of Carpinteria, California. The subject property (Project Site) is located at 3861 Foothill Road (APN: 005-310-024). This revised BRA has been prepared in response to the County's peer review comment letter dated July 20, 2020.

The purpose of this Biological Resources Assessment (BRA) is to document existing conditions of the Project Site to evaluate the potential for any direct or indirect significant impacts on biological resources, or adverse effects on any rare, threatened, or endangered plant or wildlife species (special-status species) from implementation of the proposed project. This report is intended to document satisfactory compliance with the *Santa Barbara County Article II Coastal Zoning Ordinance* land use permit process, and environmental review factors detailed in the *Cannabis Land Use Ordinance and Licensing Program, Final Environmental Impact Report (PEIR)*, Section 3.4 Biological Resources.

1.1 PROJECT LOCATION AND EXISTING CONDITIONS

The Project Site is located at 3861 Foothill Road (APN 005-310-024) in an unincorporated region of Santa Barbara County (County) approximately one (1) mile west of the City of Carpinteria and approximately seven (7) miles east of the City of Santa Barbara. The Project Site is located within the Agricultural I (AG-I-10) zone district within the First Supervisorial District. The Project Site is approximately 13.66 acres in size and is primarily accessed via a private driveway from Foothill Road. The Project Site is primarily level land (elevations ranging from approximately 55 to 75 feet above mean sea level). Surrounding land uses are predominantly agricultural operations including greenhouses, hoop houses, orchards, and annually cultivated fields. Low density residential development is interspersed mostly north of Foothill Road in this predominately agricultural area.

Arroyo Paredon Creek crosses the northern fringe of the parcel from east to west. The National Hydrography Dataset designates Arroyo Paredon Creek as a perennial stream less than 0.75 miles upstream of the site, and in the project area it is designated as intermittent. Based on field observations in July 2020, the reach of Arroyo Paredon Creek within the study area likely maintains minimal perennial flow in most years through the dry season. In dry / drought years, it is possible that flows would dissipate in the dry season. Assuming the native vegetation surrounding Arroyo Paredon Creek meet the definition of Environmentally Sensitive Habitat (ESH), then a 100-foot ESH buffer extends into the existing avocado orchard on the northern portion of the Project Site. With exception of some overhanging oak branches, the limits of the actual ESH are bound on the south side by an existing, paved access road used to travel to a parcel west of the Project Site. Use of this paved access road is for the benefit of the adjacent parcel owner and is not a component of this Project.

The Project Site and associated greenhouses have been historically used to cultivate non-cannabis products such as cut flowers (gerbera daisies) and avocados. Since on or about October 2015 the Project Site has been used to cultivate cannabis. As allowed by the conditions of 10DVP-00000-00010, the Project Site utilizes some common facilities and infrastructure with the adjacent parcel to the east, APN 005-310-026, for shared resources such as an irrigation water supply well, electrical supply, domestic septic system for employee use, and employee parking areas. Primary access to the Project Site is provided via a shared access agreement with the adjacent property known as APN 005-310-021. The

private access road is approximately 400 linear feet in length, 20 feet wide, and paved with asphalt. Secondary access to the southern side of the Project Site from Via Real (via private roads) is also allowed via a shared access agreement with the adjacent property owners.

The Project Site is composed of approximately 10.79 acres of developed uses including four (4) existing greenhouse structures and twelve (12) prefabricated supporting structures (containers used for agricultural storage and other supporting uses). The existing greenhouse structural development and associated agricultural uses were approved by the County via 10DVP-00000-00010 and 11CDP-00000-00009. The remainder of the Project Site is occupied by approximately 1.16 acres of fallow avocado orchard and agricultural materials stockpile; approximately 1.13 acres of this area lies inside the Environmentally Sensitive Habitat (ESH) 100 foot buffer. Outside the fenced Project Site but within the parcel is a private road and security fence that separates approximately 0.48 acres of riparian canopy and channel associated with Arroyo Paredon Creek from the rest of the developed site.

The updated BRA Figure 5 (Habitat Map) includes detailed mapping of all native trees south of the centerline of Arroyo Paredon Creek. Native trees within this area included coast live oak (*Quercus agrifolia*), California walnut (*Juglans hindsii*), and Western sycamore (*Platanus racemosa*). One (1) native coast live oak tree is rooted south of the existing access road that separates the existing riparian corridor from proposed project activities. Native oaks within or in close proximity to construction activity will be protected in-place as further detailed in the project's Tree Protection Plan (TPP).

A series of existing linear-shaped stormwater detention basins are located along the southeast and western property boundaries (See figure 5). These basins are vegetated primarily by non-native weedy herbaceous forbs and grasses but do support some widely scattered mulefat and willow. Based on July 2020 field observations and discussions with onsite operations staff, these basins were designed for prior agricultural uses and do not ever support ponding. As the current project includes modifying the existing basins along the west property line, these areas have been added to the revised impact assessment below.

1.2 PROJECT DESCRIPTION

The proposed project includes the use of the existing greenhouse structures, access roads, and other improvements for mixed-light cannabis cultivation and subordinate supporting uses, removal of twelve (12) existing non-conforming pre-fabricated containers, minor ancillary improvements including installation of security cameras and lighting, installation and use of irrigation recycling equipment, placement of cannabis waste storage containers, and expansion of the existing stormwater detention basin system. This Biological Resources Assessment is primarily focused on the proposed physical expansion of the site's existing storm water detention system and proposed landscape plan as well as the application of road base (decomposed granite) to an existing parking area (Appendix C). Approximately 660 sq. ft. of existing GH1 overlaps into the 100' ESH buffer but no modifications are proposed to that structure. In order to provide superior visual screening of the Project Site the existing avocado trees will be removed and the northern fence line will be planted with appropriate native riparian and transitional upland vegetation (refer to Appendix C for details). All other proposed project elements consist of using existing structures or installing mechanical equipment in previously developed areas, thus no biological impacts are anticipated. Existing detention basins on the western and southern edge of the parcel will be expanded to provide additional holding volume. It is important to note that the expansion of the storm water detention basins is needed to complete ministerial permitting of the

existing greenhouse 1 (GH1) irrespective of the proposed cannabis uses. In the event cannabis use is not approved for the site, the storm water improvements are still required to continue use of the GH1 structure for cut flowers or other agricultural products.

Clearing the existing avocado orchard is proposed for a window between September 1st to February 1st that is outside the nesting season for birds. No work is proposed beyond the existing fence line and access road on the northern edge of the parcel. No disturbance or project related activities will occur in the Arroyo Paredon Creek riparian corridor (core ESH area) and removal or pruning of native trees will not be required. Proposed maintenance within the basin area will be minimal and is anticipated to occur every 5 to 10 years, depending on annual rainfall and surface runoff amounts. These maintenance activities will include minor / as-needed sediment removal and vegetation trimming to ensure proper function of the basin.

Pesticide and chemical storage will occur within the southern portion of Greenhouse 1, approximately 700 feet south of the ESH buffer and other sensitive biological resources.

2.0 METHODS

SII conducted a review of available background information including the proposed Project information, local soils survey, multiple years of aerial photographs, and a search and review of the current California Department of Fish and Wildlife (CDFW) California Natural Diversity Data Base (CNDDDB) within a 10-mile radius of the proposed Project Site. The CNDDDB provided a list and mapped locations of special-status plant and wildlife species, and natural communities of special concern, that have been recorded in the region of the Project Site. The CNDDDB records help to focus the field survey efforts and evaluation of potential Project effects on specific species or habitats. It is noted that the CNDDDB does not necessarily include all potential special-status species potentially occurring onsite, but rather only those that have been recorded by the CNDDDB (Appendix A, Figures 1 and 2). Other species may occur as determined by field surveys of the Project Site. In addition, U.S. Fish and Wildlife Service (USFWS) critical habitat data was reviewed (Figures 1 through 3).

Santa Barbara County Article II Coastal Zoning Ordinance Section 35-144U (C.)(8) and the Cannabis Land Use Ordinance and Licensing Program, Final Environmental Impact Report were also used for the evaluation of potential effects of the proposed project.

SII Principal Biologist Jason Kirschenstein conducted a field reconnaissance walking survey of the proposed Project Site on April 24, 2020. The overall purpose and objectives of the field survey was to document existing conditions in terms of habitat for plants and wildlife species, and to evaluate the potential for the site to support suitable habitat for special-status species. Plant and wildlife species observed in the field were recorded. The onsite habitat types were described by the aggregation of plants and wildlife based on the composition and structure of the dominant vegetation observed at the time field reconnaissance was conducted. Mr. Kirschenstein is the primary author and principal in charge of this study and report preparation. The survey data collected on plant and wildlife species and conclusions presented in this biological assessment are based on the methods and field reconnaissance conducted for the Project Site as described above.

All native trees south of the centerline of Arroyo Paredon creek with a minimum diameter at breast height (DBH) of 4-inches were mapped in the field using ESRI Collector GPS field data collection software. One native coast live oak tree is rooted south of the existing access road that separates the

existing riparian corridor from proposed project activities. Tree height ranged from approximately 10 to 70 feet.

3.0 ENVIRONMENTAL SETTING

3.1 SOILS TYPES

The USDA Natural Resources Conservation Service (NRCS; Soil Conservation Service) has mapped two soil mapping units within the Project Site (Figure 4). The following briefly describes the soil series and/or mapping units within the biological study area. The surface layer and formation descriptions of soil types can help in predicting suitability for certain plants, plant communities, and wildlife use. The Project Site itself is mapped as Elder sandy loam that was confirmed by observations of surface soils during SII field surveys.

Elder sandy loam, 0 to 2 percent slopes, MLRA 14 – The Elder series consists of very deep, well drained soils that formed in alluvium derived from mixed rock sources. The Elder series representative profile is a dark gray loam surface layer to about eight inches, a dark gray loam about four inches thick, a dark gray sandy loam about 10 inches thick, a grayish brown loamy sand about four inches thick, a grayish brown sandy loam about nine inches thick, and a dark gray loam to a depth of about 46 inches. This component is on flood plains, alluvial fans, alluvial plains where parent material consists of mixed alluvium.

Riverwash – Riverwash is derived from sandy, gravelly, stony and bouldery alluvium. This map unit is limited to the active Arroyo Paredon Creek flood plain. The Santa Barbara County, California, South Coastal Part Soil Survey identifies Riverwash as a hydric soil.

3.2 PLANT COMMUNITIES AND VEGETATION

Plant communities are generally described by the assemblages of plant species that occur together in the same area forming habitat types. Native plant community alliance and alliance codes used in this report follow *A Manual of California Vegetation, Second Edition* (online). Plant names used in this report follow *The Jepson Manual, Vascular Plants of California, Second Edition Thoroughly Revised and Expanded* (Baldwin et al. 2012). Plant communities within the study area consist of Orchard/Ruderal/Disturbed, and California Sycamore Woodland riparian habitat, and Developed Land (existing greenhouses). Figure 5 provides a plant community map of the study area. Figure 6 provides a set of representative photographs of the study area plant communities. The following provides a description of the plant community composition observed within the study area.

ORCHARD / RUDERAL / DISTURBED habitat within the study area include the 1.16 acres of fallow/senescent avocado orchard that is currently being utilized for temporary agriculture supply storage and the associated access road(s). This area includes approximately 43 remnant mature avocado trees (*Persea americana*) that are no longer being managed for agricultural production purposes. Ruderal non-native annual grasses and herbaceous broadleaf plant species dominate the understory. This area was observed to be relatively low in species diversity and dominated by non-native weedy species that are typical of ruderal/disturbed areas. Dominant plant species observed in the understory included rip gut brome (*Bromus diandrus*) and filarees (*Erodium botrys* and *E. cicutarium*), soft chess (*Bromus hordeaceus*), wild oats (*Avena barbata*), telegraph weed (*Heterotheca grandiflora*), and cheeseweed (*Malva parviflora*).

DEVELOPED LAND within the Project Site includes the 10.79 acres of the existing four greenhouses and appurtenant facilities and roads lacking any sensitive biological resource values.

PLATANUS RACEMOSA WOODLAND ALLIANCE (CALIFORNIA SYCAMORE WOODLANDS; CNPS 61.310.00) along the Arroyo Paredon riparian corridor includes California sycamore (*Platanus racemose*) as the dominant or co-dominant species in the tree canopy with California walnut (*Juglans californica*), coast live oak (*Quercus agrifolia*), red willow (*Salix laevigata*), and arroyo willow (*Salix lasiolepis*). Trees are generally less than 30 meters tall and the canopy is open to intermittent. The shrub layer is mostly lacking with an open understory of patchy willow thickets and dominated by mats of non-native Cape ivy (*Delairea odorata*), Nasturtium (*Tropaeolum* sp.), English ivy (*Hedera helix*), and castor bean (*Ricinus communis*). Native understory species observed include, California blackberry (*Rubus ursinus*), California sunflower (*Helianthus californicus*), poison oak (*Toxicodendron diversilobum*), California mugwort (*Artemisia douglasiana*), stinging nettle (*Urtica* sp.), and blue elderberry (*Sambucus nigra*). The riparian habitat within the study area is in a somewhat degraded condition restricted to a narrow corridor due to its proximity to historic agricultural uses, residential development, and the highly travelled Foothill Road State Highway 192. Approximately 0.48 acres of riparian habitat are mapped within the Project Site parcel.

3.3 WILDLIFE

The Orchard/Ruderal/Disturbed habitat type within the Project Site provides only limited habitat values for resident and migratory wildlife species typical in the predominantly agricultural land uses in the region such as raccoon (*Procyon lotor*) and Virginia opossum (*Didelphis virginiana*). The ruderal / disturbed habitat onsite supports limited habitat for native and non-native wildlife species. Common reptiles such as western fence lizard and alligator lizard are expected to frequent this area. Due to the relatively “fallow” nature of the orchard, limited habitat is available for nesting birds, including ground nesting species. This is also likely used by common mammal species such as Botta’s pocket gopher, racoon, and opossum. Inspection of the Project Site and surrounding trees during April 2020 surveys did not reveal any raptor nesting on or around the Project Site.

Riparian habitats can provide high quality habitat for a large variety of wildlife species. They also contribute woody debris to the duff in the woodland understory which provides foraging areas for small mammals and microclimates suitable for amphibians and reptiles. Acorns are a valuable food source for many animal species, including acorn woodpecker (*Melanerpes formicivorus*), western bluebird (*Sialia mexicana*), western scrub jay (*Aphelocoma corulescens*), yellow-billed magpie (*Pica nuttalli*), American crow (*Corvus brachyrhynchos*), great horned owl (*Bubo virginianus*), western gray squirrel (*Sciurus griseus*), big-eared woodrat (*Neotoma macrotis macrotis*), racoon (*Procyon lotor*), and black-tailed deer (*Odocoileus emionus*). Riparian habitat provides nesting habitat for numerous passerine birds as well as for raptors. Common passerines observed in riparian habitats include pacific slope flycatcher, Bewick’s wren (*Thryomanes bewickii*), hummingbirds (*Calypte* spp.), and song sparrows. Raptors, such as red-tailed hawk (*Buteo jamaicensis*), barn owl (*Tyto alba*), American kestrel (*Falco sparverius*) and red-shouldered hawk (*Buteo lineatus*), may use open riparian areas for foraging and nesting purposes.

Riparian habitats can be expected to support mammals such as raccoon (*Procyon lotor*) and Virginia opossum (*Didelphis virginiana*). Lizards such as western fence lizard (*Sceloporus occidentalis*) and alligator lizard (*Elgaria multicarinata*) are expected to occur in the study area where suitable soils and food resources occur. Other reptiles such as western skink (*Plestiodon skiltonianus*), northern pacific

rattlesnake (*Crotalus oreganus*), gopher snake (*Pituophis catenifer*), and common garter snake (*Thamnophis sirtalis*) are expected to occur in this habitat type within the study area.

Direct observations (or evidence) of the following wildlife species were observed within the riparian corridor during field reconnaissance: California ground squirrel (*Otospermophilus beecheyi*), Botta's pocket gopher (*Thomomys bottae*), pacific slope flycatcher (*Empidonax difficilis*), song sparrow (*Melospiza melodia*), brewers blackbird (*Euphagus cyanocephalus*), wrentit (*Chamaea fasciata*), Western scrubjay (*Aphelocoma californica*), Anna's hummingbird (*Calypte anna*), American crow (*Corvus brachyrhynchos*), black phoebe (*Sayornis nigricans*), mourning dove (*Zenaida macroura*), spotted towhee (*Pipilo maculatus*), California towhee (*Melospiza crissalis*), and house finch (*Haemorhous mexicanus*).

3.4 WATERS OF THE U.S., WATERS OF THE STATE & WETLANDS

There are no waters of the U.S./State within the proposed project footprint. Although Arroyo Paredon Creek is considered a jurisdictional waters of the U.S./State as a tributary to a navigable water, no project work or impacts are proposed in the riparian corridor that would trigger regulatory compliance or permitting from the Army Corps of Engineers (Corps), California Department of Fish and Wildlife (CDFW), or Regional Water Quality Control Board (RWQCB). As depicted in Figure 5, the jurisdictional limits of Arroyo Paredon Creek extend to the outside edge of the riparian canopy overhanging the private paved road.

3.5 SPECIAL-STATUS SPECIES AND NATURAL COMMUNITIES OF SPECIAL CONCERN

Special-status species are those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) under the federal Endangered Species Act (FESA); those considered "species of concern" by the USFWS; those listed or proposed for listing as rare, threatened, or endangered by the CDFW under the California Endangered Species Act (CESA); animals designated as "Species of Special Concern" by the CDFW; and plants occurring on lists 1B, 2, and 4 of the California Native Plant Society (CNPS) *Inventory of Rare and Endangered Vascular Plants of California*. Natural Communities of Special Concern are habitat types considered rare and worthy of tracking in the CNDDDB by the CDFW because of their limited distribution or historic loss over time.

The search and review of the CNDDDB revealed 18 special-status plant species, 35 special-status wildlife species, and one natural community of special concern with recorded occurrences within the 10-mile search radius of the study area. Figure 1 provides a map of the CNDDDB plant and wildlife special-status species recorded occurrences respectively within 10 miles of the study area. None of the CNDDDB occurrences fall within the study area. The following briefly describes or summarizes the special-status species issues and potential for occurrence within the study area. Table B-1 in Appendix B includes scientific and common names, listing status, habitat requirements, and likelihood for occurrence within the study area for the special-status species discussed below.

3.5.1 Special-Status Botanical Resources

The CNDDDB 10-mile radius search revealed observations or the recorded occurrences of 18 special-status plant species and one natural communities of special concern within a 10-mile radius of the study area. The special-status plant species occurrences recorded in the CNDDDB are commonly associated with natural habitats, a specific soil type, habitat, and/or elevation range that dictates the range or

microhabitat of the species. SII observations of plant growth in April 2020 suggest the habitat is low in species diversity and is typical southern California disturbed riparian and ruderal habitats.

There is no southern coastal salt marsh habitat within the study area and there were no observations of perennial woody special-status plants like the Nuttall's scrub oak (*Quercus dumosa*) or Santa Barbara honeysuckle (*Lonicera subspicata* var. *subspicata*). Further there were no observations of mesa horkelia (*Horkelia cuneata* ssp. *puberula*) or black-flowered figwort (*Scrophularia atrata*) that would have been observable during the April 2020 site visit.

There is no suitable habitat within the study area for specialized wetland/marsh species such as the Santa Barbara morning-glory (*Calystegia sepium* ssp. *binghamiae*), salt marsh bird's-beak (*Chloropyron maritimum* ssp. *maritimum*), Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*), Gambel's water cress (*Nasturtium gambelii*), or Sonoran maiden fern (*Thelypteris puberula* var. *sonorensis*). As such, these species are not expected to occur onsite lacking wetland habitat and will not be impacted by project activities.

Miles' milk vetch (*Astragalus didymocarpus* var. *milesianus*), Coulter's saltbush (*Atriplex coulteri*), late-flowered mariposa-lily (*Calochortus fimbriatus*), Palmer's mariposa-lily (*Calochortus palmeri* var. *palmeri*), umbrella larkspur (*Delphinium umbracolorum*), Ojai fritillary (*Fritillaria ojaiensis*), white-veined monardella (*Monardella hypoleuca* ssp. *hypoleuca*), chaparral nolina (*Nolina cismontana*), and southern jewelflower (*Streptanthus campestris*) are associated with native habitats and specialized soils in predominantly scrub, chaparral, and lower montane woodlands that are absent from the site. As such, these species are also not expected to occur onsite or be impacted by project activities.

Although not reported by the CNDDDB, riparian habitat associated with Arroyo Paredon Creek is considered to be a Natural Community of Special Concern by CDFW and is mapped as Environmentally Sensitive Habitat Overlay (ESH) for Santa Barbara county.

The SII field observations and desktop review stand as definitive negative findings for potential special-status plant species potentially occurring within the proposed project area, and no additional surveys are recommended.

3.5.2 Special-Status Wildlife

The CNDDDB search revealed the recorded occurrences of 35 special-status wildlife species within the 10-mile search radius of the Project Site. None of the CNDDDB mapped recorded occurrences are within the study area/Project Site. Special-status wildlife species known from the region evaluated for this study are discussed by groups or based upon habitat preferences, specific habitat use requirements (i.e. terrestrial or aquatic), mobility, and seasonal migratory patterns. In summary, no special-status wildlife species were observed in the study area, and the project area developed, orchard/ruderal/disturbed habitats lack any suitability for special-status wildlife. No project activities will occur in the Arroyo Paredon Creek riparian habitat.

Invertebrates – The CNDDDB has recorded occurrences for the monarch butterfly within the 10-mile search range. No monarch butterflies were observed during SII field surveys of the study area and no suitable winter roosting habitat is present. No habitat for the vernal pool fairy shrimp occurs within the study area. The Crotch bumble bee requires grassland and flowering plants with occurrences recorded by the CNDDDB are historic (circa 1972) and are located over nine miles from the site to the west. Typical grassland habitat and suitable host plants do not occur onsite for this species. The sandy beach tiger beetle (*Cicindela hirticollis gravida*), globose dune beetle (*Coelus globosus*), and wandering (=saltmarsh)

skipper (*Panoquina errans*) all required highly specialized soil and vegetation conditions such as dry light-colored sand, dune vegetation, and salt marsh that do not occur on the Project Site. The SII field observations and desktop review stand as definitive negative findings for potential special-status invertebrates potentially occurring within the proposed project area, and no additional surveys are recommended.

Aquatic Species – The CNDDDB has recorded occurrence in different watersheds for the arroyo toad (*Anaxyrus californicus*) that requires large river floodplains that is not present in Arroyo Paredon Creek. The foothill yellow-legged frog (*Rana boylei*) occurrences are historic records and not from the watershed of the Project Site. The coast range newt (*Taricha torosa*) needs native woodland uplands for most of its lifecycle that are absent from the areas surrounding the creek and is not expected to occur. All these species are closely associated with permanent and seasonal aquatic habitats of streams, ponds, and seasonal pools. These species require perennial or seasonal aquatic habitats for reproduction but may also move overland between areas of suitable aquatic habitat and for foraging / sheltering purposes. However, the surrounding developed and agricultural uses precludes overland movement.

The CNDDDB has a 2008 recorded occurrence of one juvenile California red-legged frog (*Rana draytonii*; CRLF) in Arroyo Paredon Creek 0.5 mile upstream of Hwy 192 crossing. While upstream and downstream movement through the creek riparian corridor is possible, there are no other creeks or suitable aquatic habitat in the immediate project vicinity to prompt upland dispersal. Santa Monica Creek also supports a recorded 2005 CRLF occurrence approximately 1.5 miles northeast of the site at the outer limits of potential CRLF upland movement, and is separated by significant geographical, agricultural, and urban barriers making migration between the two creeks highly constrained. In addition, the existing developed and long-standing historic intensive agricultural uses surrounding the site are likely to constrain CRLF movements to available “undeveloped” areas along the creek corridor.

The two-striped gartersnake (*Thamnophis hammondi*) is highly aquatic, found in or near permanent fresh water often along streams with rocky beds and riparian growth. The western pond turtle (*Emys marmorata*) is a thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6,000 ft elevation. This species requires basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying. No suitable upland habitat occurs for either species within the Project Site or surrounding developed and agricultural land uses.

The tidewater goby (*Eucyclogobius newberryi*) occurs in brackish water habitats along the California coast from Agua Hedionda Lagoon, San Diego County to the mouth of the Smith River. Found in shallow lagoons and lower stream reaches, they need fairly still but not stagnant water and high oxygen levels. The CNDDDB occurrence is at the confluence of Arroyo Paredon Creek and the Pacific Ocean and does not near the project parcel creek and riparian area.

The steelhead (*Oncorhynchus mykiss irideus*); southern California distinct population segment refers to populations from Santa Maria River to the southern extent of range (San Mateo Creek in San Diego County). Southern California steelhead likely have greater physiological tolerances to warmer water and more variable conditions than other DPS. Arroyo Paredon Creek is designated as critical habitat for the species but there are no CNDDDB recorded occurrences in this creek. The designation of critical habitat affects only Federal agency actions and does not increase or decrease the current restrictions on private property concerning take of steelhead. Based on the April SII field survey, it appears that the project parcel reach of Arroyo Paredon Creek would serve only as a freshwater migration corridor during

periods of sufficient flows. There are only a few exposed shallow pools (12" to <36" deep) with little to no undercut banks or other areas for escaping predation further reducing suitability for steelhead along the project reach.

Reptiles – The coast patch-nosed snake (*Salvadora hexalepis virgulata*) typically inhabits brushy or shrubby vegetation in coastal Southern California where it utilizes small mammal burrows for refuge and overwintering sites. The northern California (silvery) legless lizard (*Anniella pulchra*), California legless lizard (*Anniella* spp.), and coast horned lizard (*Phrynosoma blainvillii*) are mostly associated with sandy soils in grassland, coastal sage scrub or chaparral habitats. None of these reptiles were observed during SII field surveys of the Project Site does not support suitable habitat for these species.

Birds – The CNDDDB includes the wide-ranging Cooper's hawk and other raptors such as sharp-shinned hawk, red-shouldered hawk, red-tailed hawk, and short-eared owl that could utilize mature trees within Arroyo Paredon Creek riparian corridor for nesting purposes although habitat quality and foraging opportunities are severely reduced due to the narrow riparian corridor restricted by the ongoing urban and agricultural operations surrounding the site.

The California condor (*Gymnogyps californianus*) requires vast expanses of open savannah, grasslands, and foothill chaparral in mountain ranges of moderate altitude. Deep canyons containing clefts in the rocky walls provide nesting sites. No suitable nesting or foraging habitat is available for this species within the study area.

The CNDDDB includes the following bird species that require highly specialized coastal and/or marshland habitats that are lacking from the study area: western snowy plover (*Charadrius alexandrinus nivosus*), yellow rail (*Coturnicops noveboracensis*), California black rail (*Laterallus jamaicensis coturniculus*), black-crowned night heron (*Nycticorax nycticorax*), Belding's savannah sparrow (*Passerculus sandwichensis beldingi*), California brown pelican (*Pelecanus occidentalis californicus*), light-footed Ridgway's rail (*Rallus obsoletus levipes*), and California least tern (*Sternula antillarum browni*). The snowy egret (*Egretta thula*) is mostly a coastal and estuary species and colonial nesting near suitable foraging areas not observed in the project parcel.

The bank swallow (*Riparia riparia*) is colonial nester; nests primarily in riparian and other lowland habitats west of the desert. It requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig a nesting hole. Suitable habitat for this species is not located within the project parcel riparian area. No CNDDDB recorded occurrences are in the Arroyo Paredon Creek watershed.

The southwestern willow flycatcher (*Empidonax traillii extimus*), yellow warbler (*Setophaga petechia*), and least Bell's vireo (*Vireo bellii pusillus*) are breeding season migrants that typically nest in well-developed riparian areas with dense understory vegetation with perennial or semi-perennial water sources. Due to its degraded condition, lack of developed dense native understory, and narrow corridor restricted by agricultural and urban development, these species are not expected to occur in the project parcel riparian area. No CNDDDB recorded occurrences are in the Arroyo Paredon Creek watershed.

Mammals – The CNDDDB has two species of bats recorded from the region. The Townsend's big-eared bat (*Corynorhinus townsendii*) is typically associated with caves, crevices, and buildings for roosting. The Big free-tailed bat (*Nyctinomops macrotis*) needs high cliffs or rocky outcrops for roosting sites and

feeds principally on large moths. No suitable habitat is present within the project parcel for these bat species.

San Diego desert woodrat (*Neotoma lepida intermedia*) inhabits Coastal scrub of Southern California from San Diego County to San Luis Obispo County. This species requires moderate to dense canopies and they are particularly abundant in rock outcrops, rocky cliffs, and south-facing slopes. No suitable habitat is present for this species within the project parcel.

4.0 IMPACT ANALYSIS

4.1 THRESHOLDS OF SIGNIFICANCE

According to the Santa Barbara County Environmental Thresholds and Guidelines Manual, Biological Resources Section (6.)(C.)(3.)(a.), disturbance to habitats or species may be significant, based on substantial evidence in the record (not public controversy or speculation), if they substantially impact significant resources in the following ways:

- (1) *Substantially reduce or eliminate species diversity or abundance.*
- (2) *Substantially reduce or eliminate quantity or quality of nesting areas.*
- (3) *Substantially limit reproductive capacity through losses of individuals or habitat.*
- (4) *Substantially fragment, eliminate, or otherwise disrupt foraging areas and/or access to food sources.*
- (5) *Substantially limit or fragment range and movement (geographic distribution or animals and/or seed dispersal routes).*
- (6) *Substantially interfere with natural processes, such as fire or flooding, upon which the habitat depends.*

According to the Santa Barbara County Environmental Thresholds and Guidelines Manual, Biological Resources Section (6.)(C.)(3.)(b.), there are many areas in the County where there is little or no importance to a given habitat and it is presumed that disruption would not create a significant impact. Examples of areas where impacts to habitat are presumed to be insignificant include:

- (1) *Small acreages of non-native grassland if wildlife values are low.*
- (2) *Individuals or stands of non-native trees if not used by important animal species such as raptors or monarch butterflies.*
- (3) *Areas of historical disturbance such as intensive agriculture.*
- (4) *Small pockets of habitats already significantly fragmented or isolated, and degraded or disturbed.*
- (5) *Areas of primarily ruderal species resulting from pre-existing man-made disturbance.*

According to the Santa Barbara County Environmental Thresholds and Guidelines Manual, Biological Resources Section (6.)(C.)(3.)(c.), Impact Assessment Factors, the following questions and factors are used in assessing the significance of Project impacts on biological resources.

- (1) *Size. How much of the resource in question both on and off the Project Site would be impacted? (Percentage of the whole area and square footage and/or acreage are both useful to know) How does the area or species that would be impacted relate to the*

- remaining populations off the Project Site? (Percentage of total area or species population, either quantitatively or qualitatively.)*
- (2) *Type of Impact. Would it adversely indirectly affect wildlife (light, noise, barriers to movement, etc.)? Would it remove the resource or cause an animal to abandon the area or a critical activity (e.g., nesting) in that area? Would it fragment the area's resource?*
 - (3) *Timing. Would the impact occur at a critical time in the life cycle of an important plant or animal (e.g., breeding, nesting, or flowering periods)? Is the impact temporary or permanent? If it is temporary, how long would the resource take to recover? Would the impact be periodic, of short duration, but recur again and again?*

Additionally, Santa Barbara County Environmental Thresholds and Guidelines Manual, Biological Resources Section (6.)(D.) provides the following habitat-specific impact assessment guidelines pertinent to this proposed Project analysis.

Section (6)(D.)(2.) Riparian Habitats Impact Assessment Guidelines:

- a. *Description. Riparian habitat is the terrestrial or upland area adjacent to freshwater bodies, such as the banks of creeks and streams, the shores of lakes and ponds, and aquifers which emerge at the surface such as springs and seeps. A rich assemblage of wildlife series, including birds, mammals and amphibians are found in riparian habitats. In Santa Barbara County, riparian habitat occurs in and along the County's four major rivers (Santa Ynez, Santa Maria, Cuyama and Sisquoc) and in and along the County's many creeks and streams. This habitat can also occur along arroyos and barrancas, and other types of drainages throughout the County.*
- b. *Riparian Impact Assessment Guidelines: The following types of project-related impacts may be considered significant:*
 - (1) *Direct removal of riparian vegetation.*
 - (2) *Disruption of riparian wildlife habitat, particularly animal dispersal corridors and or understory vegetation.*
 - (3) *Intrusion within the upland edge of the riparian canopy (generally within 50 feet in urban areas, within 100 feet in rural areas, and within 200 feet of major rivers listed in the previous section), leading to potential disruption of animal migration, breeding, etc. through increased noise, light and glare, and human or domestic animal intrusion.*
 - (4) *Disruption of a substantial amount of adjacent upland vegetation where such vegetation plays a critical role in supporting riparian-dependent wildlife species (e. g., amphibians), or where such vegetation aids in stabilizing steep slopes adjacent to the riparian corridor, which reduces erosion and sedimentation potential.*
 - (5) *Construction activity which disrupts critical time periods (nesting, breeding) for fish and other wildlife species.*

The PEIR Cannabis Land Use Ordinance and Licensing Program articulates the following four potential impacts resulting from cannabis cultivation activities:

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

- *Impact BIO-2. Cannabis activities could have adverse effects on habitats or sensitive natural communities.*
- *Impact BIO-3. Cannabis activities could have adverse effects on the movement or patterns of any native resident or migratory species.*
- *Impact BIO-4. Cannabis activities may conflict with adopted local plans, policies, or ordinances oriented towards the protection and conservation of biological resources.*

Article II Coastal Zoning Ordinance Section 35-144U (C.)(8) requires a Tree Protection, Habitat Protection, and Wildlife Movement Plans for projects that result in impacts listed above from the PEIR and/or removal of native trees. In addition, projects should be sited and designed to avoid environmentally sensitive habitats (ESH) and minimize impacts within ESH buffers (100 feet from edge of riparian canopy in rural areas).

Finally, Chapter 15B of the County Code, *Development Along Watercourses*, prohibits development (e.g., structures, dredging, filling, grading, paving, excavation, drilling) within 50 feet of the top of the bank of any watercourse.

4.2 PROJECT-SPECIFIC BIOLOGICAL RESOURCES IMPACT ANALYSIS

The proposed project is within the fence line of existing developed facilities with any vegetation removal and ground disturbance limited to the existing fallow orchard/ruderal/disturbed habitat areas of the Project Site. No native trees will be impacted or removed. No wetlands, riparian, or aquatic habitats occur within the proposed project footprint so no impacts on any wetland/aquatic reliant species would occur from project implementation. The Project Site is currently fenced along the existing private access road separating the project area from Arroyo Paredon Creek. As such, under existing conditions, the Project Site does not represent a movement corridor for resident or migratory wildlife. The upland developed/disturbed areas on the Project Site, as well as the agricultural/urban land uses in the surrounding vicinity does not support habitat that plays a critical role in supporting riparian dependent wildlife.

Implementation of the proposed Project would result in the conversion of up to 1.16 acres of fallow/ruderal/disturbed avocado orchard (43 senescent avocado trees) to the oaks and ground cover vegetation; approximately 1.13 acres of this area lies inside the Environmentally Sensitive Habitat (ESH) 100 foot buffer. The applicant proposes to conduct the clearing, grubbing, and excavation of the parking area between September 1st and February 1st outside the nesting season for birds. As such, the proposed project would avoid any potential impacts on nesting/breeding of resident or migratory birds, both common and special-status species.

Proposed construction and long-term operational activities have the potential to injure or kill terrestrial wildlife as a result of vehicle strikes, excavation/grading, and maintenance of the facilities. Potential indirect impacts could result from noise, vibration, lighting, or from unintended hazardous waste runoff into Arroyo Paredon Creek / trash from construction and operational uses (including vehicles and equipment). However, all these potential impacts are currently, and have historically occurred onsite as part of the existing agricultural operations. Post-project conditions would include significantly enhanced stormwater runoff protection and filtration for Arroyo Paredon Creek. No increase in noise, lighting, or

vibration towards Arroyo Paredon Creek would result from proposed activities, and as such, potential indirect impacts to the creek and wildlife utilizing the creek would not increase as a result of the project. Furthermore, the proposed native restoration have been designed to enhance the ESH buffer along the creek with the intent to further separate agricultural activities from the creek corridor.

Based on the current project design, no native trees identified in Figure 5 will require pruning or removal. Any native tree canopy that hangs over the existing fence line will be avoided during native plant installation activities. The proposed project is not proposing any long-term maintenance (including pruning) to any trees associated with Arroyo Paredon Creek. Recommended avoidance and minimization measures are provided below to ensure impacts are avoided to native trees during construction. Per county Standards, an applicant for a land use entitlement for a commercial cannabis activity that would involve pruning, damage, or removal of a native tree, shall prepare and submit to the Department a Tree Protection Plan prepared by a Department-approved arborist designed to determine whether avoidance, minimization, or compensatory measures are necessary.

As indicated in the county's comments, "Rainbow trout averaging 4-6 inches" were documented downstream from the Highway 192 bridge in 2000, based on a Stoecker et al. 2002 study. As indicated above and based on site-specific observations, the project parcel reach of Arroyo Paredon Creek would serve only as a freshwater migration corridor during periods of sufficient flows and is not expected to support rearing or spawning habitat based on lack of deep / protected pool habitat. It is also noted that per the final rule for steelhead critical habitat, this reach of Arroyo Paredon Creek is identified as not supporting spawning habitat; but does support "fair migration habitat" and "poor quality rearing habitat".

Although unlikely to occur based on the highly disturbed and historically maintained nature of the site, special-status amphibians or reptiles could be present in upland areas adjacent to the creek during the winter months. As such, avoidance and minimization measures have been provided to ensure direct impacts to special-status reptiles and amphibians are avoided during the construction phase.

As currently proposed, the existing avocado trees will be removed and revegetated with a carefully selected suite of native species. Project activities will result in a net biological and water quality benefit to the area as it removes agricultural disturbance and restores it to natural vegetation consistent with Arroyo Paredon Creek to the north.

Proposed maintenance activities within the basin have the potential to result in similar potential direct and indirect impacts as those described for the orchard removal. As such, recommendations have been provided in Section 5.0 below to ensure compliance with this potential County requirement.

According to Santa Barbara County Thresholds of Significance, the proposed project impacts are at an insignificant level as it is a small Project Site, impacts only avocado trees and ruderal species in a historical agricultural setting from pre-existing man-made disturbance, and project timing avoids impacts on nesting/breeding behaviors of resident and migratory birds. No impacts on Arroyo Paredon Creek riparian corridor would result from the proposed project. Therefore, all project impacts would be at a less than significant level. Further, Table 1 below summarizes the project impacts as articulated in the PEIR.

TABLE 1 – PEIR IMPACT AND MITIGATION ANALYSIS SUMMARY		
PEIR POTENTIAL IMPACTS	PROJECT IMPACTS	MITIGATION REQUIREMENT
Impact BIO-1. Cannabis activities could potentially have adverse effects on unique, rare, threatened, or endangered plant or wildlife species.	Project implementation timing outside the nesting season for birds, and disturbance to fallow orchard, ruderal, and disturbed habitat are not anticipated to impact or have adverse effects on unique, rare, threatened, or endangered plant or wildlife species.	Construction timing and monitoring requirements as described in detail below.
Impact BIO-2. Cannabis activities could have adverse effects on habitats or sensitive natural communities.	No native habitat(s) or sensitive natural communities will be impacted or adversely effected by the project.	No mitigation required. Project will result in NET benefit to natural communities.
Impact BIO-3. Cannabis activities could have adverse effects on the movement or patterns of any native resident or migratory species.	The existing conditions of the Project Site being fenced fallow orchard ruderal habitat and developed uses support limited movement patterns of resident or migratory species. Post-project conditions will result in a NET benefit to potential movement patterns.	No mitigation required.
Impact BIO-4. Cannabis activities may conflict with adopted local plans, policies, or ordinances oriented towards the protection and conservation of biological resources.	All project activities are greater than 50 feet from the top of bank of Arroyo Paredon Creek. Although activities will encroach into the 100' ESH buffer, the project will result in a NET benefit to the ESH via replacing existing fallow avocado with native riparian and upland transition plant species.	No mitigation requires.

5.0 RECOMMENDED AVOIDANCE AND MINIMIZATION MEASURES

- 1) **Tailgate Education Training:** To ensure all onsite workers are aware of potential special-status species associated with Arroyo Paredon Creek, a County-approved biologist shall provide a tailgate education training session for all onsite workers. The purpose of this training shall be to familiarize all workers with the potential biological resources occurring onsite and required avoidance and minimization measures. Penalties and procedures for non-compliance will also be reviewed. All training recipients will be required to sign-in documenting they have attended the training, and a copy of the sign-in sheet will be provided to the County.
- 2) **Construction Monitoring:** All ground disturbance and vegetation clearing activities shall be conducted under the direct supervision of the County-approved biologist. The monitoring biologist will work with construction crews to slowly remove any debris piles or potential upland refuge habitat (by hand or gentle excavation) for special-status wildlife species.
- 3) **Post-construction Monitoring Report:** A post-construction monitoring report will be provided to the County detailing any unintended impacts to native trees or other biological resources during construction and any additional mitigation measures implemented at the direction of the authorized biologist.

- 4) **Special-status Wildlife Pre-construction Surveys:** Within 48 hours of initial disturbance activities, the authorized biologist shall conduct a pre-construction survey in all upland areas of the site and within Arroyo Paredon Creek for the purposes of identifying any CRLF, two-striped garter snake, steelhead, or other special-status species that may be present within or adjacent to project activities. Special focus shall be taken in potential upland refuges such as debris piles. The County-approved monitoring biologist shall move out of harm's way any non-listed wildlife species encountered during initial ground disturbing activities to the extent feasible.
- 5) **Detention Basin Maintenance:** The timing of detention basin maintenance shall be limited to between September 1st to February 1st to ensure activities occur outside the nesting season for birds. If deemed to be required by the County, the applicant shall submit a Habitat Protection Plan for county review and approval at a minimum of 60 days prior to initiating any maintenance activity.

6.0 CONCLUSIONS

In conclusion, based on the findings described above establishing the existing conditions of biological resources within the project parcel and applicant proposed vegetation removal, the proposed project would not result in any substantial adverse effects on biological, botanical, wetland, or riparian habitat resources. As such, direct and indirect project impacts on biological resources would be at a less than significant level as follows:

- The small Project Site of 1.16-acres of fallow orchard habitat only impacts avocado trees and ruderal species in an historical agricultural setting from pre-existing man-made disturbance.
- Avoidance and minimization measures have been proposed to ensure no direct impacts occur to special-status species or natural communities of special concern.
- Project timing avoids impacts on nesting/breeding behaviors of resident and migratory birds.
- A NET benefit to the Arroyo Paredon Creek riparian corridor and 100-ft. ESH buffer would result from the proposed project (refer to Appendix D for details).
- The project's existing structures, proposed detention basin expansion, and new parking area are located outside of the core ESH area (i.e. the limits of the riparian canopy) associated with Arroyo Paredon Creek. All native vegetation within the ESH area will remain undisturbed.

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APPENDIX A

FIGURES

Figure 1: Regional Location and CNDDDB Occurrences Map

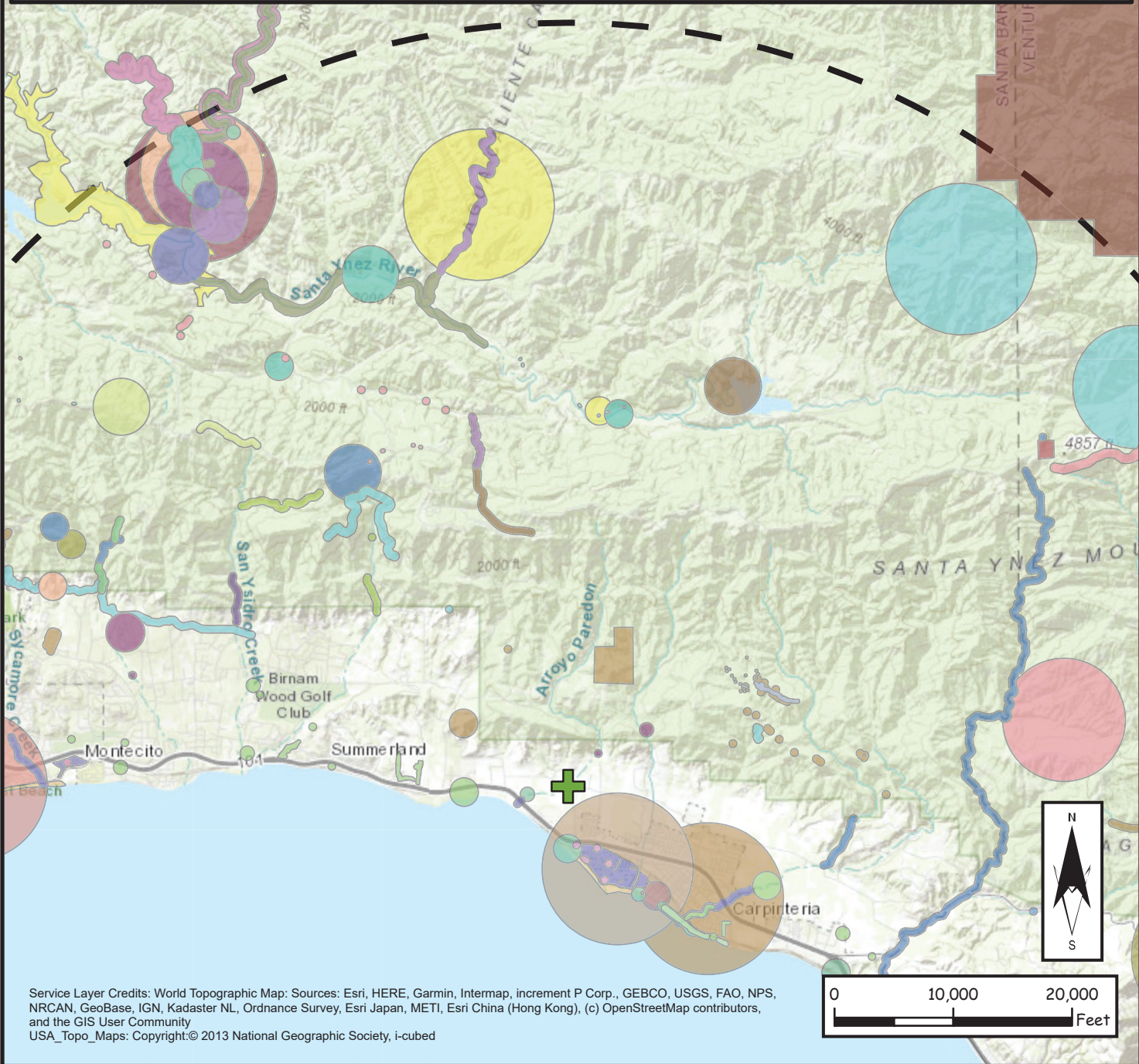
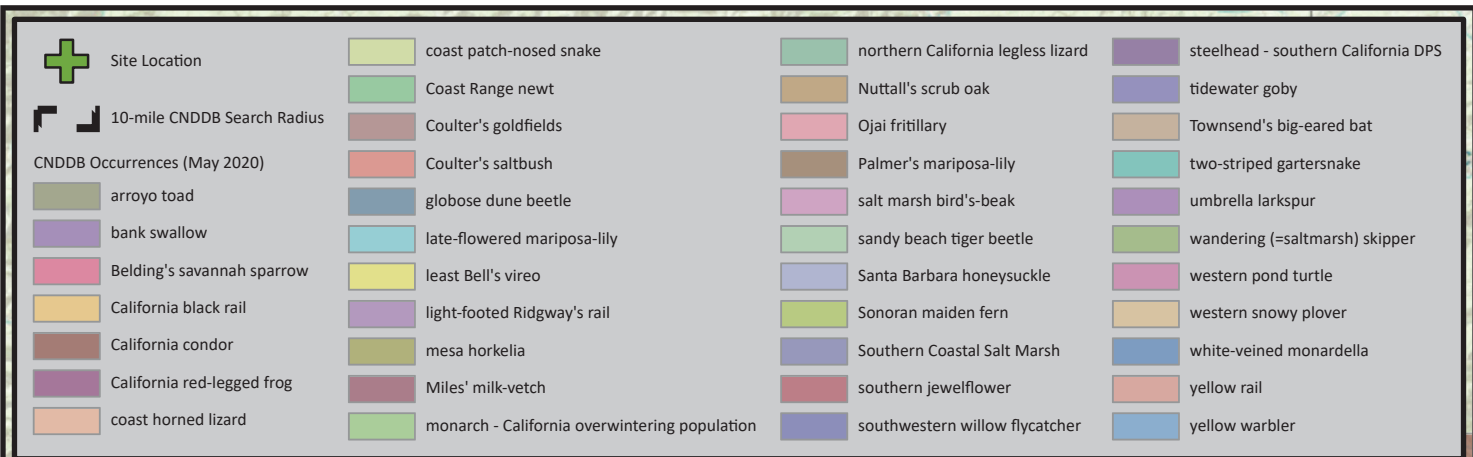
Figure 2: USGS QUAD Map and CNDDDB Occurrences Map

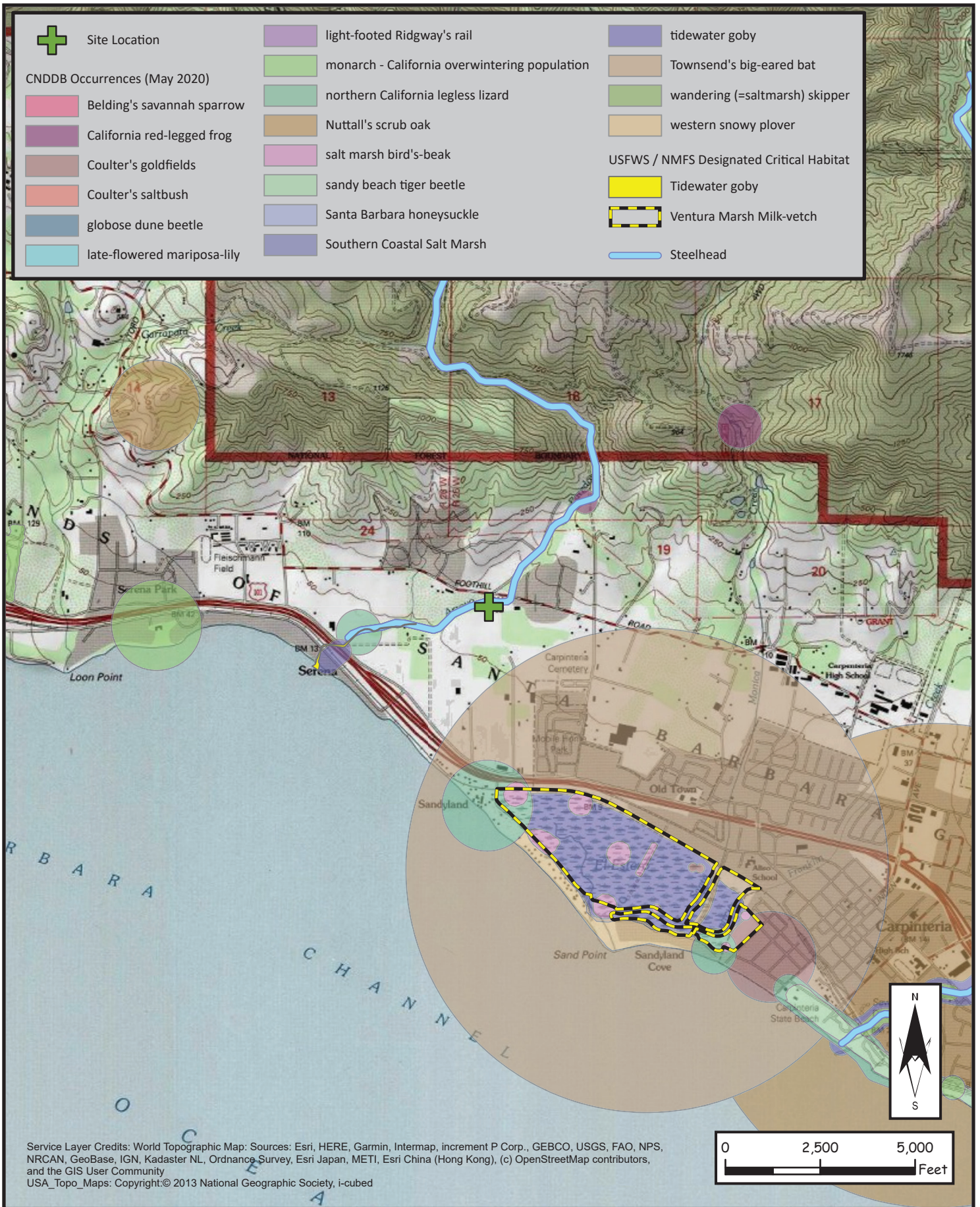
Figure 3: Aerial Overview

Figure 4: Soils Map

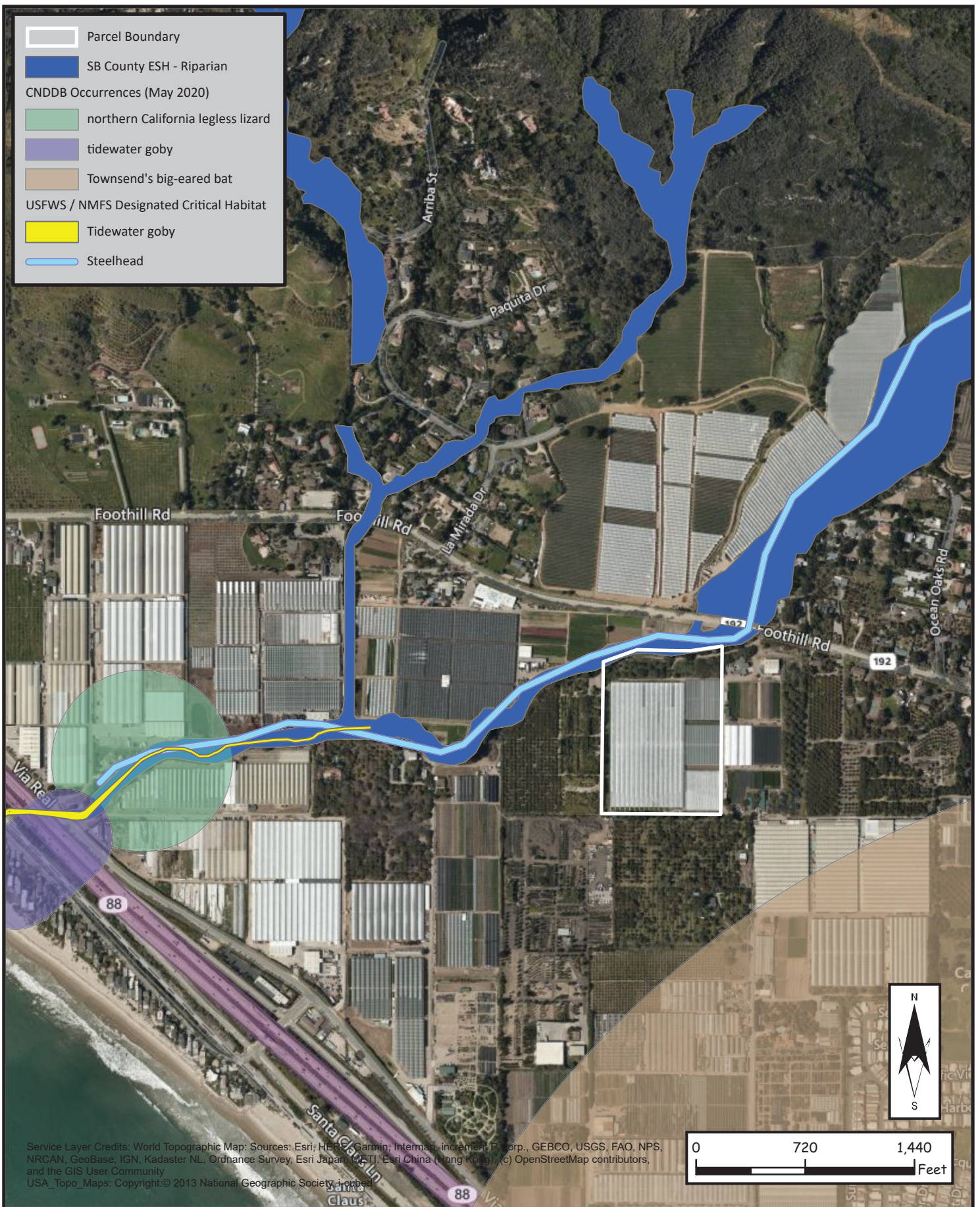
Figure 5: Revised Habitat Map (July 2020)

Figure 6: Representative Photographs

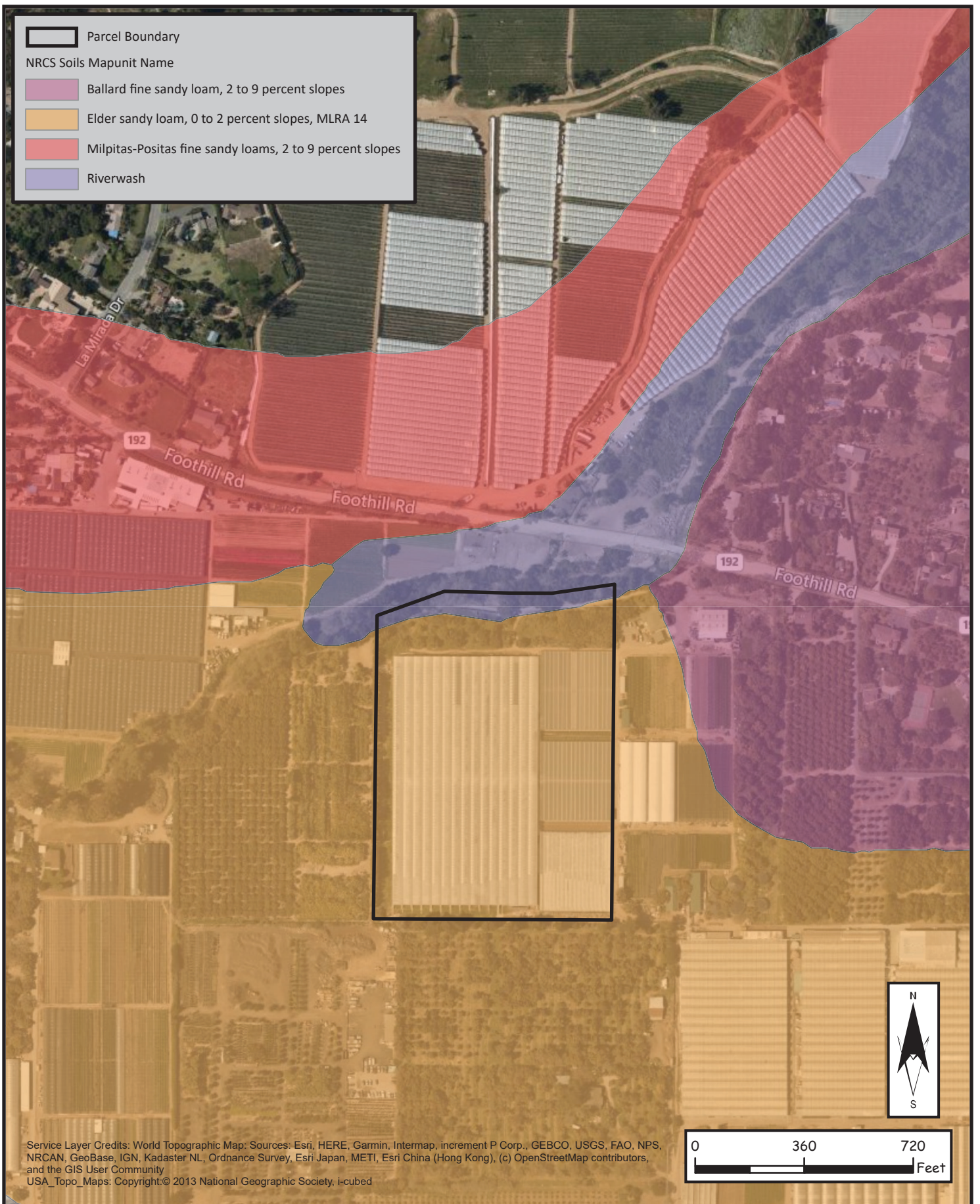




Service Layer Credits: World Topographic Map: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
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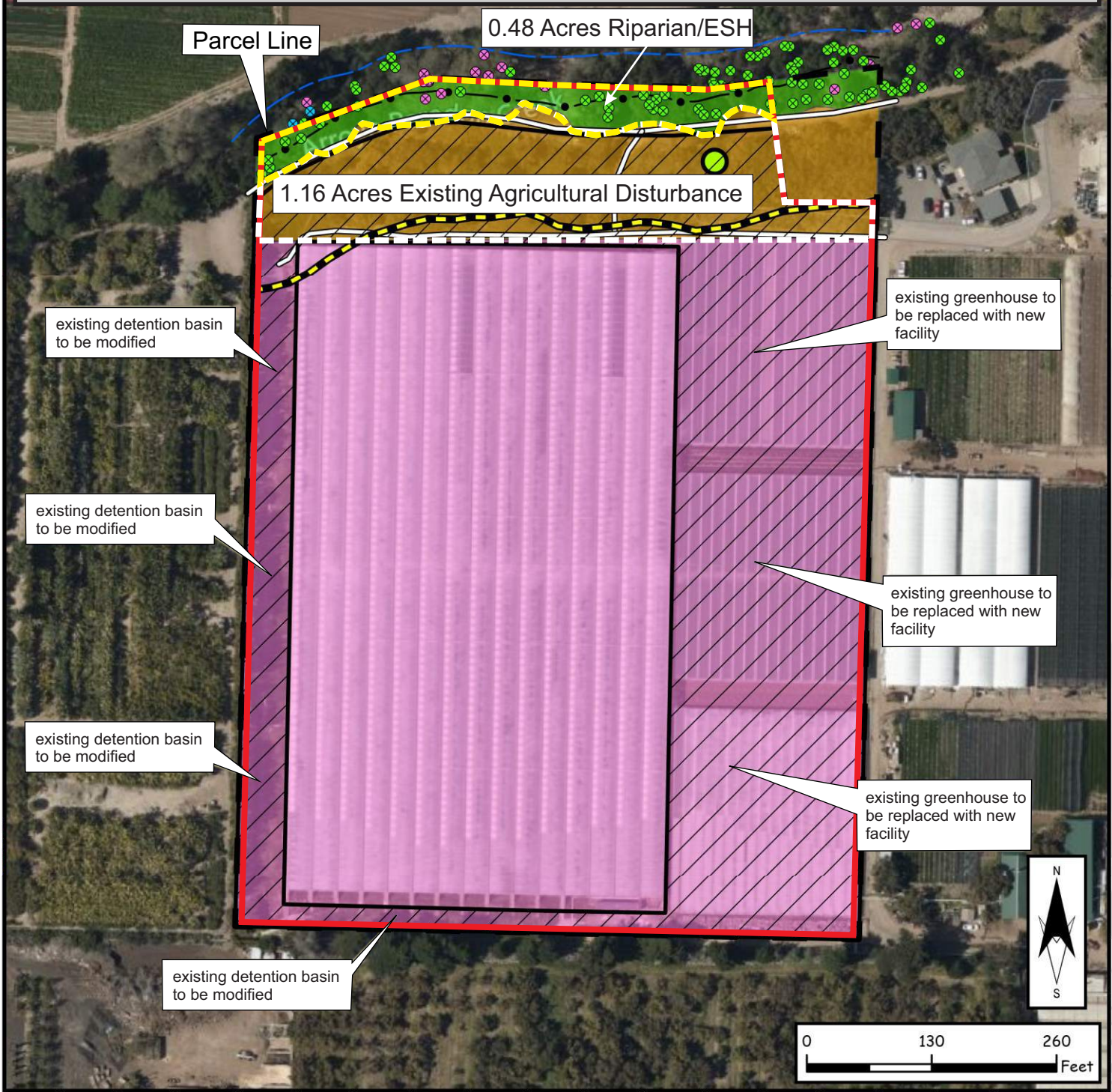
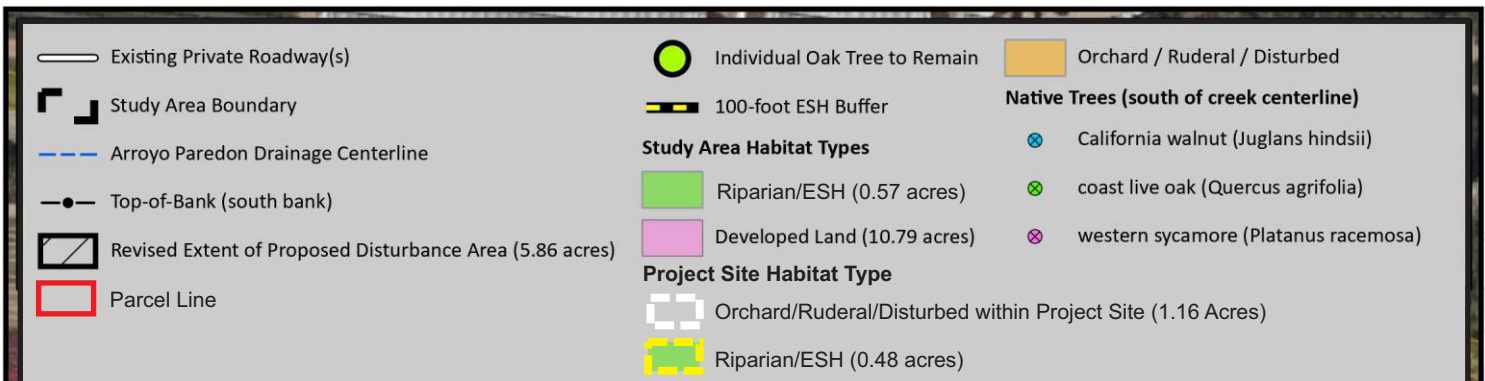




Photo 1 – View northeast at existing avocado trees to be removed. 04/24/2020



Photo 2 – View east at orchard to be removed. 07/30/2020



Photo 3 – View east at orchard to be removed adjacent to existing greenhouse(s). 04/24/2020



Photo 4 – View orchard to be removed adjacent to existing greenhouse(s). 04/24/2020

FIGURE 6: EXISTING CONDITIONS REPRESENTATIVE PHOTOGRAPHS



Photo 5 – View southeast from existing access road towards proposed disturbance area. **04/24/2020**



Photo 6 – View west at existing access road between Arroyo Paredon Creek and the proposed disturbance area. No disturbance is proposed north of the fence. **04/24/2020**



Photo 7 – Typical view of Arroyo Paredon Creek looking upstream (east). **04/24/2020**



Photo 8 – Typical view of Arroyo Paredon Creek looking downstream (west). **04/24/2020**

FIGURE 6: EXISTING CONDITIONS REPRESENTATIVE PHOTOGRAPHS

APPENDIX B

TABLE B-1: CNDDDB SPECIAL-STATUS SPECIES

Table B-1
CNDBB Recorded Occurrences (10-mile Search Radius)

Scientific Name	Common Name	Federal Status	State Status	SRank	CNPS Rank	General Habitat Requirements	Micro Habitat Requirements	Potential to Occur w/in Study Area
Birds								
<i>Accipiter cooperii</i>	Cooper's hawk	None	None	S4		Woodland, chiefly of open, interrupted or marginal type.	Nest sites mainly in riparian growths of deciduous trees, as in canyon bottoms on river flood-plains; also, live oaks.	Yes (creek only; outside project footprint)
<i>Charadrius alexandrinus nivosus</i>	western snowy plover	Threatened	None, SSC	S2S3		Sandy beaches, salt pond levees & shores of large alkali lakes.	Needs sandy, gravelly or friable soils for nesting.	No
<i>Coturnicops noveboracensis</i>	yellow rail	None	None, SSC	S1S2		Summer resident in eastern Sierra Nevada in Mono County.	Freshwater marshlands.	No
<i>Egretta thula</i>	snowy egret	None	None	S4		Colonial nester, with nest sites situated in protected beds of dense tules.	Rookery sites situated close to foraging areas: marshes, tidal-flats, streams, wet meadows, and borders of lakes.	No
<i>Empidonax traillii extimus</i>	southwestern willow flycatcher	Endangered	Endangered	S1		Riparian woodlands in Southern California.	Nesting typically associated with perennial water sources with abundance of insect prey base.	No
<i>Gymnogyps californianus</i>	California condor	Endangered	Endangered, FP	S1		Require vast expanses of open savannah, grasslands, and foothill chaparral in mountain ranges of moderate altitude.	Deep canyons containing clefts in the rocky walls provide nesting sites. Forages up to 100 miles from roost/nest.	No
<i>Laterallus jamaicensis coturniculus</i>	California black rail	None	Threatened, FP	S1		Inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays.	Needs water depths of about 1 inch that do not fluctuate during the year and dense vegetation for nesting habitat.	No
<i>Nycticorax nycticorax</i>	black-crowned night heron	None	None	S4		Colonial nester, usually in trees, occasionally in tule patches.	Rookery sites located adjacent to foraging areas: lake margins, mud-bordered bays, marshy spots.	No
<i>Passerculus sandwichensis beldingi</i>	Belding's savannah sparrow	None	Endangered	S3		Inhabits coastal salt marshes, from Santa Barbara south through San Diego County.	Nests in Salicornia on and about margins of tidal flats.	No
<i>Pelecanus occidentalis californicus</i>	California brown pelican	Delisted	Delisted, FP	S3		Colonial nester on coastal islands just outside the surf line.	Nests on coastal islands of small to moderate size which afford immunity from attack by ground-dwelling predators. Roosts communally.	No
<i>Rallus obsoletus levipes</i>	light-footed Ridgway's rail	Endangered	Endangered, FP	S1		Found in salt marshes traversed by tidal sloughs, where cordgrass and pickleweed are the dominant vegetation.	Requires dense growth of either pickleweed or cordgrass for nesting or escape cover; feeds on molluscs and crustaceans.	No
<i>Riparia riparia</i>	bank swallow	None	Threatened	S2		Colonial nester; nests primarily in riparian and other lowland habitats west of the desert.	Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole.	No
<i>Setophaga petechia</i>	yellow warbler	None	SSC	S3S4		Riparian plant associations in close proximity to water. Also nests in montane shrubbery in open conifer forests in Cascades and Sierra Nevada.	Frequently found nesting and foraging in willow shrubs and thickets, and in other riparian plants including cottonwoods, sycamores, ash, and alders.	Yes (creek only; outside project footprint)
<i>Sternula antillarum browni</i>	California least tern	Endangered	Endangered, FP	S2		Nests along the coast from San Francisco Bay south to northern Baja California.	Colonial breeder on bare or sparsely vegetated, flat substrates: sand beaches, alkali flats, land fills, or paved areas.	No
<i>Vireo bellii pusillus</i>	least Bell's vireo	Endangered	Endangered	S2		Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2000 ft.	Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, Baccharis, mesquite.	No
Amphibians								
<i>Anaxyrus californicus</i>	arroyo toad	Endangered	SSC	S2S3		Semi-arid regions near washes or intermittent streams, including valley-foothill and desert riparian, desert wash, etc.	Rivers with sandy banks, willows, cottonwoods, and sycamores; loose, gravelly areas of streams in drier parts of range.	No
<i>Rana draytonii</i>	California red-legged frog	Threatened	SSC	S2S3		Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation.	Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	Yes (creek only; outside project footprint)
<i>Taricha torosa</i>	Coast Range newt	None	SSC	S4		Coastal drainages from Mendocino County to San Diego County.	Lives in terrestrial habitats & will migrate over 1 km to breed in ponds, reservoirs & slow moving streams.	Yes (creek only; outside project footprint)
Reptiles								
<i>Anniella pulchra</i>	northern California legless lizard	None	SSC	S3		Sandy or loose loamy soils under sparse vegetation.	Soil moisture is essential. They prefer soils with a high moisture content.	No
<i>Anniella spp.</i>	California legless lizard	None	SSC	S3S4		Contra Costa County south to San Diego, within a variety of open habitats. This element represents California records of <i>Anniella</i> not yet assigned to new species within the <i>Anniella pulchra</i> complex.	Variety of habitats; generally in moist, loose soil. They prefer soils with a high moisture content.	No

Table B-1
CNDDDB Recorded Occurrences (10-mile Search Radius)

<i>Emys marmorata</i>	western pond turtle	None	SSC	S3		A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6000 ft elevation.	Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.	Yes (creek only; outside project footprint)	
<i>Phrynosoma blainvillii</i>	coast horned lizard	None	SSC	S3S4		Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes.	Open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.	No	
<i>Salvadora hexalepis virgultea</i>	coast patch-nosed snake	None	SSC	S2S3		Brushy or shrubby vegetation in coastal Southern California.	Require small mammal burrows for refuge and overwintering sites.	No	
<i>Thamnophis hammondi</i>	two-striped gartersnake	None	SSC	S3S4		Coastal California from vicinity of Salinas to northwest Baja California. From sea to about 7,000 ft elevation.	Highly aquatic, found in or near permanent fresh water. Often along streams with rocky beds and riparian growth.	No	
Fish									
<i>Eucyclogobius newberryi</i>	tidewater goby	Endangered	SSC	S3		Brackish water habitats along the California coast from Agua Hedionda Lagoon, San Diego County to the mouth of the Smith River.	Found in shallow lagoons and lower stream reaches, they need fairly still but not stagnant water and high oxygen levels.	No	
<i>Oncorhynchus mykiss irideus pop. 10</i>	steelhead - southern California DPS	Endangered	None	S1		Federal listing refers to populations from Santa Maria River south to southern extent of range (San Mateo Creek in San Diego County).	Southern steelhead likely have greater physiological tolerances to warmer water and more variable conditions.	Yes (migration only / not within project footprint)	
Mammals									
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	None	SSC	S2		Throughout California in a wide variety of habitats. Most common in mesic sites.	Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	No	
<i>Neotoma lepida intermedia</i>	San Diego desert woodrat	None	SSC	S3S4		Coastal scrub of Southern California from San Diego County to San Luis Obispo County.	Moderate to dense canopies preferred. They are particularly abundant in rock outcrops, rocky cliffs, and slopes.	No	
<i>Nyctinomops macrotis</i>	big free-tailed bat	None	SSC	S3		Low-lying arid areas in Southern California.	Need high cliffs or rocky outcrops for roosting sites. Feeds principally on large moths.	No	
Invertebrates									
<i>Bombus crotchii</i>	Crotch bumble bee	None	Candidate Endangered	S1S2		Coastal California east to the Sierra-Cascade crest and south into Mexico.	Food plant genera include Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia, and Eriogonum.	No	
<i>Cicindela hirticollis gravida</i>	sandy beach tiger beetle	None	None	S2		Inhabits areas adjacent to non-brackish water along the coast of California from San Francisco Bay to northern Mexico.	Clean, dry, light-colored sand in the upper zone. Subterranean larvae prefer moist sand not affected by wave action.	No	
<i>Coelus globosus</i>	globose dune beetle	None	None	S1S2		Inhabitant of coastal sand dune habitat; erratically distributed from Ten Mile Creek in Mendocino County south to Ensenada, Mexico.	Inhabits foredunes and sand hummocks; it burrows beneath the sand surface and is most common beneath dune vegetation.	No	
<i>Danaus plexippus pop. 1</i>	monarch - California overwintering population	None	None	S2S3		Winter roost sites extend along the coast from northern Mendocino to Baja California, Mexico.	Roosts located in wind-protected tree groves (eucalyptus, Monterey pine, cypress), with nectar and water sources nearby.	No	
<i>Panoquina errans</i>	wandering (=saltmarsh) skipper	None	None	S2		Southern California coastal salt marshes.	Requires moist saltgrass for larval development.	No	
Plants									
<i>Astragalus didymocarpus var. milesianus</i>	Miles' milk-vetch	None	None	S2	1B.2	Coastal scrub.	Clay soils. 50-385 m.	No	
<i>Atriplex coulteri</i>	Coulter's saltbush	None	None	S1S2	1B.2	Coastal bluff scrub, coastal dunes, coastal scrub, valley and foothill grassland.	Ocean bluffs, ridgetops, as well as alkaline low places. Alkaline or clay soils. 2-460 m.	No	
<i>Calochortus fimbriatus</i>	late-flowered mariposa-lily	None	None	S3	1B.3	Chaparral, cismontane woodland, riparian woodland.	Dry, open coastal woodland, chaparral; on serpentine. 270-1645 m.	No	
<i>Calochortus palmeri var. palmeri</i>	Palmer's mariposa-lily	None	None	S2	1B.2	Meadows and seeps, chaparral, lower montane coniferous forest.	Vernally moist places in yellow-pine forest, chaparral. 195-2530 m.	No	
<i>Calystegia sepium ssp. binghamiae</i>	Santa Barbara morning-glory	None	None	SX	1A	Marshes and swamps (coastal).	0-30 m.	No	
<i>Chloropyron maritimum ssp. maritimum</i>	salt marsh bird's-beak	Endangered	Endangered	S1	1B.2	Marshes and swamps, coastal dunes.	Limited to the higher zones of salt marsh habitat. 0-10 m.	No	
<i>Delphinium umbraculorum</i>	umbrella larkspur	None	None	S3	1B.3	Cismontane woodland, chaparral.	Mesic sites. 215-2075 m.	No	
<i>Fritillaria ojaiensis</i>	Ojai fritillary	None	None	S3	1B.2	Broadleaved upland forest (mesic), chaparral, lower montane coniferous forest, cismontane woodland.	Rocky sites. Sometimes on serpentine; sometimes along roadsides. 95-1140 m.	No	
<i>Horkelia cuneata var. puberula</i>	mesa horkelia	None	None	S1	1B.1	Chaparral, cismontane woodland, coastal scrub.	Sandy or gravelly sites. 15-1645 m.	No	
<i>Lasthenia glabrata ssp. coulteri</i>	Coulter's goldfields	None	None	S2	1B.1	Coastal salt marshes, playas, vernal pools.	Usually found on alkaline soils in playas, sinks, and grasslands. 1-1375 m.	No	

Table B-1
CNDDDB Recorded Occurrences (10-mile Search Radius)

<i>Lonicera subspicata</i> var. <i>subspicata</i>	Santa Barbara honeysuckle	None	None	S2?	1B.2	Chaparral, cismontane woodland, coastal scrub.	5-825 m.	No
<i>Monardella hypoleuca</i> ssp. <i>hypoleuca</i>	white-veined monardella	None	None	S3	1B.3	Chaparral, cismontane woodland.	Dry slopes. 50-1280 m.	No
<i>Nasturtium gambelii</i>	Gambel's water cress	Endangered	Threatened	S1	1B.1	Marshes and swamps.	Freshwater and brackish marshes at the margins of lakes and along streams, in or just above the water level. 5-305 m.	No
<i>Nolina cismontana</i>	chaparral nolina	None	None	S3	1B.2	Chaparral, coastal scrub.	Primarily on sandstone and shale substrates; also known from gabbro. 140-1100 m.	No
<i>Quercus dumosa</i>	Nuttall's scrub oak	None	None	S3	1B.1	Closed-cone coniferous forest, chaparral, coastal scrub.	Generally on sandy soils near the coast; sometimes on clay loam. 15-640 m.	No
<i>Scrophularia atrata</i>	black-flowered figwort	None	None	S2?	1B.2	Closed-cone coniferous forest, chaparral, coastal dunes, coastal scrub, riparian scrub.	Sand, diatomaceous shales, and soils derived from other parent material; around swales and in sand dunes. 10-445 m.	No (not observed in April 2020)
<i>Streptanthus campestris</i>	southern jewelflower	None	None	S3	1B.3	Chaparral, lower montane coniferous forest, pinyon and juniper woodland.	Open, rocky areas. 605-2590 m.	No
<i>Thelypteris puberula</i> var. <i>sonorensis</i>	Sonoran maiden fern	None	None	S2	2B.2	Meadows and seeps.	Along streams, seepage areas. 60-930 m.	No
Natural Communities of Concern								
<i>Southern Coastal Salt Marsh</i>	Southern Coastal Salt Marsh	None	None	S2.1				No

APPENDIX C

REVISED DESIGN DRAWINGS / LANDSCAPE PLAN

TREE SURVEY

Client: SLO Cultivation

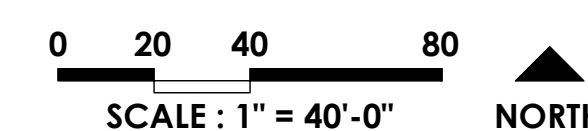
Date: 15-Aug-19
Rev. Date 1: 21-Apr-20
Rev. Date 2: 14-Jan-21

[1] Remain
[2] Remove
[3] Prune
[4] Dead
[5] Replace

Tree #	Species	Common Name	Canopy	Disposition	Notes
1	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
2	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
3	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
4	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
5	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
6	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
7	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
8	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
9	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
10	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
11	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
12	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
13	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
14	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
15	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
16	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
17	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
18	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
19	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
20	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
21	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
22	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
23	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
24	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
25	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
26	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
27	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
28	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
29	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
30	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
31	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
32	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
33	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
34	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
35	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
36	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
37	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
38	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
39	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
40	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
41	Persea Americana	Avocado Tree	Grid	2	Remove for new detention basin
42	Persea Americana	Avocado Tree	Grid	1	In adjacent parcel
43	Persea Americana	Avocado Tree	Grid	1	In adjacent parcel
44	Persea Americana	Avocado Tree	Grid	1	In adjacent parcel
45	Persea Americana	Avocado Tree	Grid	1	In adjacent parcel
46	Persea Americana	Avocado Tree	Grid	1	In adjacent parcel
47	Persea Americana	Avocado Tree	Grid	1	In adjacent parcel
48	Persea Americana	Avocado Tree	Grid	1	In adjacent parcel
49	Persea Americana	Avocado Tree	Grid	1	In adjacent parcel
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52	Persea Americana	Avocado Tree	Grid	1	In adjacent parcel
53	Persea Americana	Avocado Tree	Grid	1	In adjacent parcel
54	Persea Americana	Avocado Tree	Grid	1	In adjacent parcel
55	Persea Americana	Avocado Tree	Grid	1	In adjacent parcel
56	Persea Americana	Avocado Tree	Grid	1	In adjacent parcel
57	Persea Americana	Avocado Tree	Grid	1	In adjacent parcel
58	Persea Americana	Avocado Tree	Grid	1	In adjacent parcel



TREE INVENTORY PLAN



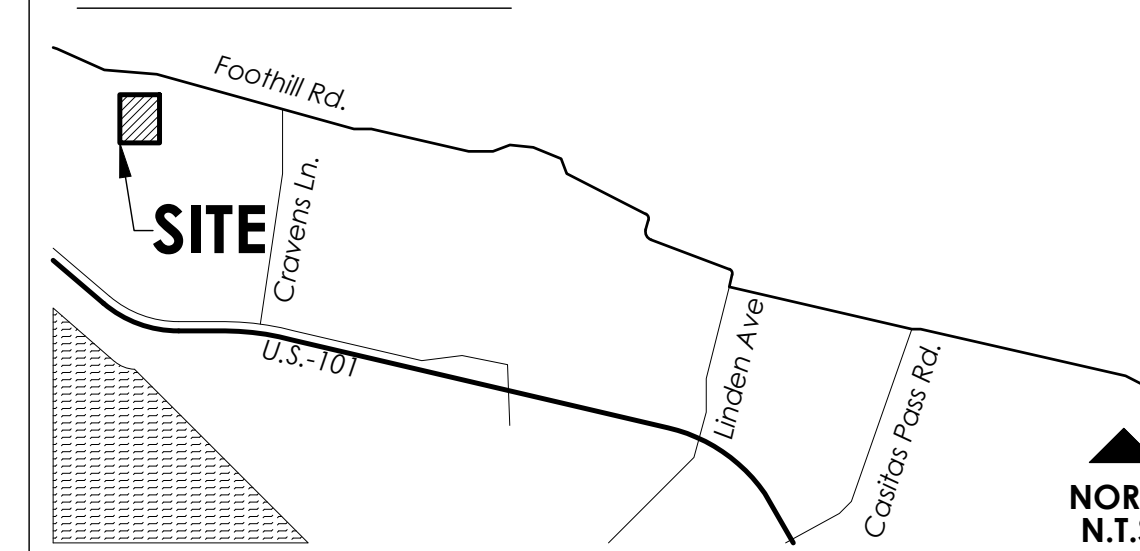
TREE INVENTORY LEGEND

SYMBOL	NAME
	EXISTING TREE CANOPY
	EXISTING TREE CANOPY TO BE REMOVED
	TREE TRUNK

NOTE:

GRADING AND SITE DISTURBANCE SHALL REMAIN AT LEAST 6 FEET OUTSIDE OF THE EXISTING OAK'S DRIPLINE WHENEVER FEASIBLE. IF GRADING MUST ENCROACH WITHIN THAT PROTECTED AREA, ALL SUCH WORK SHALL BE CONDUCTED UNDER THE SUPERVISION OF THE LANDSCAPE ARCHITECT/ARBORIST

VICINITY MAP



SHEET TITLE

TREE INVENTORY PLAN

OWNER: Cresco California
P.O. Box 183
Carpinteria, California 93014

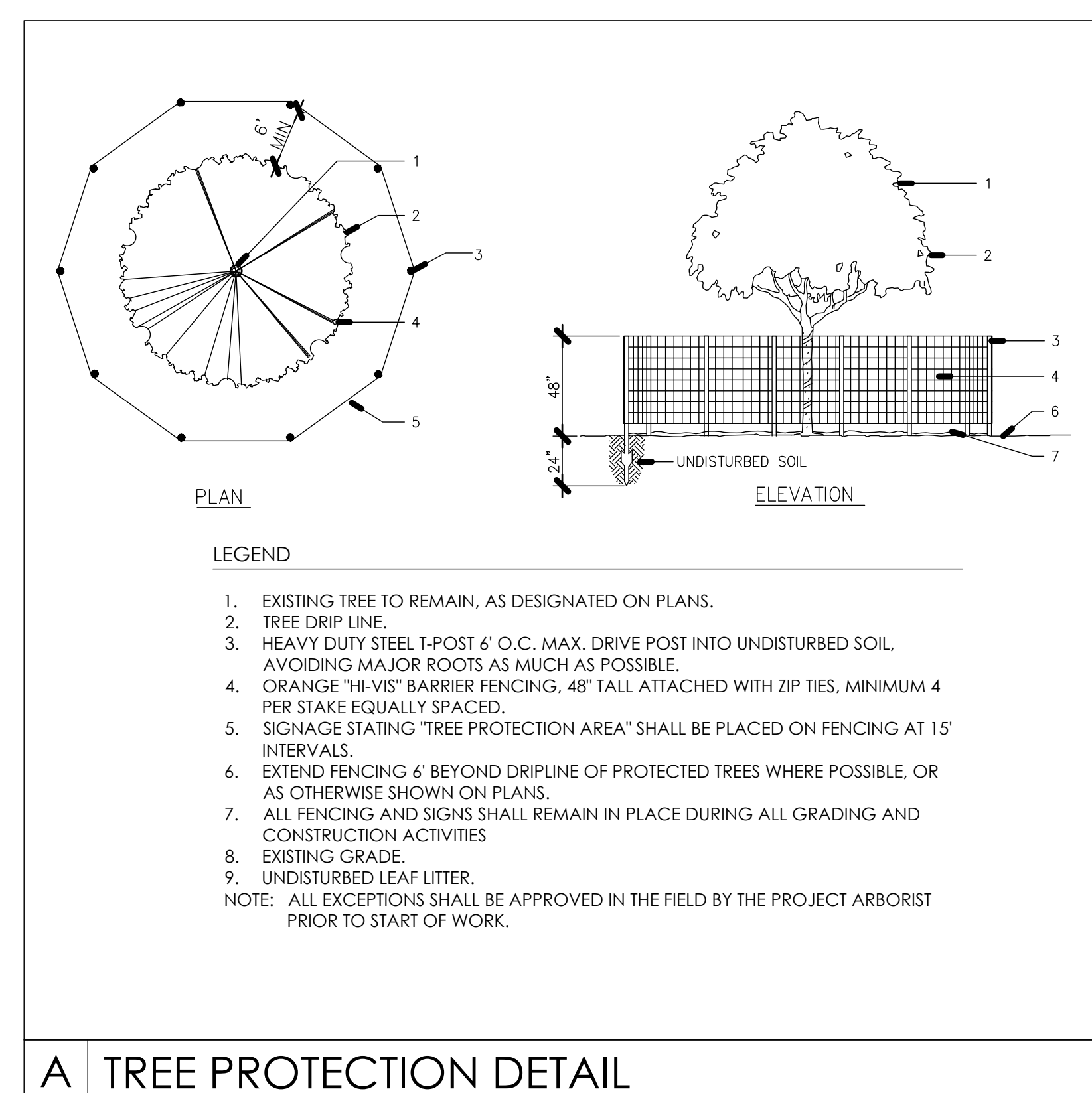
DATE: 2021.10.12
21839

SHEET NO.

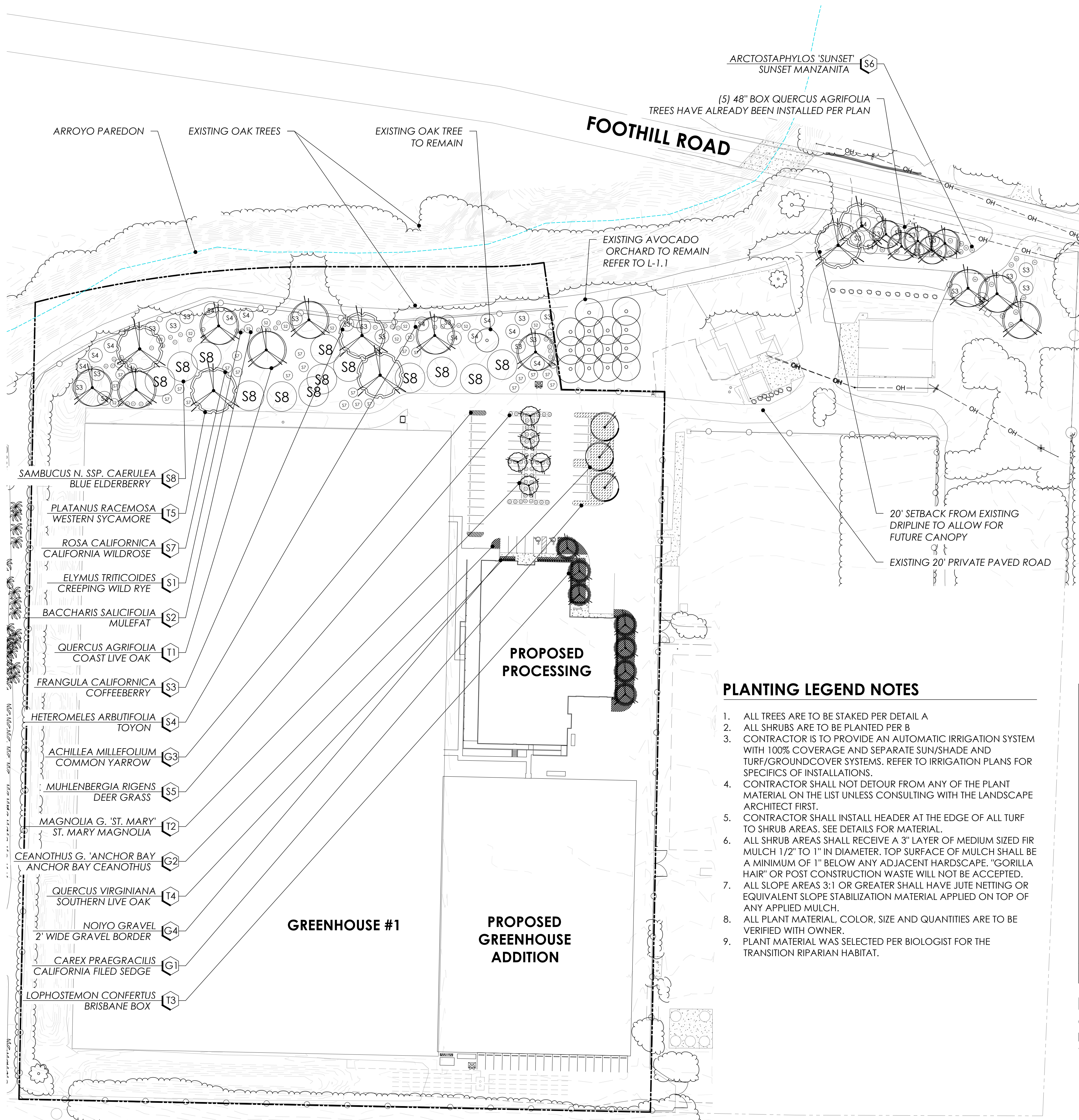
L-1.1

TREE PROTECTION NOTES

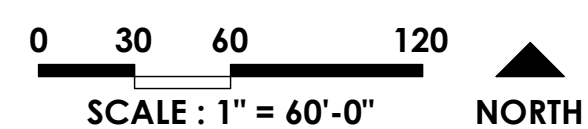
- PRIOR TO PRE-CONSTRUCTION MEETING, BEGINNING OF GRADING, AND DURING ALL GROUND DISTURBANCE AND CONSTRUCTION ACTIVITIES, TEMPORARY ORANGE PLASTIC FENCING SHALL BE INSTALLED AT THE DRIP LINE OF ALL TREES IN ORDER TO CONTROL ACCESS AND DELINEATE AREAS OF NON-DISTURBANCE. FINAL LOCATION OF FENCING TO BE DETERMINED IN FIELD BY LANDSCAPE ARCHITECT.
- ANY NECESSARY PRUNING SHALL BE IN ACCORDANCE TO THE MOST CURRENT INTERNATIONAL SOCIETY OF ARBORICULTURE PRUNING STANDARDS UNDER THE SUPERVISION OF A CERTIFIED ARBORIST.
- PRIOR TO BEGINNING WORK OR ANY EXCAVATION, THE CONTRACTOR SHALL CONTACT UNDERGROUND SERVICE ALERT AT (800) 442-4133.
- REMOVAL OF WEEDS WITHIN THE DRIP LINE OF THE TREES SHALL BE DONE BY HAND OR BY USE OF A CONTACT HERBICIDE ONLY.
- NO CONSTRUCTION, STORAGE OF MATERIALS, AND/OR PARKING OF VEHICLES SHALL BE PERMITTED WITHIN THE DRIP LINE OF EXISTING TREES.
- NO GRADING SHALL OCCUR WITHIN THE DRIP LINE OF EXISTING TREES EXCEPT AS REQUIRED WITHIN DESIGNATED AREA OF ENCROACHMENT AND UNDER THE SUPERVISION OF THE PROJECT ARBORIST.
- IF UTILITY INSTALLATION MUST OCCUR WITHIN THE DRIP LINE OF ANY OF EXISTING TREES, THEN THE FOLLOWING PRECAUTIONS MUST BE OBSERVED AND PERFORMED UNDER THE SUPERVISION OF THE PROJECT ARBORIST:
 - WHERE IT IS NECESSARY TO EXCAVATE ADJACENT TO EXISTING TREES, THE CONTRACTOR SHALL USE ALL POSSIBLE CARE TO AVOID INJURY TO TREES AND TREE ROOTS.
 - EXCAVATION IN THESE AREAS WHERE TWO (2) INCH AND LARGER ROOTS OCCUR SHALL BE DONE BY HAND.
 - ALL ROOTS LESS THAN TWO (2) INCHES IN DIAMETER, DIRECTLY IN THE PATH OF THE PIPE OR CONDUIT, SHALL BE CLEANLY CUT UNDER THE DIRECTION OF AN APPROVED ARBORIST.
 - ALL ROOTS TWO (2) INCHES AND LARGER IN DIAMETER, EXCEPT DIRECTLY IN THE PATH OF PIPE OR CONDUIT, SHALL BE TUNNELED UNDER AND SHALL BE HEAVILY WRAPPED WITH BURLAP TO PREVENT SCARRING OR EXCESSIVE DRYING.
 - ROOTS ONE (1) INCH AND LARGER IN DIAMETER REQUIRING CUTTING SHALL BE PAINTED WITH TWO COATS OF TREE SEAL OR EQUAL.
 - WHERE A DITCHING MACHINE IS RUN CLOSE TO TREES HAVING ROOTS SMALLER THAN TWO (2) INCHES IN DIAMETER, THE WALL OF THE TRENCH ADJACENT TO TREES SHALL BE HAND TRIMMED, MAKING CLEAN CUTS THROUGH.
 - TRENCHES ADJACENT TO TREES SHOULD BE CLOSED WITHIN TWENTY FOUR (24) HOURS AND WHERE NOT POSSIBLE, THE SIDE OF THE TRENCH ADJACENT TO THE TREES SHALL BE KEPT SHADED WITH BURLAP OR CANVAS.
- ANY DISCREPANCIES AND/OR QUESTIONS THAT MAY ARISE ON SITE REGARDING EXISTING TREES SHALL BE REFERRED TO THE PROJECT ARBORIST.
- ALL EXISTING SHRUBBERY AND GROUND COVER SHALL BE REMOVED WHERE NECESSARY FOR CONSTRUCTION PURPOSES UNLESS OTHERWISE NOTED TO REMAIN.
- ALL DOWNED WOOD AND UPROOTED STUMPS SHALL BE REMOVED AS PART OF THE SITE CLEAN UP. CONTRACTOR SHALL LEAVE EXISTING LEAF MULCH IN PLACE AS MUCH AS POSSIBLE.
- TREES SHALL BE PROTECTED IN PLACE TO THE GREATEST EXTENT POSSIBLE. ALL TREES LOCATED WITHIN TWENTY FIVE (25) FEET OF PROPOSED BUILDINGS SHALL BE PROTECTED FROM STUCCO OR PAINT DURING CONSTRUCTION.
- ANY PRUNING TO BE SUPERVISED BY PROJECT ARBORIST.



TREE PROTECTION DETAIL



LANDSCAPE SCREENING PLAN - DETENTION BASIN ENLARGEMENT



PLANT LEGEND

TREES

SYMBOL	NAME	COMMENTS	SIZE	WUCOLS	QTY.
T1	QUERCUS AGRIFOLIA COAST LIVE OAK	PLANT PER DETAIL A	48" BOX	V. LOW	15
T2	MAGNOLIA GRANDIFLORA 'ST. MARY' ST. MARY MAGNOLIA	PLANT PER DETAIL A	24" BOX	MED	5
T3	LOPHOSTEMON CONFERTUS BRISBANE BOX	PLANT PER DETAIL A	36" BOX	MED	7
T4	QUERCUS VIRGINIANA SOUTHERN LIVE OAK	PLANT PER DETAIL A	36" BOX	MED	3
T5	PLATANUS RACEMOSA WESTERN SYCAMORE	PLANT PER DETAIL A REFER TO PLANT LEGEND NOTE #9	36" BOX	MED	6

SHRUBS

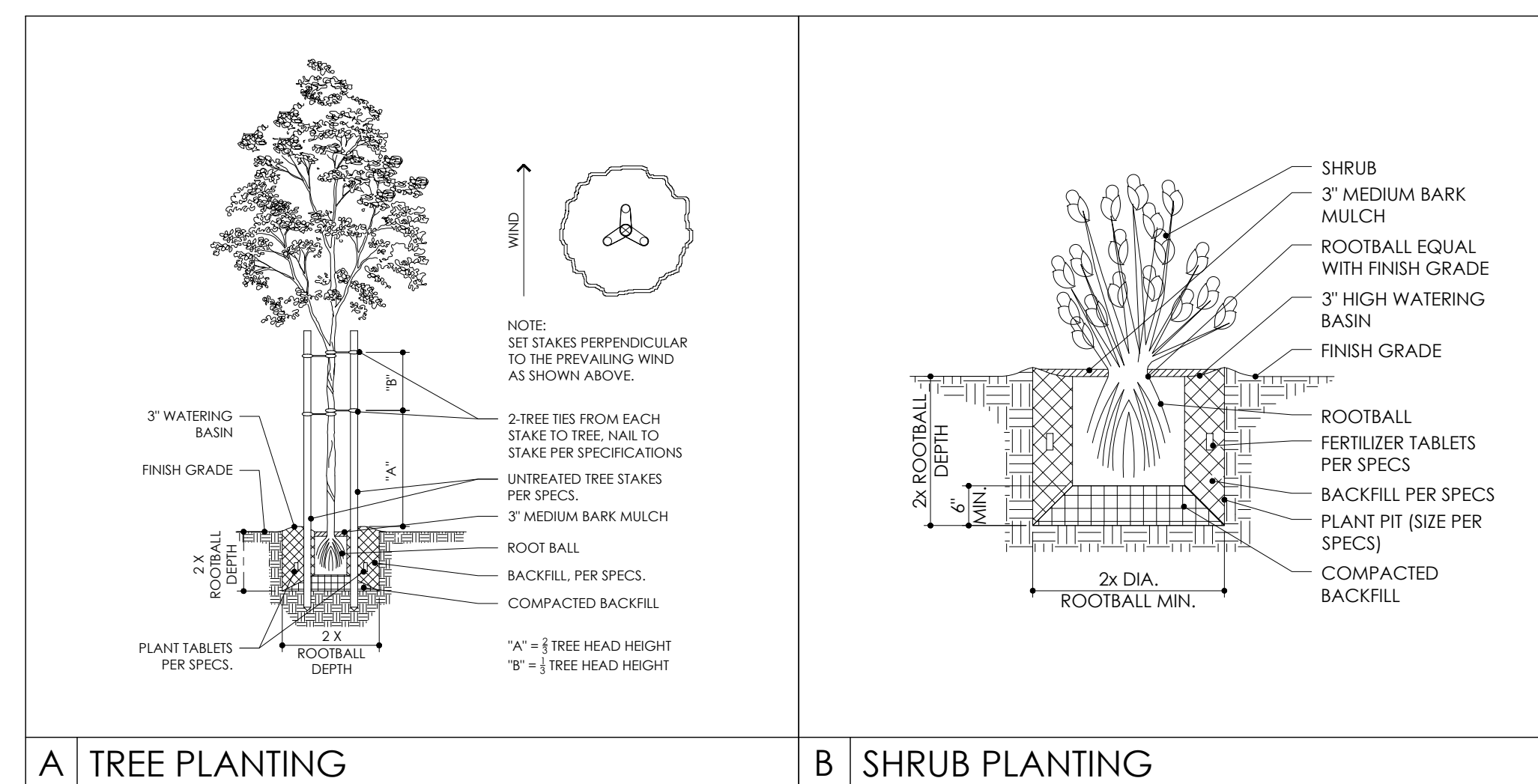
SYMBOL	NAME	COMMENTS	SIZE	WUCOLS	QTY.
S1	ELYMUS TRITICOIDES CREEPING WILD RYE	PLANT PER DETAIL B	1 GAL.	LOW	38
S2	BACCHARIS SALICIFOLIA MULEFAT	PLANT PER DETAIL B	1 GAL.	LOW	15
S3	FRANGULA CALIFORNICA COFFEE BERRY	PLANT PER DETAIL B	5 GAL.	V. LOW	26
S4	HETEROMELES ARBUTIFOLIA TOYON	PLANT PER DETAIL B	5 GAL.	V. LOW	14
S5	MUHLENBERGIA RIGENS DEER GRASS	PLANT PER DETAIL B	5 GAL.	LOW	46
S6	ARCTOSTAPHYLOS 'SUNSET' SUNSET MANZANITA	PLANT PER DETAIL B	5 GAL.	LOW	23
S7	ROSA CALIFORNICA CALIFORNIA WILDROSE	PLANT PER DETAIL B REFER TO PLANT LEGEND NOTE #9	5 GAL.	LOW	23
S8	SAMBUCUS NIGRA SPP. CAERULEA BLUE ELDERBERRY	PLANT PER DETAIL B REFER TO PLANT LEGEND NOTE #9	5 GAL.	LOW	13

GROUNDCOVERS

SYMBOL	NAME	COMMENTS	SIZE	WUCOLS	QTY.
G1	CAREX PRAEGRACILIS CALIFORNIA FIELD SEDGE	PLANT PER DETAIL B 36" O.C.	4" POTS	LOW	19
G2	CEANOTHUS GLORIOSUS 'ANCHOR BAY' ANCHOR BAY CEANOTHUS	PLANT PER DETAIL B 72" O.C.	5 GAL.	LOW	92
G3	ACHILLEA MILLEFOLIUM COMMON YARROW	PLANT PER DETAIL B 24" O.C.	1 GAL.	LOW	43
G4	NOIYO GRAVEL GRAVEL BORDER	2 FOOT WIDE BORDER SURROUNDING THE BUILDING	2"-4"	N/A	423 SQ. FT.

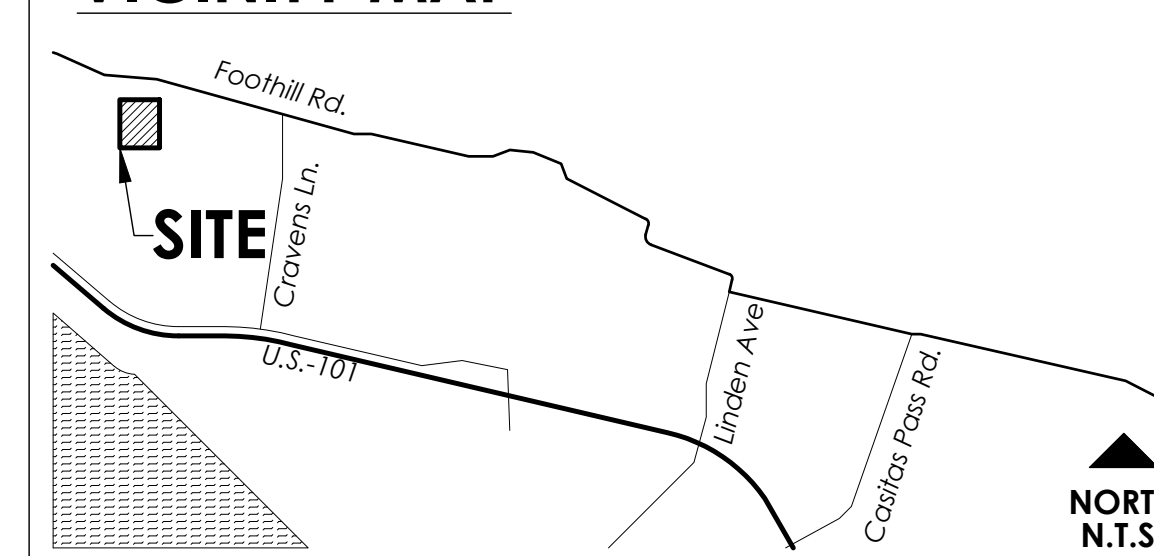
PLANTING LEGEND NOTES

- ALL TREES ARE TO BE STAKED PER DETAIL A
- ALL SHRUBS ARE TO BE PLANTED PER B
- CONTRACTOR IS TO PROVIDE AN AUTOMATIC IRRIGATION SYSTEM WITH 100% COVERAGE AND SEPARATE SUN/SHADE AND TURF/GROUNDCOVER SYSTEMS. REFER TO IRRIGATION PLANS FOR SPECIFICS OF INSTALLATIONS.
- CONTRACTOR SHALL NOT DETOUR FROM ANY OF THE PLANT MATERIAL ON THE LIST UNLESS CONSULTING WITH THE LANDSCAPE ARCHITECT FIRST.
- CONTRACTOR SHALL INSTALL HEADER AT THE EDGE OF ALL TURF TO SHRUB AREAS. SEE DETAILS FOR MATERIAL.
- ALL SHRUB AREAS SHALL RECEIVE A 3" LAYER OF MEDIUM SIZED FIR MULCH 1/2" TO 1" IN DIAMETER. TOP SURFACE OF MULCH SHALL BE A MINIMUM OF 1" BELOW ANY ADJACENT HARDSCAPE. "GORILLA HAIR" OR POST CONSTRUCTION WASTE WILL NOT BE ACCEPTED.
- ALL SLOPE AREAS 3:1 OR GREATER SHALL HAVE JUTE NETTING OR EQUIVALENT SLOPE STABILIZATION MATERIAL APPLIED ON TOP OF ANY APPLIED MULCH.
- ALL PLANT MATERIAL, COLOR, SIZE AND QUANTITIES ARE TO BE VERIFIED WITH OWNER.
- PLANT MATERIAL WAS SELECTED PER BIOLOGIST FOR THE TRANSITION RIPARIAN HABITAT.



NOTE:
GRADING AND SITE DISTURBANCE SHALL REMAIN AT LEAST 6 FEET OUTSIDE OF THE EXISTING OAK'S DRIPLINE WHENEVER FEASIBLE. IF GRADING MUST ENCROACH WITHIN THAT PROTECTED AREA, ALL SUCH WORK SHALL BE CONDUCTED UNDER THE SUPERVISION OF THE LANDSCAPE ARCHITECT/ARBORIST

VICINITY MAP



SHEET TITLE

LANDSCAPE SCREENING PLAN

OWNER Cresco California
P.O. Box 183
Carpinteria, California 93014

DATE 2021.10.12
21839

SHEET NO.

L-1.2

**Attachment 3 –
Board of Supervisors Findings for Approval and Statement of
Overriding Consideration Cannabis Land Use Ordinances dated
February 6, 2018**

ATTACHMENT 2

FINDINGS FOR APPROVAL AND STATEMENT OF OVERRIDING CONSIDERATION CANNABIS LAND USE ORDINANCES

February 6, 2018

**Case Nos. 17ORD-00000-00004, 17ORD-00000-00010, 17ORD-00000-00009,
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 HdI 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.