

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for the Santa Rita Holdings, Inc., Cannabis Cultivation Operation

Hearing Date: June 9, 2021

Staff Report Date: June 1, 2021

Case No.: 19CUP-00000-00018

Environmental Document: Cannabis Land Use Ordinance and Licensing Program PEIR (17EIR-00000-00003 & SCH No. 2017071016); [CEQA Guidelines Sections 15162 and 15168(c)] and CEQA Checklist

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This site is identified as Assessor Parcel Number 099-110-060, located at 2300 Santa Rita Road in the Lompoc area, Fourth Supervisorial District.

1.0 REQUEST

Hearing on the request of Santa Rita Holdings, Inc., applicant, to consider the following:

- a) Case No. 19CUP-00000-00018, a Conditional Use Permit, to allow a 2.54-acre cannabis operation pursuant to Sections 35.21.030 (Agricultural Zones Allowable Land Uses), 35.42.075 (Cannabis Regulations), and 35.42.140 (Greenhouses, Hoop Structures, and Shade Structures) of the Land Use and Development Code (LUDC), consisting of: 1.88 acres of cultivation under hoop structures, 0.55 acres of mature cultivation without hoop structures, and 0.11 acres of nursery cultivation without hoop structures on a 120-acre parcel that requires the use of a roadway located within an Existing Developed Rural Neighborhood (EDRN) as the sole means of access.

The application involves Assessor Parcel No. 099-110-060, located at 2300 Santa Rita Road, approximately seven miles west of Buellton, six miles east of Lompoc, and one mile north of Highway 246, Fourth Supervisorial District.

2.0 RECOMMENDATION AND PROCEDURES

Staff recommends that the County Planning Commission (Commission):

1. Make the required findings for approval of the Project specified in Attachment A of this staff report, including California Environmental Quality Act (CEQA) findings.
2. Determine that the previously certified Programmatic Environmental Impact Report (PEIR) (17EIR-00000-00003) is adequate and no subsequent environmental review is required pursuant to CEQA Guidelines §15162 and §15168(c) (Attachments C and D).
3. Approve the Project (Case No. 19CUP-00000-00018) subject to the conditions included as Attachment B.

Refer back to staff if the Commission takes other than the recommended action for appropriate findings and conditions.

3.0 JURISDICTION

The Commission is considering the Santa Rita Holdings, Inc., Cannabis Cultivation Project (herein after Proposed Project) based on Section 35.80.020 (Authority for Land Use and Zoning Decisions) of the LUDC, which states that the Commission shall have jurisdiction for all Conditional Use Permits.

4.0 ISSUE SUMMARY

On April 17, 2019, the Applicant submitted an application for a Conditional Use Permit for a cannabis operation consisting of 2.54 acres of cultivation, including 1.88 acres under 14-ft.-tall hoop structures, 0.55 acres mature cultivation without hoop structures, and 0.11 acres of nursery cultivation without hoop structures. No processing will take place onsite.

Access to the subject parcel will be provided by an existing unpaved driveway off a private portion of Santa Rita Road. Access via this private road is granted through a recorded easement. The southern portion of Santa Rita Road passes through the Campbell Road Existing Developed Rural Neighborhood (EDRN). The Project area is located approximately one mile northeast of the EDRN.

The Proposed Project includes implementation of an Odor Abatement Plan (OAP) in compliance with Section 35.42.075.C.6 of the LUDC. The primary odor emitting activity will be the harvesting of mature plants three times annually. The OAP (Attachment F) describes preventative measures and mitigation, including that the ends of the hoop structures will be closed when winds blow from east to the west in the direction of the nearest vineyard. Additionally, in accordance with the OAP, the Proposed Project includes planting 2,780 sq. ft. of sweet lavender (*Lavandula x heterophylla*) as aromatic landscaping.

The Proposed Project, with the adoption of the recommended conditions of approval (Attachment B), is consistent with applicable policies and development standards of the Comprehensive Plan, including (but not limited to) the cannabis regulations set forth in the LUDC. Staff determined that all of the environmental impacts of the Proposed Project will be within the scope of the PEIR for the Cannabis Land Use Ordinance and Licensing Program, and therefore a subsequent environmental document is not required to evaluate the environmental impacts of the proposed commercial cannabis operation.

5.0 PROJECT INFORMATION

5.1 Site Information

Site Information	
Comprehensive Plan Designation	A-II-100 (Agriculture)
Ordinance, Zone	LUDC, Agriculture II, AG-II-100 (100 acre minimum parcel size)
Site Size	120 acres; the Project area is approximately three acres
Present Use & Development	2.54 acres of cannabis cultivation including 1.88 acres of mature cultivation under hoop structures and 0.55 acres of mature cultivation and 0.11 acres of nursery cultivation without hoop structures; one legal nonconforming 1,096 sq. ft. single family dwelling (not a part of the cannabis operation), one legal nonconforming 216 sq. ft. storage shed (not a part of the cannabis operation), one as-built 575 sq. ft. tractor shade structure, one as-built 120 sq. ft. shed, five as-built 5,000 gallon water tanks, two 2,500 gallon water tanks, and one 1,500 gallon water tank.
Surrounding Uses/Zone(s)	North: Agriculture, AG-II-100; grazing, open space South: Agriculture, AG-II-100; grazing, open space East: Agriculture, AG-II-100; grazing, open space West: Agriculture, AG-II-100; grazing, vineyards, irrigated crops
Access	A 12-ft.-wide unpaved private driveway off of Santa Rita Road, a private road

Site Information	
Services	Water Supply: Vista Hills Mutual Water Company Sewage: One existing septic system Fire: County Fire Department Police Services: County Sheriff

5.2 Setting

The 120-acre subject property, identified as Assessor Parcel No. 099-110-060, is located at 2300 Santa Rita Road approximately seven miles west of Buellton, six miles east of Lompoc, and one mile north of Highway 246. The Project site is an approximately three-acre area located in the western portion of the parcel. An unnamed ephemeral drainage extends through the southwestern portion of the parcel from east to west. The subject property is surrounded by parcels zoned AG-II-100, and surrounding uses include grazing, irrigated crops, and vineyards.

5.3 Project Description

The Proposed Project is a request for approval of a Conditional Use Permit to allow for a total of 2.54 acres of outdoor cannabis cultivation, including 1.88 acres under 14-ft.-tall hoop structures, 0.55 acres mature cultivation without hoop structures, and 0.11 acres of nursery cultivation without hoop structures. Mature cultivation will take place in raised beds in the ground or in 30-gallon pots, and nursery cultivation will be in 4-inch to 1-gallon pots located underneath plastic coverings that will be less than 3-ft.-tall. Hoop structures will be located at least 100 ft. from the top-of-bank of a drainage traversing the site. The cultivation area without hoop structures nearest to this drainage will be setback at least 50 ft. from the top-of-bank. Hoop structure coverings will be removed as needed between November and February. Irrigation will be on a timed-drip system and will utilize soil monitoring and evaporative barriers.

Hours of operation will be from 6:00 a.m. to 4:00 p.m. seven days per week. Plants will be chopped in the field, binned, and then weighed and tagged outside of an existing 120 sq. ft. shed and underneath an existing 575 sq. ft. tractor shade structure that is open on all sides. Cannabis product will then be loaded onto refrigerated trucks. During harvests, the refrigerated trucks will remain onsite for up to three days. The 120 sq. ft. shed will be used for storage of pest management equipment, nutrients, as well as administrative records and materials and will not require any utility hook-ups. Harvested cannabis will be trucked offsite for processing daily during harvests, and no drying, trimming, curing, or processing will occur onsite. Plant waste will be stored in bins that will be hauled and composted offsite. Vehicle trips generated by incoming and outgoing delivery of supplies or product will occur on average twice daily.

The operation will require up to three regular employees, who will live in the onsite legal nonconforming 1,096 sq. ft. single family dwelling. Aside from housing, the dwelling will not be used for any activities, including administration, related to the cannabis operation. The operation

will require up to 12 temporary employees during planting and harvesting for a maximum total of 15 employees. Temporary employees will be transported to the site by a labor contractor in carpools or shuttles. There will be up to three harvests per year which will last up to three days each time. There will be three parking spaces onsite for the cannabis operation and two parking spaces onsite for the single family dwelling.

All exterior light fixtures will be fully shielded, directed down, on a motion sensor, and mounted at a maximum height of 8 feet. The lights will remain illuminated for five minutes after activation. The site is not visible from any public viewing areas or public roads. The Proposed Project includes 2,780 sq. ft. of aromatic landscaping planted along the west property boundary. An 8-ft.-tall deer fence is located around the cultivation areas and will be extended in order to exclude the legal nonconforming 1,096 sq. ft. single family dwelling and legal nonconforming 216 sq. ft. storage shed, which will not be used as part of the Proposed Project, from the cultivation areas.

Five 5,000-gallon water tanks, two 2,500-gallon water tanks, and one 1,500-gallon water tank will continue to be located onsite. Water will continue to be provided by Vista Hills Mutual Water Company. Wastewater treatment for regular employees will be provided by an existing onsite septic system and restrooms in the single family dwelling. All sanitation facilities will be provided in compliance with OSHA. Power will be provided by PG&E and a portable generator in the case of an emergency.

There is no grading proposed. The County Sheriff will provide Law enforcement, and County Fire will provide fire protection. The property will be accessed off Santa Rita Road via an existing unpaved 12-ft.-wide private driveway. The property is a 120-acre parcel zoned AG-II-100 and shown as Assessor Parcel No. 099-110-060 located at 2300 Santa Rita Road in the Lompoc area, Fourth Supervisorial District.

5.4 Background Information

The subject property is described by a Certificate of Compliance (No. 89-014322) and has historically been grazed and is currently used for 2.54 acres of cannabis cultivation. The parcel is also developed with a legal nonconforming single family dwelling and storage shed that will not be used as part of the cannabis operation, an as-built tractor shade structure, one as-built administrative and equipment shed, five as-built 5,000 gallon water tanks, two as-built 2,500 gallon water tanks, and one as-built 1,500 gallon water tank.

On February 27, 2018, the Santa Barbara County Board of Supervisors adopted a series of ordinances, including Ordinance No. 5027, amending LUDC Section 35-1, to implement development standards, permit requirements, and procedures regarding commercial cannabis activities for the inland area of the County's unincorporated area. Section 35.42.075 (Cannabis Regulations) of the LUDC became effective on March 29, 2018.

An affidavit was submitted on December 15, 2017, stating that the operation located at 2300 Santa Rita Road was in compliance with Santa Barbara County Code Section 35-1003.A.2. On April 17, 2019, the Applicant submitted an application (Case No. 19CUP-00000-00018) to permit an existing cannabis cultivation operation to the Planning & Development Department.

6.0 PROJECT ANALYSIS

6.1 Environmental Review

On February 6, 2018, the Santa Barbara County Board of Supervisors (hereinafter Board of Supervisors) certified a Programmatic Environmental Impact Report (PEIR), Case No. 17EIR-00000-00003, for a Cannabis Land Use Ordinance and Licensing Program. The PEIR was prepared in accordance with the State CEQA Guidelines Section 15168 and evaluated the Program’s direct, indirect, and cumulative impacts based on Appendix G of the 2017 State CEQA Guidelines and thresholds in the County’s Environmental Thresholds and Guidelines Manual (County of Santa Barbara 2008, revised July 2015). The PEIR identified a number of significant impacts and set forth feasible mitigation measures that will be included as development standards and requirements in the land use and licensing ordinances, which will be applied to site-specific land use entitlement and business licensing applications for commercial cannabis operations authorized under the Program. The PEIR concluded that significant and unavoidable (Class I) impacts will result from the Program. The Board of Supervisors adopted a Statement of Overriding Considerations for the Class I impacts, and the 30-day statute of limitations to challenge the adequacy of the PEIR expired.

Section 15168(c)(2) of the State CEQA Guidelines allows the County to approve an activity as being within the scope of the project covered by a program environmental impact report if the County finds pursuant to Section 15162 that no new environmental document is required. Staff completed a State CEQA Guidelines Section 15168(c)(4) Checklist for Commercial Cannabis Land Use Entitlement and Licensing Applications and determined that all of the environmental impacts of the Proposed Project were within the scope of the project covered by the PEIR for the Cannabis Land Use Ordinance and Licensing Program. On April 12, 2021 staff prepared a checklist (Attachment C) and determined that all of the environmental impacts of the Proposed Project were within the scope of the project covered by the PEIR for the Cannabis Land Use Ordinance and Licensing Program. No additional cumulative impacts were identified, and no new environmental document is required under Section 15162.

6.2 Comprehensive Plan Consistency

REQUIREMENT	DISCUSSION
<i>Services</i>	
<i>Land Use Development Policy 4: Prior to issuance of a use permit, the County shall make the finding, based on information</i>	The Proposed Project has adequate services to serve the proposed development and is consistent with Land Use Development Policy

provided by environmental documents, staff analysis, and the Applicant, that adequate public or private services and resources (i.e. water, sewer, roads, etc.) are available to serve the proposed development. The Applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the Proposed Project. Lack of available public or private services or resources shall be grounds for denial of the Project or reduction in the density otherwise indicated in the land use plan.

4. The Vista Hills Mutual Water Company will continue to provide adequate water supply to the property pursuant to an established annual allotment, per the water service letter included as Attachment I to this staff report. Wastewater treatment will be provided by the existing septic system that serves the single family dwelling. Additional chemical toilets will be utilized onsite during harvests only. County Environmental Health Services (EHS) reviewed the Proposed Project, found it consistent with applicable requirements, and provided a condition letter (Attachment B, Condition No. 34).

The existing access is adequate to serve the existing and proposed traffic from the Proposed Project. Access to the site will be provided by an existing 12-ft.-wide unpaved driveway off Santa Rita Road, a private road. Access on this private road is through a recorded easement. The Proposed Project will generate up to two average daily trips (ADT) regularly for deliveries of product and supplies. Regular employees will live onsite in the existing single family dwelling. There will be two additional ADT during harvests for up to 12 temporary employees, who will be transported to the site in a vanpool vehicle through a labor contractor. The Site Transportation Demand Management Plan requires that regular employees live onsite and that temporary employees reduce trips by carpooling (Attachment B, Condition No. 12).

Finally, the Project site will continue to be served by the Santa Barbara County Fire Department for fire protection services. The County Sheriff will continue to provide police services to the subject parcel, and the Sheriff will be involved with reviewing and approving the proposed Security Plan as part of the

	<p>review of the Business License application that is required for the Proposed Project. The Proposed Project does not require the provision of any additional services from these departments (Attachment B, Condition No. 34.</p>
Agriculture	
<p>Agricultural Element, Goal I: <i>Santa Barbara County shall assure and enhance the continuation of agriculture as a major viable production industry in Santa Barbara County. Agriculture shall be encouraged. Where conditions allow, (taking into account environmental impacts) expansion and intensification shall be supported.</i></p>	<p>The Proposed Project is consistent with goals and policies to assure viable agricultural production and agriculture will continue on the subject property. The subject parcel is zoned AG-II-100 with Rural and Commercial Agriculture Comprehensive Plan designations. The surrounding parcels are also zoned AG-II-100, with existing agricultural uses, including grazing, irrigated crops, and vineyards. The subject parcel will continue to be used for the cultivation of cannabis after implementation of the Proposed Project. There are no prime soils located onsite.</p>
<p>Agricultural Element, Policy I.A: <i>The integrity of agricultural operations shall not be violated by recreational or other non-compatible uses.</i></p>	
<p>Agricultural Element, Policy I.E: <i>The County shall recognize that the generation of noise, smoke, odor, and dust is a natural consequence of the normal agricultural practices provided that agriculturalists exercise reasonable measures to minimize such effects.</i></p>	<p>The nearest non-agricultural zone district is the Residential Ranchette zone within the Cebada Canyon/Tularosa Road Existing Developed Rural Neighborhood located over 2.8 miles west of the Project area. Noise, dust, and odors from the Proposed Project are not anticipated to impact uses in residential zone districts. Noise associated with the operation will be similar to noise generated by other agricultural uses in the vicinity, and noise will not exceed 65 decibels at the property lines. No grading is proposed. The Proposed Project includes implementation of an Odor Abatement Plan (OAP), which is required to prevent odor from being experienced in residential zones (Attachment G). Additionally, the Proposed Project does not include processing and is limited to cultivation activities.</p>
<p>Agricultural Element, Policy I.F: <i>The quality and availability of water, air, and soil resources shall be protected through provisions including, but not limited to, the stability of Urban/Rural boundary lines, maintenance of buffer areas around agricultural areas, and the promotion of conservation practices.</i></p>	
<p>Agricultural Element, Policy II.D: <i>Conversion of highly productive agricultural lands whether urban or rural, shall be discouraged. The County shall support programs which</i></p>	<p>The quality and availability of water, air, and soil resources will continue to be protected after implementation of the Proposed Project.</p>

<p><i>encourage the retention of highly productive agricultural lands.</i></p>	<p>The Proposed Project will utilize water conservation measures for irrigation including time drip irrigation, soil moisture monitoring, and evaporative barriers such as mulch as required by Condition No. 14 of Attachment B. County Air Pollution Control District (APCD) reviewed the Proposed Project, found it consistent with all applicable air quality requirements, and provided a condition letter. The Proposed Project will be required to comply with all regulations as conditioned (Attachment B, Condition No. 34). The cannabis cultivation includes buffers from adjacent properties with setbacks of at least 50 feet from the west and south property lines, over 700 feet from the north property line, and over 1,600 feet from the east property line.</p>
Hillside and Watershed Protection	
<p><i>Hillside and Watershed Protection Policy 2:</i> <i>All developments shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in open space.</i></p> <p><i>Hillside and Watershed Protection Policy 6:</i> <i>Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained onsite whenever possible to facilitate groundwater recharge.</i></p>	<p>The Proposed Project is consistent with the policies that require natural features to be preserved and will not result in degradation of water quality of groundwater basins, nearby streams, or wetlands. There is a deeply incised, unnamed ephemeral drainage located south of the property. The outdoor cultivation area without hoop structures nearest to this drainage feature will be setback at least 50 ft. from the top-of-bank, and the outdoor cultivation area under hoop structures will be setback at least 100 ft. from the top-of-bank consistent with Section 35.42.140.C.3.a(4)(b) of the LUDC and State Water Resources Control Board (SWRCB), United States Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW) requirements. Additionally, the Biological Resources Assessment (BRA) Addendum completed by County-approved biologists at Althouse and Meade, Inc., in March 2021 (Attachment H), identified measures outlined in the Wildlife Movement Plan (WMP), such as 8-ft.-tall deer fencing around the cultivation areas, that will</p>

<p>Hillside and Watershed Protection Policy 7: <i>Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.</i></p>	<p>impede medium-sized and large mammals such as raccoons, deer, and coyotes from entering the Project area. Compliance with the WMP is required as part of Condition No. 21 of Attachment B.</p> <p>No grading or building construction is proposed. The Proposed Project will avoid impacts to the drainage feature by fulfilling the requirements for a Tier 2 low risk discharger through the SWRCB. In conformance with LUDC Section 35.42.075.D.1.d, all cannabis cultivation Projects are subject to compliance with the SWRCB’s comprehensive Cannabis Cultivation Policy, which includes principles and guidelines for cannabis cultivation, including regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers within the State. The Applicant enrolled with the SWRCB and will be subject to the General Waiver Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order) for coverage as a Tier 2 Low risk discharger¹. As required by Condition No. 15, conformance with the SWRCB’s Cannabis General Order will occur for the life of the Project.</p>
<p>Groundwater Resources</p>	
<p>Conservation Element, Groundwater Resources Policy 3.2: <i>The County shall conduct its land use planning and permitting activities in a manner which promotes and encourages the cooperative management of groundwater resources by local agencies and other affected</i></p>	<p>Consistent with these Conservation Element Groundwater Resources Policies, the Proposed Project will not result in any groundwater basin becoming seriously over drafted on a prolonged basis or lead to a substantial over commitment of any groundwater basin.</p>

¹ The Tier 2 Low Risk discharger designation applies to outdoor cultivation Projects over one acre in size in which no portion of the disturbed area is located on a slope greater than 30 percent, and all of the disturbed area complies with riparian setback requirements, according to the California Water Boards General Order (https://www.waterboards.ca.gov/lahontan/water_issues/programs/cannabis/general_order.html)

parties, consistent with the Groundwater Management Act and other applicable law.

Conservation Element, Groundwater Resources Policy 3.5: *In coordination with any applicable groundwater management plan(s), the County shall not allow, through its land use permitting decisions, any basin to become seriously over drafted on a prolonged basis.*

Conservation Element, Groundwater Resources Policy 3.6: *The County shall not make land use decision which would lead to the substantial over commitment of any groundwater basin.*

The Proposed Project will utilize groundwater supplied by the Vista Hills Mutual Water Co. pursuant to existing entitlements (Attachment I). The Proposed Project site is located in the Lompoc Uplands sub-basin of the Santa Ynez River Valley Groundwater basin. The Santa Ynez River Valley Groundwater Basin is defined by the California Department of Water Resources (DWR) as a medium priority basin. The Sustainable Groundwater Management Act (SGMA) requires Groundwater Sustainability Agencies (GSAs) to be formed to develop and implement Groundwater Sustainability Plans (GSPs) in medium- and high-priority basins. Three separate GSAs have been formed to represent the three management areas of the Santa Ynez River Valley Groundwater basin, and GSPs are in development. The Western Management Area GSA contains the Lompoc Uplands sub-basin. The Proposed Project will be subject to the Western Management Area Groundwater Sustainability Agency's GSP and will be required to be operated in compliance with all applicable rules and regulations adopted by the GSA. At this time, no pumping limitations have been identified.

The Proposed Project includes approximately 2.54 acres of outdoor cannabis cultivation. The Proposed Project will utilize water conservation measures for irrigation including time drip irrigation, soil moisture monitoring, and evaporative barriers such as mulch as required by Condition No. 14 of Attachment B. The projected water use for the Proposed Project is approximately one acre-foot per year (AFY), which is below the 12 AFY threshold of significance for the Lompoc Uplands groundwater basin described in the Santa Barbara County Environmental Thresholds and Guidelines Manual.

Visual Resources	
<p>Visual Resources Policy 2: <i>In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places.</i></p> <p>Visual Resources Policy 5: <i>Utilities, including television, shall be placed underground in new developments in accordance with the rules and regulations of the California Public Utilities Commission, except where cost of undergrounding will be so high as to deny service.</i></p>	<p>The Proposed Project is consistent with these visual resources policies and development standards. The subject parcel is in a rural area and is not visible from any public viewing areas due to distance, topography, and vegetation, including the publicly maintained portion of Santa Rita Road, which is over 2,700 ft. from the Project site, and Highway 246, which is over 1.2 miles from the Project site. The subject parcel is surrounded by hills to the south, north, and east, the ephemeral drainage to the south, and agricultural crop lands to the west. The Proposed Project will not intrude into the skyline and will be subordinate to natural contours of the landscape.</p> <p>Existing development onsite includes 2.54 acres of cannabis cultivation with 1.88 acres of mature cultivation in 14-ft.-tall hoop structures, 0.55 acres of mature cultivation (open sun), and 0.11 acres of nursery cultivation. There is a legal nonconforming 1,096 sq. ft. single family dwelling and legal nonconforming 216 sq. ft. storage shed. As-built development that will be legalized as part of the Proposed Project includes one 575 sq. ft. tractor shade structure, one 120 sq. ft. shed, five 5,000-gallon water tanks, two 2,500-gallon water tanks, and one 1,500-gallon water tank. There is an existing 8-ft.-tall no-climb wire fence surrounding the cultivation area.</p> <p>New development includes security lighting and additional fencing to separate the legal nonconforming structures from the cannabis operation. The Applicant provided a Lighting Plan (Attachment E) that demonstrates lighting for the Proposed Project will be downward facing and fully shielded, limiting any potential lighting spillover onto adjacent properties. The lights will be a maximum of 8-ft.-tall and will be</p>

	<p>on a motion sensor to remain illuminated for five minutes after movement.</p> <p>The Proposed Project includes 2,780 sq. ft. of sweet lavender (<i>Lavandula x heterophylla</i>) planted as aromatic landscaping along the west property line in the Project area (Attachment E). All new utility lines will be undergrounded.</p>
Air Quality	
<p>Air Quality Element Policy C: <i>Increase the attractiveness of bicycling, walking, transit, and ridesharing.</i></p>	<p>The Proposed Project is consistent with this Air Quality policy. According to the required Site Transportation Demand Management Plan (Attachment E), temporary employees will be required to rideshare to the site, while regular employees will live onsite in the legal nonconforming single family dwelling.</p>

6.3 Zoning: Land Use and Development Code Compliance

The proposed cannabis cultivation operation is consistent with the LUDC requirements for the AG-II-100 zone district regarding permitted uses, building heights, and setbacks.

6.3.1 Intent of AG-II-40 Zoning

Section 35.21.020 (Purposes of the Agricultural Zones) of the LUDC states that the AG-II zone is applied to areas appropriate for agricultural land uses on prime and non-prime agricultural lands located within the Rural Area as shown on the Comprehensive Plan maps. It further provides that the intent of the AG-II zone district is to preserve these lands for long-term agricultural use. The Proposed Project is located on an Agriculture II (AG-II-100) zoned property in an area designated as Rural in the Comprehensive Plan, and it is surrounded by agricultural uses. The parcels surrounding and in the vicinity of the subject property that are zoned AG-II have been historically used for agricultural activities such as grazing and growing irrigated crops. The cannabis operation will continue to preserve the land for cultivation of crops. The Project area does not contain prime soils. Cannabis cultivation is an allowed use within the AG-II zone. Therefore, the Proposed Project is consistent with the AG-II zone.

6.4.2 Setbacks

Section 35.21.050.A (Agricultural Zones Development Standards; General development standards) sets forth the following structural setbacks for the AG-II zone district:

- **Front:** 50 feet from road centerline and 20 feet from edge of right-of-way
- **Side:** No setback required

- **Rear:** No setback required
- **Building Separation:** None, except as required by Building Code

There are no side or rear setbacks in the AG-II zone. All existing development is outside the front setback as demonstrated on the site plan (Attachment E). No new structural development is proposed. The Proposed Project is therefore consistent with the setback requirements of the AG-II zone district.

6.4.3 Height Limit

Section 35.21.050.A (Agricultural Zones Development Standards; General development standards) sets forth a height limit of 35 feet for residential structures and no limit otherwise within the AG-II Zone District. All existing and proposed structures, including the dwelling, hoop structures, and sheds, will be under 35 feet in height. The Proposed Project is therefore consistent with the height limit requirements of the AG-II zone district.

6.4.4 Cannabis Regulations

Section 35.42.075 of the LUDC provides standards that are designed to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls as a result of and in compliance with State law, protect neighborhood character, and minimize the potential for negative impacts on people, communities, and the environment by establishing minimum land use requirements for medicinal and adult use cannabis activities including cultivation, processing, distribution, manufacturing, testing, and sales. The Proposed Project and plans include information necessary to demonstrate that the approved cannabis cultivation operation is in compliance with the applicable standards set forth in 35.42.075 of the LUDC, as discussed below.

LUDC Section 35.42.075.C General Commercial Cannabis Activities Development Standards

1. ***Archaeological and paleontological surveys.*** *When commercial cannabis activities are proposed for lots that have not been subject to prior archaeological or paleontological surveys in accordance with the County's current Cultural Resource Guidelines, the Applicant shall provide a Phase 1 cultural resource study documenting the absence or presence of cultural resources in the Project area...*

The Proposed Project is consistent with this development standard. The Applicant submitted a Phase I Cultural Resources Assessment that was prepared in April 2020 by Allison Jaqua of A Jaqua Consulting in accordance with the County of Santa Barbara Cultural Resources Threshold and Guidelines. No cultural resources were observed during the Phase I field survey, and the report concluded that the Project will have no effect on archaeological resources. No new structures are proposed. Cannabis cultivation will take place in raised beds in the ground or in pots.

In the unlikely event that subsurface resources are encountered onsite, as conditioned in Attachment B (Condition No. 4), the Applicant will stop work immediately, contact P&D staff, and retain a P&D-approved archaeologist and Native American representative to evaluate the significance of the find. This standard discovery process will ensure that the potential for impacts to cultural resources during Project construction and operations activities is less than significant.

- 2. Fencing and Security Plan.** *The Applicant for a permit to allow outdoor, mixed-light, or nursery cannabis cultivation development shall prepare and submit to the Department for review and approval a Fencing and Security Plan demonstrating ample security and screening of the commercial cannabis activity. The standards of this Section shall be in addition to Section 35.30.070 (Fences and Walls). Where there are conflicts between the standards in this Section and any other applicable standards of this Article, the standards in this Section shall control. The Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the Project, as applicable. The Fencing and Security Plan shall include the following:*
- a. The Fencing Plan shall depict typical fencing details, including location, fence type, and height.*
 - b. All fencing and/or walls shall be made out of material that blends into the surrounding terrain and shall minimize any visual impacts.*
 - d. Where fencing will separate an agricultural area from undeveloped areas with native vegetation and/or Habitat Management Plan easement area, said fencing shall use material or devices that are not injurious to wildlife and enable wildlife passage.*
 - f. Prohibited fencing materials include razor wire, tarps, dust guard fencing, privacy netting, or woven or non-woven polyethylene plastic.*
 - g. The fence shall include lockable gate(s) that are locked at all times, except for during times of active ingress/egress.*
 - h. No visual markers indicating that cannabis is cultivated on the site shall be visible from offsite.*

As demonstrated in the Security and Fencing Plan (Attachment E), the Proposed Project is consistent with this development standard. The Security and Fencing Plan states that fencing for the cannabis cultivation area will be enclosed by an 8-ft.-tall no-climb fence and locked gates. A Wildlife Movement Plan (WMP) prepared in March 2021 (Attachment H) by County-approved biologists at Althouse and Meade, Inc. states that the existing and proposed 8-ft.-tall deer fencing around the cultivation areas will ensure wildlife such as small mammals, reptiles, and amphibians will be able to move freely around and through the Proposed Project while impeding medium-sized and large mammals such as raccoons, deer, and coyotes. Permit Compliance staff will monitor compliance with the Fencing and Security Plan and WMP for the life of the Project in accordance with Condition Nos. 6 and 21, respectively (Attachment B).

The Proposed Project does not include the installation of visual markers that would indicate cannabis cultivation occurs on the Project site. In addition to P&D review of the Fencing and Security Plan for compliance with applicable development standards, the County Executive Office and Sheriff's Department must also review and sign-off on the plan as part of the Cannabis Business License application review process.

3. *Landscape Plan and Screening Plan.* *The Applicant for a permit to allow outdoor, indoor, mixed-light, or nursery cannabis cultivation development shall submit a Landscape Plan and Screening Plan to the Department for review and approval. The requirements in this Section shall also apply to the cannabis cultivation as part of a microbusiness. All cultivation shall be screened to the maximum extent feasible to avoid being seen from public places, including, but not limited to, public rights of way, shall comply with Section 35.34 (Landscaping Standards), and the standards listed below. The Landscape Plan and Screening Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the Project as applicable. The Applicant shall demonstrate to the Department that all aspects of the Landscape Plan and Screening Plan comply with the following requirements:*

- a. Said Plan(s) shall include landscaping which, within five years, will reasonably screen the view of any new structure, including greenhouses and agricultural accessory structure, and on-site parking areas from the nearest public road(s).*
- b. All landscaping shall be installed prior to initiating the cultivation activities that are subject to the permit for the cultivation activities.*
- c. Prior to the issuance of any permits, a performance security, in an amount determined by a landscape architect and approved by the Department, to insure installation and maintenance for two years, shall be filed with the County. Said performance security shall be released upon a written statement from the Department that the landscaping, in accordance with the approved Landscape Plan and Screening Plan, has been installed and maintained for two years.*
- d. If, due to site-specific conditions (e.g., slopes), an Applicant believes that screening cannot be fully achieved, the Applicant shall submit a Landscape Plan and Screening Plan showing what portion can be screened and written documentation, which sets forth the reasons other portions cannot be screened.*

The Proposed Project is consistent with this development standard. The Proposed Project is not visible from any public viewing areas and is consistent with these visual resources policies and development standards. The subject parcel is in a rural area and is not visible from any public viewing areas, including the publicly maintained portion of Santa Rita Road due to a distance of over 2,700 ft., topography, and existing vegetation. The Project site is also not visible from Highway 246 due to distance and intervening topography. Therefore, landscape screening is not required or proposed. However, the Proposed Project includes 2,780 sq. ft. of sweet lavender (*Lavandula x heterophylla*) planted as aromatic landscaping along the west property line (Attachment E). Permit Compliance

staff will monitor the installation and maintenance of this aromatic landscaping for the life of the Project in accordance with Condition Nos. 1 and 18 (Attachment B).

- 4. Lighting Plan.** *The Applicant for any commercial cannabis activity involving artificial lighting shall submit a Lighting Plan to the Department for review and approval. The standards of this Section shall be in addition to Section 35.30.120 (Outdoor Lighting), and all other applicable Sections. Where there are conflicts between the standards in this Section and any other applicable standards of this Article, the standards that are most restrictive shall control. The Lighting Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the Project, as applicable. The Lighting Plan shall include the following:*
- a. Plans that identify all lighting on the lot demonstrating that all lighting will comply with the standards set forth in this Section and all applicable Community Plans.*
 - b. Lighting necessary for security shall consist solely of motion-sensor lights and avoid adverse impacts on properties surrounding the lot on which the cannabis activity is located.*
 - c. Any outdoor lighting used for the illumination of parking areas and/or loading areas, or for security, shall be fully shielded and directed downward.*
 - d. Lighting is prohibited in hoop structures.*
 - e. If, due to site-specific conditions, an Applicant believes that a Lighting Plan is not necessary, the Applicant shall submit written documentation with the application for the cannabis permit, which sets forth the reasons. The Department shall review the written documentation and determine whether a Lighting Plan must be submitted with the application for the cannabis activity.*

As demonstrated by the Lighting Plan (Attachment E), the Proposed Project is consistent with this development standard. The Lighting Plan depicts the location of proposed exterior light fixtures and includes the manufacturer specifications for all proposed light fixtures, which are fully shielded and directed downward. Each fixture will be on a motion sensor that will remain on for no more than five minutes after movement. The Lighting Plan is also consistent with the outdoor lighting standards set forth in LUDC Section 35.30.120. Permit Compliance staff will monitor compliance with the Lighting Plan for the life of the Project in accordance with Condition No. 8 (Attachment B).

- 5. Noise Plan.** *The Applicant for indoor, mixed light, and nursery cultivation, and manufacturing (volatile and non-volatile) permits shall prepare and submit to the Department for review and approval a Noise Plan. The Noise Plan shall be implemented prior to the issuance of final building inspection and/or throughout operation of the project, as applicable. The Noise Plan shall demonstrate compliance with the following standards:*
- a. Buildings shall be adequately soundproofed so that interior noise shall not exceed 65 decibels beyond the property. The Plan shall identify noise-generating*

- equipment that will be used and the noise level associated with each.*
- b. Environmental control systems shall be located and/or shielded to avoid generating noise levels above 65 decibels heard by sensitive receptors, in compliance with the Santa Barbara County Noise Element.*
 - d. The combined decibel level for all noise sources, as measured at the property line of the lot on which the cannabis activity is located, shall not exceed 65 decibels.*
 - e. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or emergency. The noise produced by a generator shall not be audible by humans from neighboring residences.*

As demonstrated in the Noise Plan (Attachment E), the Proposed Project is consistent with this development standard. The Noise Plan shows that there will not be any noise-generating equipment associated with the proposed outdoor nursery cultivation and that noise will not exceed 65 dba at the property line. A portable generator will be used in the event of a power outage or emergency. Permit Compliance staff will monitor compliance with the Noise Plan for the life of the Project in accordance with Condition No. 9 (Attachment B).

- 6. *Odor Abatement Plan.*** *The Applicant for cultivation, nursery, manufacturing (volatile and non-volatile), microbusiness, and/or distribution permits, shall (1) prepare and submit to the Department for review and approval, and (2) implement, an Odor Abatement Plan. No odor abatement plan shall be required in AG-II zoning, unless a CUP is required...*

As demonstrated by the Odor Abatement Plan (OAP) (Attachment F), the Proposed Project is consistent with this development standard. Cannabis projects located in an AG-II zone district do not require an OAP. However, since the sole means of access to the Project site is through an Existing Developed Rural Neighborhood (EDRN), pursuant to Section 35.42.075.D.b of the LUDC, an OAP is required. The OAP is certified by Nate Seward, a Certified Industrial Hygienist, of Premier Environmental Consulting. As outlined in the OAP, the nearest residential zone is approximately 2.8 miles to the west. The nearest residential zone east of the subject property is over nine miles away in the City of Buellton.

The OAP specifies the location of odor emitting activities and emissions, and provides a description of the specific odor emitting activities and the operational phases in which odor emitting activities will occur. The primary odor emitting activity that will occur is the harvesting of mature plants, which will take place three times annually. After being weighed, tagged, and binned, product will be flash frozen in refrigerated trucks parked onsite prior to being trucked off-site.

The OAP describes preventative measures and mitigation, including that the ends of the hoop structures will be closed when winds blow from east to the west in the direction of the nearest vineyard, which is over 1,300 feet from the cannabis cultivation area.

However, the OAP states that according to wind data collected at the Lompoc airport, wind in this area usually blows from west to east toward the hills, which are largely undeveloped and used for grazing. Additionally, in accordance with the OAP that states aromatic plants are a natural masking agent, the Proposed Project includes planting 2,780 sq. ft. of sweet lavender (*Lavandula x heterophylla*) along the west property line (Attachment E). Permit Compliance staff will monitor compliance with the Odor Abatement Plan for the life of the Project in accordance with Condition No. 18 (Attachment B).

7. Signage. *All signs shall comply with Chapter 35.38 (Sign standards).*

No signs are included as part of the Proposed Project. No signs exist that indicate cannabis cultivation will occur onsite.

8. Tree Protection, Habitat Protection, and Wildlife Movement Plans. *The Applicant for any cannabis permit for a site that will involve 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, shall prepare and submit to the Department for review and approval a Tree Protection, Habitat Protection, and/or Wildlife Movement Plan in accordance with Appendix H: Cannabis Activities Additional Standards. The Tree Protection, Habitat Protection, and Wildlife Movement Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the Project as applicable.*

As demonstrated by the BRA completed by Storrer Environmental Services in August 2020 (Attachment G) and the BRA Addendum, Tree Protection Plan (TPP), Habitat Protection Plan (HPP), and WMP completed by Althouse and Meade biologists in March 2021 (Attachment H), the Proposed Project is consistent with this development standard. The WMP includes measures such as plastic hoop coverings that shall not extend to the ground and 8-ft.-tall deer fencing around the cultivation areas that will ensure wildlife such as small mammals, reptiles, and amphibians will be able to move freely around and through the Proposed Project while impeding medium-sized and large mammals such as raccoons, deer, and coyotes. The BRA Addendum concludes that with implementation of the avoidance and minimization measures incorporated as part of the TPP, HPP, and WMP no direct impacts to special status plant species or special status wildlife species are anticipated to occur because of the Proposed Project. Additionally, CDFW, USFWS, and RWQCB reviewed the Proposed Project and determined that it will be compliant with regulations. Permit Compliance staff will monitor compliance with the TPP, HPP, and WMP in accordance with Condition Nos. 19, 20, and 21, respectively (Attachment B).

LUDC Section 35.42.075.D Specific Use Development Standards

- a. ***Avoidance of prime soils.*** All structures for cannabis cultivation operations, including, but not limited to, greenhouses that do not rely on in-ground cultivation, that are located on premises that contain prime soils shall be sited to avoid prime soils to the maximum extent feasible. Ancillary use facilities shall not be located on prime soils unless the Director determines that an alternative location on nonprime soils does not exist within a reasonable distance of the proposed site.

The Proposed Project is consistent with this development standard. The Project area does not contain prime soils, and the Proposed Project will not be located on prime soils.

- b. ***Cannabis cultivation requiring access through an Existing Developed Rural Neighborhood (EDRN).*** Cultivation sites that require the use of a roadway located within an EDRN as the sole means of access to the cultivation lot, shall require approval of a Conditional Use Permit by the Planning Commission and compliance with the applicable standards in Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

As demonstrated by the Site Transportation Demand Management Plan (Attachment E), the Proposed Project is consistent with this development standard. The Proposed Project's sole means of access is from Santa Rita Road, which is located within the Campbell Road EDRN. The Proposed Project requires approval of a Conditional Use Permit by the Planning Commission, and it complies with the applicable standards in Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) including the Findings required for approval of a Conditional Use Permit discussed in Attachment A to this staff report.

- c. ***Cannabis Waste Discharge Requirements General Order.*** The Applicant shall demonstrate compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy which includes principles and guidelines for cannabis cultivation, including regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers, within the State.

As demonstrated in the supplemental documentation and through communication with the RWQCB, the Proposed Project is consistent with this development standard. As stated in Section 6.2 of this staff report, the RWQCB reviewed the Proposed Project and determined that it meets the requirements for the State Water Board's Cannabis Cultivation Waste Discharge Regulatory Program. The State Water Board assigned waste discharge identification (WDID) number 3_42CC406403 to the Proposed Project. The Applicant is required to prepare and submit annual reports to the RWQCB as part of the California State Licensing process.

- d. ***Hoop structure lighting.*** Lighting shall be prohibited in hoop structures.

As demonstrated by the Lighting Plan (Attachment E), the Proposed Project will be consistent with this development standard. No lighting will be located within the hoop structures.

- e. **Mixed-light cultivation lighting requirements.** *Lighting due to cannabis activities that are subject to mixed-light cultivation licenses shall not be visible outside of the structure in which the lighting is located between sunset and sunrise.*

As demonstrated by the Project description, this development standard does not apply to the Proposed Project. The Proposed Project does not include mixed-light cultivation.

- f. **Post-processing and packaging.** *Post-processing and packaging of cannabis products shall be considered accessory uses to the cultivation operation(s) when processed on the same lot.*

As demonstrated by Project description, this development standard does not apply to the Proposed Project. The Proposed Project does not include post-processing or packaging on the subject lot.

- g. **Site Transportation Demand Management Plan.** *The Applicant shall prepare and submit to the Department for review and approval a Site Transportation Demand Management Plan that includes the lot location, total number of employees, hours of operation, lot access and transportation routes, and trip origins and destinations. The Site Transportation Demand Management Plan shall be implemented prior to the issuance of final building and/or grading inspection and/or throughout operation of the Project, as applicable. The Site Transportation Demand Management Plan shall include at least one of the following methods to reduce vehicle trips generated by the cultivation operation:*
 - 1) *Provide for carpool/shuttle/mini bus service for employees, especially during harvesting periods, on cultivation lots.*
 - 2) *Provide shared parking areas for ridesharing on large and/or rural lots.*
 - 3) *Provide bicycle storage/parking facilities.*
 - 4) *Provide incentives to employees to rideshare or take public transportation.*
 - 5) *Implement compressed or flexible work schedules to reduce the number of days per week that employees are needed.*

As demonstrated by the Site Transportation Demand Management Plan (STDMP) (Attachment E), the Proposed Project will be consistent with this development standard. The hours of operation will be 6:00 a.m. to 4:00 p.m. daily. There will be up to three regular employees who will live in the onsite single family dwelling. The cannabis operation will involve up to 12 temporary employees during harvests, which will occur three times per year and last approximately 3 days each time. There will be three parking spaces for the operation and two parking spaces for the single family dwelling. Access to the site will be provided by Santa Rita Road, an existing unpaved private road. Permit

Compliance staff will monitor compliance with the STDMP for the life of the Project in accordance with Condition No. 12 (Attachment B).

- h. *Water efficiency for commercial cannabis activities.*** *To the maximum extent feasible, and to the Director’s satisfaction, water-conserving features shall be included in the design of proposed cannabis cultivation. These features may include, but are not limited to:*
- 1) *Evaporative barriers on exposed soils and pots.*
 - 2) *Rainwater capture and reuse.*
 - 3) *Re-circulated irrigation water (zero waste).*
 - 4) *Timed drip irrigation.*
 - 5) *Soil moisture monitors.*
 - 6) *Use of recycled water.*

As demonstrated by the Water Efficiency Plan (Attachment E), the Proposed Project is consistent with this development standard. Irrigation will include the use of a timed drip system, evaporative barriers, and soil moisture monitoring. Permit Compliance staff will monitor compliance with the Water Efficiency Plan for the life of the Project in accordance with Condition No. 14 (Attachment B).

- i. *Cultivation area.*** *On lots zoned AG-II, cannabis cultivation areas that cumulatively exceed 51% of the subject lot area (gross), shall require the approval of a Major Conditional Use Permit. For the purposes of interpreting this permit requirement set forth in this subsection m, “cultivation area” shall consist of the area of land in or on which cannabis plants are grown, measured to the perimeter of the planted area and excluding roadways.*

As demonstrated by the Site Plan (Attachment E), the Proposed Project is consistent with this development standard. The Proposed Project includes 2.54 acres of cultivation, which is under 51% of the 120-acre parcel. Therefore, this development standard does not require the Proposed Project to include a Major Conditional Use Permit. However, the Proposed Project requires a Conditional Use Permit pursuant to LUDC Sections 35.42.05.B.4 and 35.42.075.D.1.b, because the sole means of access is a road that passes through an EDNR.

- j. *Outdoor cannabis cultivation areas shall be setback a minimum of 50-feet from all lot lines.***

As demonstrated by the Site Plan (Attachment E), the Proposed Project is consistent with this development standard. All outdoor cannabis cultivation will be setback a minimum of 50-feet from the west and south lot line, over 700 feet from the north lot line, and over 1,600 feet from the east lot line.

- k. *Limitations on cannabis harvesting activities.*** *In order to minimize cannabis odors, the drying, curing, and/or trimming of harvested cannabis shall either (1) be located within an*

enclosed structure which utilizes best available control technology, or (2) include techniques and/or equipment that shall achieve an equivalent or greater level of odor control as could be achieved using an enclosed structure which utilizes best available control technology.

The Proposed Project does not include drying, curing, and/or trimming of harvested cannabis, and therefore, this development standard does not apply to the Proposed Project.

LUDC Section 35.42.140.C Hoop Structures and Shade Structures Development Standards

- 1. *Lighting.*** *Interior and exterior lighting associated with hoop structures and shade structures is not allowed.*

As demonstrated by the Lighting Plan (F), the Proposed Project is consistent with this development standard. The hoop structures will not include interior or exterior lighting.

- 2. *Structural Elements.*** *Hoop structures and shade structures shall not have permanent structural elements such as footings and foundations, and shall not have any utilities including plumbing, natural gas, or electricity.*

As demonstrated by the Project plans (Attachment E), the Proposed Project is consistent with this development standard. The hoop structures will not have any permanent elements or utilities.

- 3. *Setbacks.*** *Hoop structures and shade structures shall comply with applicable setbacks of the zone in which they are located.*

As discussed in Section 6.3 of this staff report and as demonstrated by the Site Plan (Attachment E), the Proposed Project is consistent with this development standard. The AG-II zone district has a front setback of 50 feet from centerline and 20 ft. from the right-of-way. There are no side or rear setbacks in the AG-II zone. The existing hoop structures are not located within any required setback areas. No new hoop structures are proposed.

- 4. *Streams and Creeks.*** *Within the Rural areas, hoop structures and shade structures shall be setback 100 ft. from the top-of-bank or edge of riparian vegetation of streams and creeks, whichever is more protective of the resources.*

As demonstrated by the BRA (Attachment G) and BRA Addendum (Attachment H) and the Site Plan (Attachment E), the Proposed Project is consistent with this development standard. The hoop structures will be located over 100 ft. away from the top of bank of the unnamed ephemeral drainage.

7.0 APPEALS PROCEDURE

The action of the Commission may be appealed to the Board of Supervisors within 10 calendar days of said action. The appeal fee to the Board of Supervisors is \$701.06.

ATTACHMENTS

- A. Findings
- B. Conditions of Approval
- C. CEQA Guidelines § 15168(c)(4) Environmental Checklist
- D. Link to the Program Environmental Impact Report for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003
- E. Project Plans dated December 4, 2020
- F. Odor Abatement Plan dated March 15, 2021
- G. Biological Resources Assessment dated August 14, 2020
- H. Biological Resources Assessment Addendum, Tree Protection Plan, Habitat Protection Plan, and Wildlife Movement Plan dated March 2021
- I. Vista Hills Mutual Water Company Water Service Letter dated August 11, 20202

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

SUBSEQUENT ACTIVITIES WITHIN THE SCOPE OF THE PROGRAM ENVIRONMENTAL IMPACT REPORT

FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21081 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES SECTIONS 15162 AND 15168:

1.1 CONSIDERATION OF SUBSEQUENT ACTIVITIES IN THE PROGRAM

The County Planning Commission considered the previously certified PEIR for the Cannabis Land Use Ordinance and Licensing Program, 17EIR-00000-00003 (Link to the PEIR provided in Attachment D to the staff report, dated June 1, 2021, and incorporated herein by reference) along with the Proposed Project, which is an activity within the scope of the PEIR. Staff prepared a written checklist in compliance with CEQA Section 15168(c)(4) to document the evaluation of the site and the activity to determine that the environmental effects of the operation are covered in the PEIR (Attachment C to the staff report, dated June 1, 2021, and incorporated herein by reference).

As shown in the written checklist and other information provided in the administrative record (e.g., Proposed Project plans and Conditional Use Permit application), the Proposed Project is within the scope of the PEIR and the effects of the Proposed Project were examined in the PEIR. Therefore, on the basis of the whole record, including the written checklist, the previously certified PEIR, and any public comments received, the Planning Commission finds that the Proposed Project will not create any new significant effects or a substantial increase in the severity of previously identified significant effects on the environment, and there is no new information of substantial importance pursuant to State CEQA Guidelines Section 15162, thereby warranting the preparation of a new environmental document for the Proposed Project.

1.2 LOCATION OF DOCUMENTS

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.

2.0 ADMINISTRATIVE FINDINGS

2.1 CONDITIONAL USE PERMIT FINDINGS

A. Findings required for all Conditional Use Permits. In compliance with Subsection 35.82.060.E.1 of the County Land Use and Development Code, prior to the approval or conditional approval of an application for a Conditional Use Permit or Minor Conditional Use Permit the review authority shall first make all of the following findings, as applicable:

2.1.1 *The site for the Proposed Project is adequate in terms of location, physical characteristics, shape, and size to accommodate the type of use and level of development proposed;*

The Planning Commission finds that the site for the Proposed Project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed. The subject property is a 120 acre AG-II zoned parcel located in the Rural Area approximately seven miles west of Buellton, six miles east of Lompoc, and one mile north of Highway 246. There is an unnamed ephemeral drainage that extends through the southwestern portion of the parcel from east to west, and the property is bounded by hills to the north, east, and south. Surrounding uses include irrigated crops and vineyards to the west and grazing on all other sides. The property is not visible to any public viewing areas.

The Project site is currently developed with 2.54 acres of cannabis cultivation, a legal nonconforming single family dwelling, as-built tractor shade structure, legal nonconforming storage shed that will not be used as part of the cannabis operation, one as-built administrative and equipment shed, and eight as-built water tanks. The property is able to accommodate all of the proposed agricultural uses and activities proposed by the Project. New development includes security lighting and additional fencing to separate the single family dwelling and 216 sq. ft. storage shed from the cannabis operation.

The parcel takes access off Santa Rita Road by an existing 12-ft.-wide unpaved driveway. The Proposed Project will have three parking spaces for the operation and two parking spaces for the single family dwelling. The three regular employees will live onsite, and all temporary employees will carpool to the site with a farm labor contractor. As detailed in Sections 6.2 and 6.3 of the staff report dated June 1, 2021, herein incorporated by reference, the Proposed Project will have all required services and meets all zoning requirements of the AG-II zone district and Cannabis Regulations set forth in the LUDC

2.1.2 *Within the Inland area, significant environmental impacts will be mitigated to the maximum extent feasible.*

The Planning Commission finds that Section 15168(c) of the State CEQA Guidelines allows the County to approve an activity as being within the scope of the project covered by a Program Environmental Impact Report (PEIR) without a new

environmental document, if the County finds pursuant to Section 15162 that no new effects could occur or no new mitigation measures will be required and the later activity would not have effects that were not examined in the PEIR. Staff completed the written checklist pursuant to State CEQA Guidelines Section 15168(c)(4) which evaluated the Proposed Project pursuant to the requirements of Section 15162 of the State CEQA Guidelines (Attachment C to the staff report, dated April 12, 2021, incorporated herein by reference) and determined that all of the environmental impacts of the proposed cannabis operation are within the scope of the PEIR prepared for the Cannabis Land Use Ordinance and Licensing Program. No additional cumulative impacts were identified as part of the Proposed Project, and no new environmental document is required. Mitigation measures which were discussed in the PEIR have been incorporated into the Proposed Project (Attachment B to staff report, dated June 1, 2021, and incorporated herein by reference). The mitigation measures incorporated from the PEIR, including a Tree Protection Plan, Habitat Protection Plan, Noise Plan, Wildlife Movement Plan, Fencing and Security Plan, Odor Abatement Plan, and Site Transportation Demand Management Plan, will mitigate significant environmental impacts to the maximum extent feasible. The Proposed Project will not have any new impacts, which were not discussed in the PEIR, and the Proposed Project's significant environmental impacts will be mitigated to the maximum extent feasible.

2.1.3 *Streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.*

The Planning Commission finds that streets and highways are adequate and properly designed to carry the vehicles related to operations, deliveries, and employees of the Proposed Project. Traffic to the subject parcel will utilize Highway 246 to Santa Rita Road and then will enter the site via a private portion of Santa Rita Road. Santa Rita Road transitions from a public road to a private road approximately 2,700 feet southwest of the subject parcel.

The Proposed Project will have up to three regular employees and 12 temporary employees during harvests, which will occur up to three times per year for approximately three days each time. Regular employees will live onsite in the single family dwelling, and temporary employees will be required to carpool. The Proposed Project will generate up to two average daily trips (ADT) regularly for deliveries of product and supplies. Both Highway 246 and Santa Rita Road are able to support the trips that will be generated as part of the Proposed Project. The County Public Works Roads Division and County Fire Department reviewed the Proposed Project, determined that existing road facilities are sufficient, and had no comments or conditions on the Proposed Project.

2.1.4 *There will be adequate public services, including fire protection, police protection, sewage disposal, and water supply to serve the Proposed Project.*

The Planning Commission finds that there are adequate public services to serve the Proposed Project. As discussed in Section 6.2 of the staff report, dated June 1, 2021, and incorporated herein by reference, adequate public and private services are in place to serve the Proposed Project. Adequate water supply will be provided by the Vista Hills Mutual Water Company pursuant to existing entitlements (Attachment K). Wastewater treatment will be provided by the existing septic system. Additional chemical toilets will be utilized onsite during harvests only. County Environmental Health Services (EHS) reviewed the Proposed Project, found it consistent with all applicable environmental health requirements, and provided a condition letter (Attachment B, to the staff report, dated June 1, 2021, Condition No. 34, incorporated herein by reference).

Finally, the County Sheriff will continue to provide police services to the subject parcel, and the Sheriff will be involved with reviewing and approving the proposed Security Plan as part of the review of the Business License application that is required for the Proposed Project. The Proposed Project does not require the provision of any additional services from these departments (Attachment B, to the staff report, dated June 1, 2021, Condition No. 34, incorporated herein by reference).

2.1.5 *The Proposed Project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will be compatible with the surrounding area.*

The Planning Commission finds that the Proposed Project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area. The parcel takes access off Santa Rita Road by an existing 12-ft.-wide unpaved driveway. The Project area comprises an approximately four-acre area on the southwestern portion of the 120-acre parcel. The subject parcel has been used for grazing for decades. As discussed in Sections 6.2 and 6.3 of the staff report, dated June 1, 2021, incorporated herein by reference, the Proposed Project will utilize existing agricultural hoop structures for the cultivation of 1.88 acres of cannabis. New development consists of new downward facing, fully shielded lighting and additional security fencing. The Applicant provided a Fencing and Security Plan (Attachment E to the staff report, dated June 1, 2021, and incorporated herein by reference), which includes an 8-ft.-tall no-climb fence. The Lighting Plan (Attachment E to the staff report, dated June 1, 2021, and incorporated herein by reference) demonstrates that all exterior lighting will be downward facing, fully cut-off, and on a motion sensor.

The Odor Abatement Plan (OAP) (Attachment F to the staff report, dated June 1, 2021, and incorporated herein by reference) describes preventative measures and mitigation, including that the ends of the hoop structures will be closed when winds blow from east to the west in the direction of the nearest vineyard, which is over 1,300 feet from the cannabis cultivation area. The OAP also includes 2,780 sq. ft. of sweet lavender

(*Lavandula x heterophylla*) planted as aromatic landscaping along the west property line (Attachment E to the staff report, dated June 1, 2021, incorporated herein by reference). Further, the Proposed Project includes a total of 2.54 acres of cultivation, which is just 2.1% of the 120-acre subject parcel. There will be no onsite drying, trimming, or processing. Odor from the Proposed Project will not result in detriments to the comfort, convenience, general welfare, health, and safety of the neighborhood.

The Applicant submitted a Site Transportation Demand Management Plan (STDMP) (Attachment H, to the staff report, dated June 1, 2021, and incorporated herein by reference) which states that all temporary employees will be required to carpool. Permanent employees will live onsite in the legal nonconforming single family dwelling. Average daily trips for the Proposed Project are associated with employee commutes, delivery of materials, and transport of cannabis offsite and are estimated to be two or fewer. Projected traffic will not result in detriments to the comfort, convenience, general welfare, health, and safety of the neighborhood.

The Santa Barbara County Air Pollution Control District reviewed the Proposed Project for compliance with air quality regulations and issued a condition letter (Attachment B to the staff report, dated June 1, 2021, Condition No. 34, incorporated herein by reference). The Santa Barbara County Fire Department reviewed the Proposed Project for compliance with fire safety regulations and determined that no conditions are required. The Santa Barbara County Environmental Health Services Division reviewed the Proposed Project for compliance with water and wastewater regulations and issued a condition letter (Attachment B to the staff report, dated June 1, 2021, Condition No. 34, incorporated herein by reference). Lastly, the Santa Barbara County Roads Division reviewed the Proposed Project for compliance with traffic and road right-of-way regulations and determined that no conditions are required. As detailed in Section 6.3 of the staff report dated June 1, 2021, herein incorporated by reference, the Proposed Project meets all zoning requirements of the AG-II zone district and Cannabis Regulations set forth in the LUDC.

2.1.6 *The Proposed Project will comply with all applicable requirements of this Development Code and the Comprehensive Plan, including any applicable community or area plan.*

The Planning Commission finds that the Proposed Project is in conformance with the Comprehensive Plan and LUDC. As discussed in Section 6.3 of the staff report, dated June 1, 2021, and incorporated herein by reference, the development conforms to the applicable provisions of the LUDC, including:

- 35.21.020 Purposes of the AG-II Zone
- 35.21.030 Agricultural Zones Allowable Uses
- 35.21.050 Agricultural Zones Development Standards
- 35.42.075.C General Commercial Cannabis Activities Development Standards

- 35.42.075.D Specific Use Development Standards [for cannabis]
- 35.42.140.C.3 Development Standards for Hoop Structures and Shade Structures

As discussed in Section 6.2 of the staff report, dated June 1, 2021, and incorporated herein by reference, the development conforms to the applicable provisions of the Comprehensive Plan.

2.1.7 *Within Rural areas as designated on the Comprehensive Plan maps, the proposed use will be compatible with and subordinate to the rural and scenic character of the area.*

The Planning Commission finds that the Proposed Project is compatible with and subordinate to the scenic, agricultural, and rural character of the area. The Proposed Project site is located within the Rural Area according to Comprehensive Plan maps. The subject parcel is surrounded by hills to the south, north, and east, the ephemeral drainage to the south, and agricultural crop lands to the west. The approximately three-acre area of the subject parcel is currently used for cannabis cultivation, and the Proposed Project will allow for the cultivation of crops on property zoned AG-II. The existing legal nonconforming dwelling and storage shed and as-built tractor shed, storage shed, and water tanks are similar in nature and use to structures located on nearby parcels. The remaining area of the parcel will continue to be open space after implementation of the Proposed Project, maintaining the rural and scenic character of the area

All exterior light fixtures will be downward facing and fully shielded. There will be 1.88 acres of 14-ft.-tall hoop structures, and no new structures are proposed. The Proposed Project is not visible from any public viewing areas, including the publicly maintained portion of Santa Rita Road, which is over 2,700 ft. from the Project site, and Highway 246, which is over 1.2 miles away, due to distance, topography, and vegetation. As detailed in Section 6.3 of the staff report dated June 1, 2021, herein incorporated by reference, the Proposed Project meets all zoning requirements of the AG-II zone district and Cannabis Regulations set forth in the LUDC.

ATTACHMENT B: CONDITIONS OF APPROVAL
CONDITIONS OF APPROVAL
SANTA RITA HOLDINGS, INC., CANNABIS CULTIVATION
CASE NO. 19CUP-00000-00018
APN: 099-110-060

Project Description

- 1. Proj Des-01 Project Description.** This Conditional Use Permit is based upon and limited to compliance with the Project description and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The Project description is as follows:

The Proposed Project is a request for approval of a Conditional Use Permit to allow for a total of 2.54 acres of outdoor cannabis cultivation, including 1.88 acres under 14-ft.-tall hoop structures, 0.55 acres mature cultivation without hoop structures, and 0.11 acres of nursery cultivation without hoop structures. Mature cultivation will take place in raised beds in the ground or in 30-gallon pots, and nursery cultivation will be in 4-inch to 1-gallon pots located underneath plastic coverings that will be less than 3-ft.-tall. Hoop structures will be located at least 100 ft. from the top-of-bank of a drainage traversing the site. The cultivation area without hoop structures nearest to this drainage will be setback at least 50 ft. from the top-of-bank. Hoop structure coverings will be removed as needed between November and February. Irrigation will be on a timed-drip system and will utilize soil monitoring and evaporative barriers.

Hours of operation will be from 6:00 a.m. to 4:00 p.m. seven days per week. Plants will be chopped in the field, binned, and then weighed and tagged outside of a 120 sq. ft. existing shed and underneath an existing 575 sq. ft. tractor shade structure that is open on all sides. Cannabis product will then be loaded onto refrigerated trucks. During harvests, the refrigerated trucks will remain onsite for up to three days. The 120 sq. ft. shed will be used for storage of pest management equipment, nutrients, as well as administrative records and materials and will not require any utility hook-ups. Harvested cannabis will be trucked offsite for processing daily during harvests, and no drying, trimming, curing, or processing will occur onsite. Plant waste will be stored in bins that will be hauled and composted offsite. Vehicle trips generated by incoming and outgoing delivery of supplies or product will occur on average twice daily.

The operation will require up to three regular employees, who will live in the onsite legal nonconforming 1,096 sq. ft. single family dwelling. Aside from housing, the dwelling will not be used for any activities, including administration, related to the cannabis operation. The operation will require up to 12 temporary employees during planting and harvesting for a maximum total of 15 employees. Temporary employees will be transported to the site by a labor contractor in carpools or shuttles. There will be up to three harvests per

year which will last up to three days each time. There will be three parking spaces onsite for the cannabis operation and two parking spaces onsite for the single family dwelling.

All exterior light fixtures will be fully shielded, directed down, on a motion sensor, and mounted at a maximum height of 8 feet. The lights will remain illuminated for five minutes after activation. The site is not visible from any public viewing areas or public roads. The Proposed Project includes 2,780 sq. ft. of aromatic landscaping planted along the west property boundary. An 8-ft.-tall deer fence is located around the cultivation areas and will be extended in order to exclude the legal nonconforming single family dwelling and legal nonconforming storage shed, which will not be used as part of the Proposed Project, from the cultivation areas.

Five 5,000-gallon water tanks, two 2,500-gallon water tanks, and one 1,500-gallon water tank will be located onsite. Water will continue to be provided by Vista Hills Mutual Water Company. Wastewater treatment for regular employees will be provided by an existing onsite septic system and restrooms in the single family dwelling. All sanitation facilities will be provided in compliance with OSHA. Power will be provided by PG&E and a portable generator in the case of an emergency.

There is no grading proposed. The County Sheriff will provide Law enforcement, and County Fire will provide fire protection. The property will be accessed off Santa Rita Road via an existing unpaved 12-ft.-wide private driveway. The property is a 120-acre parcel zoned AG-II-100 and shown as Assessor Parcel Number 099-110-060 located at 2300 Santa Rita Road in the Lompoc area, Fourth Supervisorial District.

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

2. **Proj Des-02 Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval thereto. All plans (e.g., Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

Project Specific Conditions

3. **Construction Hours.** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m. Monday through Friday. No construction

shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

PLAN REQUIREMENTS: The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries.

TIMING: Signs shall be posted prior to commencement of construction and maintained throughout construction.

MONITORING: The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.

4. **Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant.

PLAN REQUIREMENTS: This condition shall be printed on all site plans.

MONITORING: P&D permit processing planner shall check plans prior to issuance of the Conditional Use Permit and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

5. **Cannabis Waste Discharge Requirements.** Prior to issuance of the Conditional Use Permit, the Applicant shall demonstrate compliance with the State Water Resources Control Board's comprehensive Cannabis Cultivation Policy that includes principles and guidelines for cannabis cultivation, including regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers.

TIMING: The Owner/Applicant shall provide the P&D processing planner with evidence of compliance with the SWRCB Requirements prior to Zoning Clearance issuance.

MONITORING: P&D compliance staff shall ensure compliance through Business License application review and site inspections as needed in compliance with the Cannabis Policy and Cannabis General Order.

6. **Fencing and Security Plan.** The Owner/Applicant shall implement the Fencing and Security Plan stamped "Zoning Approved".

PLAN REQUIREMENTS: The Fencing and Security Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.C.2) as that section reads as of the date of project approval.

TIMING: The applicant shall implement the Fencing and Security Plan prior to commencement of the cannabis activities that are the subject of this permit. The

applicant shall maintain the project site in compliance with the Fencing and Security Plan throughout the life of the project.

MONITORING: P&D compliance staff inspects the Project site to confirm that all components of the Fencing and Security Plan are installed and maintained pursuant to the requirements of this condition.

- 7. Licenses Required.** The Applicant shall obtain and maintain in good status: (1) a valid County business license as required by the County Code Chapter 50, and (2) a valid State cannabis license as required by the California Business and Professions Code for the cannabis activities that are the subject of this permit.
- 8. Lighting Plan.** The Applicant shall implement the Lighting Plan stamped “Zoning Approved”.

PLAN REQUIREMENTS: The Lighting Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.C.4) as they existed at the time of approval.

TIMING: All components of the Lighting Plan shall be implemented prior to commencement of cannabis activities that are the subject of this permit. The Applicant shall maintain the project site in compliance with the Lighting Plan throughout the life of the project.

MONITORING: P&D compliance staff inspects the project site to confirm that all components of the Lighting Plan are installed, maintained and operated pursuant to the requirements of this condition.
- 9. Noise Plan.** The applicant shall implement the Noise Plan stamped “Zoning Approved”.

PLAN REQUIREMENTS: The Noise Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.C.5) as that section reads as of the date of project approval.

TIMING: The applicant shall implement the Noise Plan prior to issuance of final building inspection. The applicant shall maintain the project site in compliance with the Noise Plan throughout the life of the project.

MONITORING: P&D compliance staff inspects the project site to confirm that all components of the Noise Plan are installed, operated and maintained pursuant to the requirements of this condition.
- 10. Permit Compliance.** The Owner/Applicant/Operator shall ensure that the project complies with all approved plans and project conditions, including those which must be monitored after the project is built and/or operations commence. To accomplish this the Owner/Applicant/Operator shall:

 1. Complete and submit a Permit Compliance Application to Planning and Development and identify a name and number of the contact person for the project compliance activities.
 2. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to issuance of Conditional Use Permit as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced

monthly and may include costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute.

3. Participate in Initial Compliance Inspections that may occur:
 - a. Prior to commencement of use and/or issuance of Business License,
 - b. Within the first year (during the active growing season), and
 - c. Other instances as deemed necessary by Planning & Development
4. Participate in Regular Compliance Inspections that may occur:
 - a. Upon renewal of the County Business License,
 - b. For the life of the project, or as specified in permit conditions, and
 - c. Other instances as deemed necessary by Planning & Development

PLAN REQUIREMENTS: The Owner/Applicant/Operator shall include a note and a copy of this condition on all project plans.

TIMING: Prior to issuance of Conditional Use Permit an associated Permit Compliance Application and deposit shall be submitted to Planning & Development.

MONITORING: Planning & Development Compliance Staff or designee shall conduct initial and regular compliance inspections as identified above in accordance with this condition, and as determined to be necessary.

11. **Records.** The Applicant shall maintain clear and adequate records and documentation, in accordance with State law, the California Cannabis Track-and-Trace System, and as required by County Code Chapter 35, demonstrating that all cannabis or cannabis products have been obtained from, and are provided to, other permitted and licensed cannabis operations.

TIMING: The Applicant shall maintain the documentation for a minimum of five years following the preparation and/or approval of the documentation.

MONITORING: The Applicant shall provide the documentation for review, inspection, examination and audit by the Department.

12. **Site Transportation Demand Management Plan.** The Applicant shall implement the Site Transportation Demand Management Plan stamped "Zoning Approved".

PLAN REQUIREMENTS: The Site Transportation Demand Management Plan must comply with the requirements of the Land Use and Development Code (§ 35.42.075.D.1.j) as that section reads as of the date of project approval.

TIMING: The Applicant shall implement the Site Transportation Demand Management Plan prior to the commencement of cannabis activities. The Applicant shall maintain the project site in compliance with the Site Transportation Demand Management Plan throughout the life of the project.

MONITORING: The applicant shall demonstrate to P&D compliance staff (e.g., by providing a copy of an executed contract with a rideshare service or site inspections to verify that trip reduction features are installed onsite) that all components of the approved Site Transportation Demand Management Plan are implemented.

- 13. Transfer of Ownership.** In the event that the Applicant transfers interest in the commercial cannabis operation, the successor(s) in interest shall assume all responsibilities concerning the project including, but not limited to, maintaining compliance with the conditions of this permit and paying for P&D condition compliance activities throughout the life of the project.

DOCUMENTATION: The successor(s) in interest shall notify P&D compliance staff, in writing, of the transfer in interest, and provide the contact and billing information of the successor(s) in interest.

TIMING: The successor(s) in interest shall provide the written notification within 30 days following the transfer in interest.

MONITORING: P&D compliance staff reviews the written notification to confirm that all requisite information has been included pursuant to the requirements of this condition.
- 14. Water Efficiency for Commercial Cannabis Activities.** Water-conserving features shall be included in the design of cannabis cultivation. Water-conserving features include the following drip irrigation and evaporative barriers, such as mulch.

DOCUMENTATION: The applicant shall document water-conserving features on the Site Plan stamped "Zoning Approved".
- 15. Cannabis General Order.** The Cannabis General Order includes regulations on the use of pesticides, rodenticides, herbicides, insecticides, fungicides, disinfectants, and fertilizers. The Cannabis General Order requires that cannabis cultivators provide evidence of compliance with the State Water Resources Control Board (SWRCB) Requirements as part of their application for a California Department of Food and Agriculture cannabis cultivation license.

TIMING: The Owner/Applicant shall provide the P&D processing planner with evidence of compliance with the SWRCB Requirements prior to Zoning Clearance issuance.

MONITORING: P&D compliance staff shall ensure compliance through Business License application review and site inspections as needed in compliance with the Cannabis Policy and Cannabis General Order.
- 16. Emergency Generator.** In the event of a power failure, a generator may be used on the site to provide backup power. A generator is allowed for emergency backup electrical purposes only and shall only be continuously operated during an event of interruption of standard electrical service as provided by the local electrical utility company to the subject parcel. For diesel generators, engines shall be certified to meet EPA Tier 4 Final emissions standards. Pursuant to the manufacturer's routine maintenance recommendations, the generator may be exercised on a monthly basis for a period not to exceed 30 minutes. Timing: The exercise period shall be limited to the hours between 7:30 a.m. and 4:30 p.m., Monday–Friday only & shall not occur on State holidays (e.g., Thanksgiving, Labor Day, etc.). Non-emergency operation beyond 30 minutes per month shall be prohibited. Additionally, Air Pollution Control District (APCD) permits are required for emergency standby generator engines rated at 50 BHP (brake-horsepower) or greater unless the

equipment qualifies for an exemption based on low usage.

PLAN REQUIREMENTS: The Permittee shall restate the provisions for compliance on all building plans.

TIMING: If required, Permittee shall obtain an APCD Authority to Construct (ATC) permit prior to engine installation, and an APCD Permit to Operate (PTO) prior to engine operation. All necessary APCD permits, if required, shall be obtained prior to Final Building Inspection Clearance.

- 17. Elapsed Time Meter.** The Owner shall install, operate and properly maintain a dedicated, non-resettable elapsed-time meter on the emergency generator engine. A written record detailing the hours of operation, corresponding meter readings from the hours meter, and reason for each operation, shall be maintained and submitted to the APCD upon request.

TIMING: The time meter and particulate filter shall be installed prior to Final Building Inspection Clearance.

- 18. Odor Abatement Plan.** The Owner/Applicant shall implement the Odor Abatement Plan dated March 15, 2021. The Odor Abatement Plan must prevent odors from being experienced within residential zones as determined by the Director.

PLAN REQUIREMENTS: The Odor Abatement system shall be graphically depicted on project plans. The depicted Odor Abatement system shall conform to the Odor Abatement Plan, as reviewed, and be certified by a Professional Engineer or a Certified Industrial Hygienist.

TIMING: The Odor Abatement system shall be installed prior to the first final building inspection for electrical upgrades. The Owner/Applicant shall maintain the system throughout duration of cannabis cultivation activities.

MONITORING: P&D compliance staff shall monitor implementation prior to the first final building inspection for electrical upgrades. Permit Compliance staff has the authority to request additional measures necessary for corrective actions, provided at the cost of the Applicant, to verify compliance with the Odor Abatement Plan. Upon installation of the odor control system and quarterly thereafter for one year, Permit Compliance staff shall conduct an inspection of the odor control system to assess its compliance with the requirements of this condition and the approved Odor Abatement Plan. As part of each inspection, the County shall retain a professional engineer or certified industrial hygienist, at the applicant's expense, to certify that the Odor Abatement system, specification, operation and procedures has been installed, operating, and maintained as specified in the approved Odor Abatement Plan.

- 19. Tree Protection Plan.** The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Wildlife Movement Plan (WPP) included in the Biological Resources Assessment Addendum prepared by Althouse and Meade dated March 2021 and stamped "Zoning Approved". The TPP measures are summarized below:

- 1) Tree protection fencing, and
- 2) No irrigation shall be located within 6 feet of the dripline of any protected tree.

PLAN REQUIREMENTS: This condition shall be printed on building and grading plans.

TIMING: The requirements of this condition shall be implemented prior to the commencement of cultivation activities or construction of new buildings, whichever occurs first. The requirements of this condition shall also be implemented throughout the life of the Proposed Project, as applicable. Permit compliance staff shall conduct site inspections as needed to confirm compliance.

MONITORING: P&D permit processing planner shall check plans prior to issuance. P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the planset and as detailed in the TPP included in the Biological Resources Assessment prepared by Althouse and Meade dated March 2021 throughout the life of the project to permit compliance staff.

20. Habitat Protection Plan. The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Wildlife Movement Plan (WPP) included in the Biological Resources Assessment prepared by Althouse and Meade dated March 2021 and stamped "Zoning Approved". The HPP measures are summarized below:

- 1) Preconstruction surveys,
- 2) Site impacts away from known and potential California tiger salamander (CTS) breeding habitats,
- 3) Submit names and credentials of biologists and monitors to USFWS,
- 4) A biologist shall conduct a biological resources training program for all construction workers,
- 5) A biologist shall periodically review and monitor ground disturbing activities,
- 6) Prior to ground disturbing activities, all grading limits and construction boundaries shall be delineated,
- 7) All linear routes like roads and pipelines shall be reviewed and modified to minimize impacts to CTS,
- 8) Personnel shall limit their vehicle use to existing routes of travel,
- 9) Nighttime traffic shall be minimized during the ground disturbing phase,
- 10) Vehicle speeds shall not exceed 10 miles-per-hour within CTS habitat,
- 11) Prior to moving vehicles or equipment, personnel shall look under the vehicles or equipment for the presence of CTS,
- 12) A biologist shall conduct pre-activity surveys of CTS habitat within project disturbance boundaries immediately prior to the onset of any ground disturbance,
- 13) CTS and other wildlife species shall be allowed to vacate project areas on their

- own accord under the observation of a biologist,
- 14) Rodent burrows within the project areas that overlap CTS habitat shall be excavated by a biologist,
 - 15) Exclusionary silt fencing shall be installed at the discretion of a biologist to minimize potential for CTS to enter the worksite,
 - 16) Construction and sediment control fencing shall be inspected each workday during construction activities,
 - 17) Steep-walled excavations like trenches shall be inspected daily and immediately before backfilling,
 - 18) Open pip segments shall be capped or sealed nightly,
 - 19) If activities must occur during the rainy season, construction work shall not take place during rain events, 48 hours prior to significant rain events, or during the 48 hours after these events,
 - 20) All areas used for staging, equipment storage, stockpiling, and refueling shall be located at least 100 feet from surface water bodies and wetland habitats,
 - 21) When working in areas with a predominance of native plants, the upper layer or topsoil material shall be segregated during excavations to preserve the seed bank,
 - 22) Disturbed areas shall be restored and stabilized to reflect pre-existing contours and gradients, and
 - 23) Upon locating CTS, notification shall be made to the USFWS Ventura Field Office.

PLAN REQUIREMENTS: This condition shall be printed on building and grading plans.

TIMING: The requirements of this condition shall be implemented prior to the commencement of cultivation activities or construction of new buildings, whichever occurs first. The requirements of this condition shall also be implemented throughout the life of the Proposed Project, as applicable. Permit compliance staff shall conduct site inspections as needed to confirm compliance.

MONITORING: P&D permit processing planner shall check plans prior to issuance. P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the planset and as detailed in the HPP included in the Biological Resources Assessment prepared by Althouse and Meade dated March 2021 throughout the life of the project to permit compliance staff.

21. **Wildlife Movement Plan.** The Owner/Applicant shall implement the avoidance and minimization measures and all associated components included in the Wildlife Movement Plan (WMP) included in the Biological Resources Assessment prepared by Althouse and Meade dated March 2021 and stamped "Zoning Approved". The WMP measures are summarized below:

- 1) Plastic hoop coverings shall not fully extend to the ground, and
- 2) Proposed fencing shall be designed to prevent entry by larger animals while allowing for the passage of smaller wildlife.

PLAN REQUIREMENTS: This condition shall be printed on building and grading plans.

TIMING: The requirements of this condition shall be implemented prior to the commencement of cultivation activities or construction of new buildings, whichever occurs first. The requirements of this condition shall also be implemented throughout the life of the Proposed Project, as applicable. Permit compliance staff shall conduct site inspections as needed to confirm compliance.

MONITORING: P&D permit processing planner shall check plans prior to issuance. P&D compliance monitoring staff, as well as USFWS staff and/or CDFW staff as needed, shall monitor compliance with this condition prior to the commencement of project activities, which may include installation of fencing and lighting, or at the pre-construction meeting, or during grading and construction, and throughout the life of the project, as applicable. The Owner/Applicant shall demonstrate compliance with the measures outline above, listed in the planset and as detailed in the WMP included in the Biological Resources Assessment prepared by Althouse and Meade dated March 2021 throughout the life of the project to permit compliance staff.

County Rules and Regulations

22. **Rules-01 Effective Date-Not Appealable to the CCC.** This Conditional Use Permit shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. [LUDC §35.82.020].
23. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
24. **Rules-05 Acceptance of Conditions.** The Applicant's acceptance of this permit and/or commencement of use, construction, and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Applicant.
25. **Rules-08 Sale of Site.** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.

26. **Rules-09 Signs.** No signs of any type are approved with this action unless otherwise specified. All signs shall be permitted in compliance with the CLUDC.
27. **Rules-12 CUP Expiration.** The Owner/Applicant shall obtain the required Zoning Clearance within the 18 months following the effective date of this Conditional Use Permit. If the required Zoning Clearance is not issued within the 18 months following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35.84.030 of the County Land Use and Development Code, and an application for an extension has not been submitted to the Planning and Development Department, then Conditional Use Permit shall be considered void and of no further effect.
28. **Rules-18 CUP Revisions.** The approval by the Planning Commission of a revised Conditional Use Permit shall automatically supersede any previously approved Conditional Use Permit upon the effective date of the revised Conditional Use Permit.
29. **Rules-20 Revisions to Related Plans.** The Owner/Applicant shall request a revision for any proposed changes to approved Tree Protection, Habitat Protection, Wildlife Movement, Odor Abatement, Noise Plan, Site Transportation Demand Management, Lighting and Security and/or Site plans. Substantial conformity shall be determined by the Director of P&D.
30. **Rules-21 CUP Revisions-Change of Use.** Any change of use in the proposed structure shall be subject to appropriate environmental analysis and review by the County including Building Code compliance.
31. **Rules-22 Leased Facilities.** The Operator and Owner are responsible for complying with all of the conditions of approval contained in this Conditional Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
32. **Rules-23 Processing Fees Required.** Prior to issuance of Conditional Use Permit, the Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
33. **Rules-26 Performance Security Required.** The Owner/Applicant shall post separate performance securities, the amounts and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of landscape and irrigation. The landscape installation security shall be waived if installation is completed in conformance with applicable requirements prior to Building Final/Occupancy Approval. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities

shall be equal to the value of maintenance and/or replacement of the items listed or noted on the approved referenced plan(s) for two years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed of all approved landscape & irrigation, plans per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape & have been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved landscape and irrigation, P&D may use the security to complete the work.

- 34. Rules-29 Other Department Conditions.** Compliance with Departmental/Division letters required as follows:

 - a. Air Pollution Control District dated March 27, 2020;
 - b. Environmental Health Services Division dated March 29, 2021;
- 35. Rules-30 Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.
- 36. Rules-32 Contractor and Subcontractor Notification.** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner/Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
- 37. Rules-33 Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.
- 38. Rules-37 Time Extensions—All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.



Environmental Health Services

225 Camino del Remedio ♦ Santa Barbara, CA 93110
805/681-4900 ♦ FAX 805/681-4901

Van Do-Reynoso, MPH, PhD Director
Lars Siefert Director of Environmental Health

2125 S. Centerpointe Pkwy. #333 ♦ Santa Maria, CA 93455-1340
805/346-8460 ♦ FAX 805/346-8485

TO: Gwen Beyeler, Planner
Planning & Development Department
Development Review Division

FROM: Deanna Talerico
Environmental Health Services

DATE: March 29, 2021

SUBJECT: Case No. 19CUP-00000-00018

Project: Santa Rita Holdings

Assessor's Parcel No 099-110-060

Located at: 5423 Rancho Santa Rita Road

zoned AG-II-100

The proposed Project is a request for approval of a Conditional Use Permit to allow for a total of 2.54 acres of outdoor cannabis cultivation, including 1.88 acres under 14-ft.-tall hoop structures, 0.55 acres mature cultivation (open sun), and 0.11 acres of nursery cultivation (open sun). All cultivation will take place in raised beds in the ground or in 30-gallon pots. Hoop structures will be located at least 100 feet from the top of bank. Hoop structure coverings will be removed as needed between November and February. Irrigation will be on a timed-drip system and will utilize soil monitoring and evaporative barriers.

Hours of operation will be from 6:00 a.m. to 4:00 p.m. seven days per week. Plants will be chopped in the field, binned, and then weighed and tagged in a 120 sq. ft. shed before being loaded onto refrigerated trucks. Two other 120 sq. ft. sheds will be used for storage of pest management equipment, nutrients, and administrative records and materials and will not require electrical hook-ups. Harvested cannabis will be trucked offsite for processing, and no processing will occur onsite. Plant waste will be stored in bins that will be hauled and composted offsite. Vehicle trips generated by incoming and outgoing delivery of supplies or product will average two trips per day.

The operation will require up to three regular employees, who will either carpool to the site or live in the existing single family dwelling onsite. Aside from housing, the dwelling will not be used for any activities, including administration, related to the cannabis operation. The operation will require up to 12 temporary employees during planting and harvesting. Temporary employees will be transported to the site by a labor contractor in carpools or shuttles. There will be up to three harvests per year which will last up to three days each time.

Five 5,000 gallon water tanks, two 2,500 gallon water tanks, and one 1,500 gallon water tank will be located on site. Domestic water will continue to be provided by Vista Hills Mutual Water Company. Environmental Health Services has received and reviewed an updated Can and Will serve letter from the Vista Hills Mutual Water Company, dated August 11, 2020

Wastewater services for regular employees will be provided by an onsite wastewater treatment system (OWTS) and restrooms in the single family dwelling. The existing OWTS has been evaluated by Environmental Health Services, and the tank was recently replaced under permit in June 2020. Portable toilets and sanitation units will be provided on site for temporary employees during harvests only. Electricity will be provided by PG&E.

There is no grading proposed. Law enforcement will be provided by the County Sheriff and fire protection will be provided by County Fire. The property will be accessed off of Santa Rita Road via an existing unpaved 12-ft.-wide private driveway. The property is a 120-acre parcel zoned AG-II-100 and shown as Assessor's Parcel Number 099-110-060 located at 5423 Rancho Santa Rita Road within the Lompoc area, Fourth Supervisorial District.

The applicant has already submitted to Environmental Health Services verification of exemption and/or enrollment (NOA) for the Regional Water Quality Control Board waste discharge requirements, along with a satisfactory solid waste management plan.

Providing the Planning Commission grants approval of the applicant's request, Environmental Health Services recommends the following be included as Conditions of Approval:

1. Prior to Occupancy (or Cannabis Business License approval), the applicant shall contact Environmental Health Services Hazardous Materials Program (CUPA) staff to evaluate possible permitting requirements.



Deanna Talerico, REHS
Senior Environmental Health Specialist

March 27, 2020

Melanie Jackson
Santa Barbara County
Planning and Development
624 W. Foster Road
Santa Maria, CA 93455

Re: Santa Barbara County Air Pollution Control District Suggested Conditions for Santa Rita Holdings – Outdoor Cannabis Cultivation, 19CUP-00000-00018

Dear Melanie Jackson:

The Santa Barbara County Air Pollution Control District (District) has reviewed the referenced project, which consists of outdoor and nursery cannabis cultivation of approximately 3.89 acres with 3.39 acres in hoop structures. Manufacturing is not proposed. An existing residence would remain on site. The operation would require one to two full-time employees and an additional five to eight seasonal employees. No grading is proposed. The site does not require a new water well and will be served by municipal power. Emergency power will be provided by a backup battery system. The subject property, a 120-acre parcel zoned AG-II-100 and identified in the Assessor Parcel Map Book as APN 099-110-060, is located at 5423 Rancho Santa Rita Road in the unincorporated Lompoc area.

The District has prepared an *Advisory on Air Quality and Cannabis Operations* (available at www.ourair.org/land-use) that provides local agencies and cannabis operators guidance regarding the air quality aspects of this industry. The advisory discusses the District's regulatory limitations on odors from agricultural operations, recommendations for odor abatement, and cannabis-related operations that may require a District permit. This advisory should be carefully reviewed by the County and cannabis operator.

Air Pollution Control District staff have the following specific **advisories and recommendations** related to the proposed project:

1. Based on the project description and information that has been provided, the project does not require a District permit. However, if the project description changes, the applicant should refer to the District's cannabis permitting webpage at www.ourair.org/cannabis/ to determine if any equipment or operations will require District permits.
2. Indoor and mixed-light cultivation (e.g., greenhouses) located near residential, commercial and other sensitive receptors shall abate cannabis odors through the use of containment, ventilation, filters, control and/or deodorizing systems. Outdoor cultivation and growing operations also create strong cannabis odors, and the District recommends that such operations not be located near public locations such as residences, commercial buildings, or other sensitive receptors. The District encourages the use of buffer zones to allow for maximum odor dispersion, as well as other odor abatement strategies, to avoid nuisance odors.

Air Pollution Control District staff offers the following suggested **conditions**:

1. Odor abatement strategies shall be implemented as laid out in a comprehensive odor abatement plan to ensure that cannabis odors are not detected by nearby residential areas or sensitive receptors. All odor abatement technology shall be operated according to the manufacturer's specifications and/or as recommended by a professional engineer or certified industrial hygienist. Any changes to the odor abatement chemical/solution or odor abatement technology shall be reviewed and approved by the County.
2. The application of architectural coatings, such as paints, primers, and sealers that are applied to buildings or stationary structures, shall comply with District Rule 323.1, *Architectural Coatings* that places limits on the VOC-content of coating products

If you or the project applicant have any questions regarding these comments, please feel free to contact me at (805) 961-8878 or via email at WaddingtonE@sbcapcd.org.

Sincerely,



Emily Waddington,
Air Quality Specialist
Planning Division

cc: Jason Hillenbrand [email only]
David Harris, Manager, District Engineering Division [email only]
William Sarraf, Supervisor, District Engineering Division [email only]
Planning Chron File

ATTACHMENT C: CEQA GUIDELINES SECTIONS 15162 AND 15168(C)
CHECKLIST



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

A. Purpose

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

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

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

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

B. Project Description

Please provide the following project information.

1. Land Use Entitlement Case Number(s): 19CUP-00000-00018
2. Business Licensing Ordinance Case Number(s): _____
3. Project Applicant(s): Jason Hillenbrand, Santa Rita Holding Company
4. Property Owner(s): Hughes Land Holding Trust
5. Project Site Location and Tax Assessor Parcel Number(s): 5423 Santa Rita Road, APN 099-110-060

6. Project Description:

The Proposed Project is a request for approval of a Conditional Use Permit to allow for a total of 2.54 acres of outdoor cannabis cultivation, including 1.88 acres under 14-ft.-tall hoop structures, 0.55 acres mature cultivation (open sun), and 0.11 acres of nursery cultivation (open sun). Mature cultivation will take place in raised beds in the ground or in 30-gallon pots, and nursery cultivation will be in 4-inch to 1-gallon pots located underneath plastic coverings that will be less than 3-ft.-tall. Hoop structures will be located at least 100 feet from the top of bank. Hoop structure coverings will be removed as needed between November and February. Irrigation will be on a timed-drip system and will utilize soil monitoring and evaporative barriers.

Hours of operation will be from 6:00 a.m. to 4:00 p.m. seven days per week. Plants will be chopped in the field, binned, and then weighed and tagged outside of a 120 sq. ft. existing shed and underneath an existing 575 sq. ft. tractor shade structure that is open on all sides. Then, cannabis product will be loaded onto refrigerated trucks. During harvests, the refrigerated trucks will remain onsite for up to two days. The 120 sq. ft. shed will be used for storage of pest management equipment, nutrients, as well as administrative records and materials and will not require electrical hook-ups. Harvested cannabis will be trucked offsite for processing daily during harvests, and no processing will occur onsite. Plant waste will be stored in bins that will be hauled and composted offsite. Vehicle trips generated by incoming and outgoing delivery of supplies or product will occur on average twice daily.

The operation will require up to three regular employees, who will live in the onsite legal nonconforming 1,096 sq. ft. single family dwelling. Aside from housing, the dwelling will not be used for any activities, including administration, related to the cannabis operation. The operation will require up to 12 temporary employees during planting and harvesting. Temporary employees will be transported to the site by a labor contractor in carpools or shuttles. There will be up to three harvests per year which will last up to three days each time. There will be three parking spaces onsite for the cannabis operation and two parking spaces onsite for the single family dwelling.

All exterior light fixtures will be fully shielded, directed down, on a motion sensor, and mounted at a maximum height of 8 feet. The lights will remain illuminated for five minutes after activation. The site is not visible from any public viewing areas or public roads. The Proposed Project includes 2,780 sq. ft. of aromatic landscaping planted along the west property boundary. An 8-ft.-tall deer fence is located around the cultivation areas and will be extended in order to exclude the legal nonconforming single family dwelling and legal nonconforming storage shed, which will not be used as part of the Proposed Project, from the cultivation areas.

Five 5,000-gallon water tanks, two 2,500-gallon water tanks, and one 1,500-gallon water tank will be located onsite. Water will continue to be provided by Vista Hills Mutual Water Company. Wastewater treatment for regular employees will be provided by an existing onsite septic system and restrooms in the single family dwelling. Portable toilets and sanitation units will be provided onsite for temporary employees during harvests only. Power will be provided by PG&E and a portable generator in the case of an emergency.

There is no grading proposed. The County Sheriff will provide Law enforcement, and County Fire will provide fire protection. The property will be accessed off Santa Rita Road via an existing unpaved 12-ft.-wide private driveway. The property is a 120-acre parcel zoned AG-II-100 and shown as Assessor's Parcel Number 099-110-060 located at 2300 Santa Rita Road in the Lompoc area, Fourth Supervisorial District.

C. PEIR Mitigation Measures/Requirements for Commercial Cannabis Operations

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

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

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

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

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
Demand Management	Article II § 35-144U.1.j	If so, does the project include implementation of the required Transportation Demand Management Plan? X 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, microbusiness, and/or distribution? X Yes <input type="checkbox"/> No If so, does the project include implementation of the required odor abatement plan? X 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? X 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? X 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 X N/A If so, does the project include implementation of the required habitat protection plan? <input type="checkbox"/> Yes <input type="checkbox"/> No X N/A
	Article II § 35-144.C.8 and Appendix G	<i>Coastal.</i> Does the project involve development within environmentally sensitive habitat (ESH) and/or ESH buffers? <input type="checkbox"/> Yes <input type="checkbox"/> No <input 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 type="checkbox"/> N/A

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
MM HWR-1a. Cannabis Waste Discharge Requirements Draft General Order	LUDC § 35.42.075.D.1.d	Does the proposed project involve cannabis cultivation? X 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? X 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? X 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? X Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Cultural Resources		
MM CR-1. Preservation MM CR-2. Archaeological and Paleontological Surveys	LUDC § 35.42.075.C.1	Does the proposed project involve development within an area that has the potential for cultural resources to be located within it? X Yes <input type="checkbox"/> No
	Article II §§ 35-144U.C.1 and 35-65	If so, was a Phase I cultural study prepared? X 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 X 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 X N/A
Hazards and Hazardous Materials		
MM HAZ-3. Volatile Manufacturing Employee Training Plan	LUDC § 35.42.075.D.4.c	Does the proposed project involve volatile manufacturing of cannabis products? <input type="checkbox"/> Yes X No
	Article II § 35-144U.C.3.c	If so, does the project involve implementation of the required Volatile Manufacturing Employee Training Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No X 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	<i>See the Biological Resources items, above.</i>	

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
Order		
Land Use Impacts		
MM LU-1. Public Lands Restriction	LUDC § 35.42.075.D.1.h	Does the proposed project involve cannabis cultivation on public lands? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Article II § 35-144U.C.1.h	
MM AQ-3. Cannabis Site Transportation Demand Management	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
MM AQ-5. Odor Abatement Plan	<i>See the Air Quality and Greenhouse Gas Emissions items, above.</i>	
MM TRA-1. Payment of Transportation Impact Fees	County Ordinance No. 4270	Is the proposed project subject to the countywide, Goleta, or Orcutt development impact fee ordinance? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If so, did the 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 type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
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

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		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 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). <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.
- 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

April 12, 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

Mitigation Measure/Requirement	Code/Plan Sections*	Requirement
		<p>endangered species acts, in order to gain access to a project site;</p> <ul style="list-style-type: none"> • structural development that cannot be screened from a public viewing location pursuant to the requirements of PEIR mitigation measure MM AV-1 (Screening Requirements); or • development activities that will have a significant impact on cultural resources, which cannot be mitigated to a less-than-significant level pursuant to the County's <i>Environmental Thresholds and Guidelines Manual</i> (March 2018). <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

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

C.2.1 Environmental Document Determination

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

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

Name of Preparer of § C.2

Signature of Preparer of § C.2

Date

Attachment 1

Additional Information for the Proposed Cannabis Activity CEQA Environmental Determination

The following discussion supports the determinations made in the Checklist for the Santa Rita Cannabis Cultivation Conditional Use Permit (Proposed Project), pursuant to the requirements of the State CEQA Guidelines §§ 15168(c) and 15162. The State CEQA Guidelines §§ 15168(c)(1) and -(2) state:

(1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration. That later analysis may tier from the program EIR as provided in Section 15152.

(2) If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making that determination include, but are not limited to, consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure, as described in the program EIR.

The requirements of the State CEQA Guidelines § 15168 and 15162 are set forth below, along with an analysis of the Proposed Project with regard to these requirements. The following analysis supplements the information set forth in the State CEQA Guidelines § 15168 checklist prepared for the Proposed Project.

State CEQA Guidelines § 15168(c)(1)

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

State CEQA Guidelines § 15162

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

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.**

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

As discussed below, the Proposed Project consists of an activity the impacts of which were disclosed in, the PEIR. Outdoor cultivation is a cannabis activity that was anticipated to occur on AG-II zoned lands, such as the AG-II zoned lands which exist in the Lompoc region in which the Proposed Project site is located.

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 two other land use entitlement applications involving proposed or permitted cannabis activities located within two miles of the project site (Santa Barbara County Interactive Map for Cannabis, available at <https://sbcopad.maps.arcgis.com/apps/webappviewer/index.html?id=f287d128ab684ba4a87f1b9cf438f91>, accessed on April 12, 2020). The PEIR anticipated that certain areas in which cannabis activities historically have occurred would continue to experience cannabis activities under the Program. Furthermore, the PEIR projected the demand for cannabis cultivation that could occur under the Program (i.e., 1,126 acres of cultivation countywide), based on information that was known at the time the PEIR was prepared. The Program that was analyzed in the PEIR did not include a cap or other requirement to limit either the concentration or total amount of cannabis activities that could occur within any of the zones that were under consideration for cannabis activities (PEIR, pages 3-3, 3-5, 3-12, 3.1-19, and 3.12-26).¹ 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. 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.

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

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 hoops and cultivation will not be visible to any public viewing areas. The Lighting Plan shows that all of the exterior light fixtures will be fully shielded and downward facing. The Project site does not have any prime soils. The site location is not within the vicinity of any residential zones, however the required Odor Abatement Plan includes aromatic landscaping as a means to reduce odor impacts. No processing is included, and the project would not generate noise levels over 65 dbA at the property lines. The proposed Site Transportation Demand Management Plan explains that trips are reduced because the three regular employees will live on site in the employee dwelling. 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 no new impacts resulting from a substantial change in the Program. As stated above, the Proposed Project is an activity that was anticipated to result from the Program and, consequently, the impacts associated with the Proposed Project were disclosed in the PEIR. As such, the PEIR analysis of cumulative impacts accounted for the impacts from the Proposed Project.

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

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

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

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

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

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

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

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

As stated above, the PEIR did not assume that there would be a cap or other limitation on activities or location. Therefore, although the PEIR did not predict the specific commercial cannabis applications on the properties located on and around the Proposed Project site, the programmatic analysis was broad enough to account for this pattern of development that has resulted from the Program. Furthermore, the concentration of commercial cannabis activities will not result in a new significant impact which was not disclosed in the PEIR. The cumulative impacts associated with aesthetics and visual resources, agricultural resources, air resources (including odors), noise, and traffic resulting from the Proposed Project and other proposed projects located within proximity to the Proposed Project site were discussed in the PEIR.

The Proposed Project includes a Lighting Plan, Odor Abatement Plan, Water Efficiency Plan, Noise Site Transportation Demand Management Plan, Wildlife Movement Plan, and Tree

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 outdoor cultivation on AG-II zoned lots within the Lompoc region. As shown in Section C of the State CEQA Guidelines § 15168(c)(4) checklist that was prepared for the Proposed Project, the Proposed Project complies with the applicable mitigation measures.

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

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

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

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

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

There is no new information which was not known and could not have been known at the time the PEIR was certified that shows any mitigation measures or alternatives which are

considerably different from those analyzed in the previous EIR which would substantially reduce one or more significant effects on the environment. Further, the project applicant agrees to adopt all applicable mitigation measures as demonstrated by Section C.1 of the 15168(c)(4) Checklist hereby incorporated into this attachment.

**Attachment 2 –
Biological Resources Assessment dated August 2020**



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**REVISED BIOLOGICAL RESOURCES ASSESSMENT
CANNABIS CULTIVATION PROJECT (19CUP-00000-00019)
5423 SANTA RITA ROAD (APN 099-110-060),
SANTA BARBARA COUNTY, CALIFORNIA**



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Revised: August 14, 2020

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1.0 INTRODUCTION

This Revised Biological Resources Assessment (Revised Assessment) was prepared in support of a Conditional Use Permit application (19CUP-00000-00019) from the County of Santa Barbara (County) for the Santa Rita Holdings, LLC Cannabis Cultivation Project (Project), located at 5423 Santa Rita Road (APN 099-110-060) in Santa Barbara County, California.

The Revised Assessment has been prepared in compliance with County Ordinance 5027 and the corresponding requirements of Land Use Development Code (LUDC) §35.42.075 (Cannabis Regulations) and is also applicable to the requirements by other California resources agencies (e.g., California Department of Fish and Wildlife [CDFW], Regional Water Quality Control Board [RWQCB]), pursuant to the California Environmental Quality Act (CEQA). The investigations were completed by Storrer Environmental Services, LLC (SES).

The objectives and scope of this Revised Assessment are to 1) further identify the nature and extent of biological resources present within and in proximity to the planned cannabis cultivation area, with focus on native habitats and/or species afforded special protection by federal, state, and/or local policies and regulations; 2) recommend additional measures to minimize Project-related impacts to Environmentally Sensitive Habitat (ESH); 3) include a Tree Protection, Habitat Protection, and/or Wildlife Movement Plan, if necessary; 4) determine whether there are any site-specific impacts not generally assessed in the County’s Final Environmental Impact Report (FEIR) for the Cannabis Land Use Ordinance and Licensing Program (County 2017); and 5) address comments from the County and CDFW on the previous Biological Resources Assessment (SES 2019a).

1.1 PROJECT LOCATION & DESCRIPTION

The 120-acre parcel is located at 5423 Santa Rita Road (APN 099-110-060) in an unincorporated part of the County, approximately mid-distance between the Cities of Lompoc and Buellton (Latitude 34.674478°, Longitude -120.312899°) (Figure 1 – Site Vicinity Map). There is an unnamed ephemeral drainage that extends through the parcel from east to west.

The Project is a request on behalf of Santa Rita Holdings, LLC (Operator) to allow cannabis cultivation on approximately 6.3 acres of the property. The cultivation operations will include installation of approximately 2.3 acres of hoop houses, 0.5-acre outdoor (“open-sun”) cultivation, a 4,158 square foot nursery, two existing storage sheds (120 square feet each), security measures (e.g., fencing, lighting, and cameras), and installation of three 5,000-gallon irrigation water storage tanks (Figures 2a-2c – Site Plans).

There is existing 8-foot deer fence, comprised of 4-inch square wire mesh, in place around the majority of the proposed cultivation area (3,575 linear feet). An additional 640 linear feet of fencing is proposed for the perimeter of the outdoor cultivation area. A portion of the security fencing is currently located along the top of bank (TOB) of the ephemeral drainage. The security fencing was installed in summer 2019, per discussions with County Staff. The security fencing also prevents cattle from degrading the northern bank of the ephemeral drainage that is adjacent to the cultivation area.

Proposed lighting is ‘dark sky’ compliant. Water is provided by Vista Hills Mutual Water Company. Septic tanks are serviced by Lee and Neal Septic. Electricity for the existing residence is provided through PG&E’s solar program. PG&E will be providing electricity for security cameras and security lights, where possible. A small submersible pump that requires electricity will be used to mix nutrients in the nutrient tank for the nursery. No electricity will be used inside hoop houses. Gravity will be used to irrigate the cultivation areas via drip lines from water tanks. Fuel, agricultural chemicals, and nutrients will be stored in secondary containment in the storage sheds. The Operator has obtained a certified hauler to remove cannabis waste from the property. A covered secured bin is provided by the hauler and removed as needed.

2.0 ENVIRONMENTAL SETTING

The property is located in the Purisima Hills. The parcel is zoned agriculture (AG-II-100). The surrounding dominant land use to the south, east, and west is agriculture (i.e., vineyards or cultivated fields), but the land immediately north, east, and south of the property is undeveloped. For the purposes of this Revised Assessment, the Survey Area includes all proposed cannabis cultivation areas and associated operations areas, existing development, recently disturbed areas, the adjacent ephemeral drainage, and a nearby stock pond (Figure 3 – Survey Area Map).

Based on aerial imagery from Google Earth, a small agricultural operation limited to the open areas surrounding the residence has been active since at least 1994. In 2015 the agricultural operation expanded to the proposed hoop cultivation area in the western portion of the property. The proposed outdoor cultivation area was cleared sometime between December 2015 and June 2017. The remainder of the property is used for livestock grazing.

A deeply incised, unnamed ephemeral drainage trends westward across the parcel, adjacent to the southern boundary of the cannabis cultivation area. The drainage conveys stormwater runoff downstream through several agricultural properties, joining additional small tributaries, which eventually discharge into the Santa Ynez River approximately 5.4 miles to the southwest.

A “Known California Tiger Salamander (CTS) Breeding Pond”, designated LOAL-40 by the USFWS (2010), is located just outside of the northeast corner of the parcel (Figure 3 – Survey Area Map). The presence of CTS in LOAL-40 was confirmed by aquatic sampling during a 2019 field investigation (SES 2019b). LOAL-40 is an ephemeral stock pond that would continue to support existing nearby livestock operations, but is not on the property, nor is it a part of the proposed Project.

The Survey Area ranges in elevation from approximately 1,335 feet above mean sea level (msl) at the stock pond (i.e., LOAL-40) to 780 feet above msl at the southwestern corner. Based on review of the Web Soil Survey of the of Santa Barbara County, California, Northern Part the following two soil units are mapped in the Survey Area:

- San Andreas-Tierra Complex (SfG), 30 to 75 percent slopes. The majority of the Survey Area is comprised of the SfG soil type, including the northern portion of the lower cultivated area and the upper cultivated area. San Andreas-Tierra complex is a well-drained, fine sandy loam soil that forms on hills, overlying weathered bedrock. The parent material is residuum weathered from soft sandstone. This soil type is not considered prime farmland (NRCS 2020).

- Corralitos Sand (CtD2), 2 to 15 percent slopes, eroded. CtD2 soil type is present in the western portion of the Survey Area, including the developed area and the majority of the lower cultivated area. Corralitos sand is a somewhat excessively drained sandy soil that forms on alluvial fans, foot slopes, and treads. Parent material is sandy alluvium. Corralitos sand land is not considered prime farmland (NRCS 2020).

3.0 REGULATORY FRAMEWORK

Sensitive biological resources, including special-status plant and wildlife species, unique plant communities, wildlife corridors, nesting birds, and jurisdictional waters and wetlands, are protected under various federal, state, and local laws, regulations, and land use policies. The following sections summarize the regulations and policies administered by resource agencies pertaining to biological resources that are known to occur or have the potential to occur on the property.

3.1 FEDERAL REGULATIONS

3.1.1 Endangered Species Act (16 U.S.C. § 1531 et seq.)

The Endangered Species Act of 1973 (ESA) provides for the protection of plant and animal species listed by the federal government as “endangered” or “threatened,” and “the ecosystems upon which they depend.” The USFWS and National Marine Fisheries Service (NMFS) share responsibility for administration of the federal ESA. An “endangered” species is one that is “in danger of extinction” throughout all or a significant portion of its range. A “threatened” species is one that is “likely to become endangered” within the foreseeable future. The ESA prohibits “take” of threatened or endangered species except under certain circumstances and only with authorization from the USFWS. “Take” as defined by the ESA, “means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” This can also include the modification of a species’ habitat. For plants, this statute governs removing, possessing, maliciously damaging, or destroying any listed plant on federal land and removing, cutting, digging up, damaging, or destroying any listed plant on non-federal land in knowing violation of state law (16 U.S.C. § 1538(c)).

When non-federal entities, such as states, counties, local governments, and private landowners, wish to conduct an otherwise lawful activity that might incidentally, but not intentionally, “take” a listed species, an incidental take permit must first be obtained via formal consultation with the USFWS using one of two methods. If a federal nexus is not available, an incidental take permit (ITP) must be obtained for the project following formal consultation with the USFWS via Section 10 of the ESA (ESA § 10(a)(1)(B)).

If a federal nexus is available, then an incidental take permit may be obtained by the federal agency involved in the nexus (e.g., USACE) via Section 7 of the ESA (ESA § 7). Section 7 stipulates that any federal agency action that may affect a species listed as threatened or endangered requires a formal consultation with USFWS to ensure that the action is not likely to jeopardize the continued existence of the listed species or result in destruction or adverse modification of designated critical habitat (16 U.S.C. 1536(a)(2)). The Biological Opinion issued by the USFWS at the conclusion of the consultation may include authorization for incidental take of a listed species.

3.1.2 Clean Water Act – Section 404

The Clean Water Act (CWA) is comprehensive legislation established to protect the nation’s water from pollution by setting water quality standards and by limiting the discharge of effluents in the waters of the United States. Section 404 of the CWA regulates the discharge of dredged and/or fill material into waters of the U.S., including wetlands. Section 404 of the CWA is jointly administered and enforced by the U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA). Activities in waters of the U.S. regulated under Section 404 include dredge or fill for development, water resources projects (i.e., dams and levees), infrastructure development (i.e., highways and airports), and mining projects. With the exception of certain farming and forestry activities that are exempt from Section 404 regulation, a Section 404 permit is required before any dredged or fill material may be discharged into waters of the U.S. The Section 404 program prohibits discharge of dredged or fill material if waters of the U.S. would be significantly degraded or a practical alternative exists that is less damaging to the aquatic environment.

3.1.3 Waters of the U.S.

On April 21, 2020, the EPA and USACE published the Navigable Waters Protection Rule (2020 Rule) that defines waters of the U.S. and clarifies the limits of federal jurisdiction over wetlands, streams, and ditches under the CWA. The 2020 Rule became effective on June 22, 2020.

3.1.3.1 Jurisdictional Waters

For purposes of the Clean Water Act, 33 U.S.C. 1251 *et seq.* and its implementing regulations, the term “waters of the U.S.” means:

- (1) The territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide;
- (2) Tributaries;
- (3) Lakes and ponds, and impoundments of jurisdictional waters; and,
- (4) Adjacent wetlands.

The limit of USACE’s jurisdiction in non-tidal waters extends to the ordinary high water mark (OHWM). The term OHWM means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

The term adjacent wetlands applies to wetlands that:

- (i) Abut, meaning to touch at least at one point or side of, a water identified in paragraphs (1), (2), or (3) of this section;
- (ii) Are inundated by flooding from a water identified in paragraphs (1), (2), or (3) of this section in a typical year;

- (iii) Are physically separated from a water identified in paragraph (1), (2), or (3) of this section only by a natural berm, bank, dune, or similar natural feature; or
- (iv) Are physically separated from a water identified in paragraph (1), (2), or (3) of this section only by an artificial dike, barrier, or similar artificial structure so long as that structure allows for a direct hydrologic surface connection between the wetlands and the water identified in paragraph (1), (2), or (3) of this section in a typical year, such as through a culvert, flood or tide gate, pump, or similar artificial feature. An adjacent wetland is jurisdictional in its entirety when a road or similar artificial structure divides the wetland, as long as the structure allows for a direct hydrologic surface connection through or over that structure in a typical year.

The term “lakes and ponds, and impoundments of jurisdictional waters” means:

Standing bodies of open water that contribute surface water flow to a water identified in paragraph (1) of this section in a typical year either directly or through one or more waters identified in paragraph (2), (3), or (4) of this section. A lake, pond, or impoundment of a jurisdictional water does not lose its jurisdictional status if it contributes surface water flow to a downstream jurisdictional water in a typical year through a channelized non-jurisdictional surface water feature, through a culvert, dike, spillway, or similar artificial feature, or through a debris pile, boulder field, or similar natural feature. A lake or pond, or impoundment of a jurisdictional water is also jurisdictional if it is inundated by flooding from a water identified in paragraph (1), (2), or (3) of this section in a typical year.

3.1.3.2 Non-jurisdictional Waters

Per the 2020 Rule, the following are not “waters of the U.S.”:

- (1) Waters or water features that are not identified in paragraphs (1), (2), (3), or (4) of the previous section;
- (2) Groundwater, including groundwater drained through subsurface drainage systems;
- (3) Ephemeral features, including ephemeral streams, swales, gullies, rills, and pools;
- (4) Diffuse stormwater run-off and directional sheet flow over upland;
- (5) Ditches that are not waters identified in paragraphs (1) or (2) of the previous section, and those portions of ditches constructed in waters identified in paragraph (4) of the previous section that do not satisfy the definitions of adjacent wetlands;
- (6) Prior converted cropland;
- (7) Artificially irrigated areas, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease;
- (8) Artificial lakes and ponds, including water storage reservoirs and farm, irrigation, stock watering, and log cleaning ponds, constructed or excavated in upland or in non-jurisdictional waters, so long as those artificial lakes and ponds are not impoundments of jurisdictional waters;

- (9) Water-filled depressions constructed or excavated in upland or in non-jurisdictional waters incidental to mining or construction activity, and pits excavated in upland or in non-jurisdictional waters for the purpose of obtaining fill, sand, or gravel;
- (10) Stormwater control features constructed or excavated in upland or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater run-off;
- (11) Groundwater recharge, water reuse, and wastewater recycling structures, including detention, retention, and infiltration basins and ponds, constructed or excavated in upland or in non-jurisdictional waters; and,
- (12) Waste treatment systems.

3.2 STATE REGULATIONS

3.2.1 California Endangered Species Act (California Fish and Game Code § 2050, et seq.)

Fish and wildlife resources are protected by a number of laws and programs administered by the CDFW, formerly the California Department of Fish and Game. The California Endangered Species Act (CESA) generally parallels the provisions of the federal ESA, and states that “all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved.”

Under the CESA, “endangered” is defined as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range;” and “threatened” is defined as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts.” “Take” is defined as “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill” an individual of a species, but the definition does not include “harm” or “harass,” as the ESA does. As a result, the threshold for a take under the CESA is higher than that under the federal ESA. Exceptions to the take prohibition are limited to authorization of collection for “necessary scientific research”.

Consistent with the CESA, CDFW has established lists of endangered, threatened, and candidate species that may or may not be included on a federal ESA list. CDFW also maintains a list of Species of Special Concern for those species that have declining populations, limited distribution, diminishing habitat, or unusual scientific, educational, or recreational value. In addition, CDFW manages a “watch list” of species that have been de-listed or are vulnerable. Species of Special concern and watch list species are not afforded the same legal protection as listed species.

Pursuant to California Fish and Game Code Section 2081, CESA allows for incidental take permits to otherwise lawful development projects that could result in the take of a state-listed threatened or endangered species. The application for an incidental take permit under Section 2081(b) has a number of requirements including the preparation of a conservation plan, generally referred to as a Habitat Conservation Plan. CESA emphasizes early consultation to avoid potential impacts to rare, endangered, and threatened species and to develop appropriate mitigation planning to offset project-caused losses of listed species.

3.2.2 Native Plant Protection Act (California Fish and Game Code §§ 1900 - 1913, § 2062 and § 2067)

The CDFW also manages the California Native Plant Protection Act (NPPA), which designates and protects species eligible for state listing. Eligible species include those identified on California Native Plant Society (CNPS) Rare Plant Ranks (CRPRs) 1A, 1B, and 2 meet the definitions of Sections 1901, Chapter 10 (NPPA) or Sections 2062 and 2067 (CESA) of the California Fish and Game Code. CRPR 3 and 4 species, though not meeting the criteria for listing by CDFW, may be considered during project review by the agencies.

3.2.3 Clean Water Act – Section 401

The CWA Section 401 Water Quality Certification (Section 401 Certification) provides states and authorized tribes an opportunity to address the aquatic resource impacts of federally issued permits and licenses, to help protect water quality. Under Section 401 of the CWA, any applicant for a federal license or permit to conduct any activity that may result in any discharge into waters of the U.S. must obtain a Section 401 Certification from the State Water Resources Control Board (SWRCB) that the proposed activity will comply with state water quality standards. In California, Section 401 Certifications are issued by Regional Water Quality Control Boards (RWQCB) located throughout the state. The Central Coast RWQCB issues Section 401 Certifications for projects in the County. The federal CWA Section 404 permit is dependent on and subject to the terms of the Section 401 Certification. Therefore, under Section 401, a federal agency cannot issue a permit or license for an activity that may result in discharge into waters of the U.S. until the RWQCB has granted or waived the Section 401 Certification. Section 401 Certification is limited to federally jurisdictional waters and wetlands. In response to the federal 2020 Rule, SWRCB has adopted a new policy effective on May 28, 2020.

3.2.3.1 Waters of the State

California Code of Regulations, title 23, section 3831(w) states that “all waters of the United States are also ‘waters of the state.’” This regulation has remained in effect despite federal decisions which added limitations to what could be considered a water of the U.S. Therefore, the regulation reflects the SWRCB’s intent to include a broad interpretation of waters of the U.S. into the definition of waters of the state. Waters of the state includes features that have been determined by the EPA or the USACE to be “waters of the U.S.” in an approved jurisdictional determination; “waters of the U.S.” identified in an aquatic resource report certified by the USACE upon which a permitting decision was based; and features that are consistent with any current or historic final judicial interpretation of “waters of the U.S.” or any current or historic federal regulation defining “waters of the U.S.”

Because the interpretation of waters of the U.S. in place at the time section 3831(w) was adopted was broader than subsequent definitions (including the 2020 Rule) that incorporated more limitations into the scope of federal jurisdiction, it is consistent with the SWRCB’s intent to include both historic and current definitions of waters of the U.S. into the SWRCB’s wetland jurisdictional framework. Further, a wetland will continue to be protected when it has been regulated in the past as a water of the U.S. regardless of any subsequent changes in federal regulations. The inclusion of both current and historic definitions of “waters of the U.S.” will help ensure some regulatory stability in an area that has otherwise been in flux. Like the other

categories of the SWRCB's wetland jurisdictional framework, the status as a water of the U. S. may only be used to establish that a wetland qualifies as a water of the state; it cannot be used to exclude a wetland from qualifying as a water of the state. In other words, wetlands that are categorically excluded from qualifying as a water of the U.S. may nevertheless qualify as waters of the state under another jurisdictional category.

The SWRCB generally excludes certain areas and activities from the application procedures in order to better align the SWRCB's dredge or fill program with the federal CWA section 404 program. Activities and areas excluded from the procedures include:

- (1) Normal farming, ranching, and silviculture activities; constructing and maintaining stock or farm ponds and irrigation ditches; constructing or maintaining farm, forest, or mining roads; maintaining or reconstructing structures that are currently serviceable; and constructing temporary sediment basins for construction;
- (2) Suction dredge mining;
- (3) Routine emergency operation and maintenance activities;
- (4) Prior converted cropland that was cleared, drained, or otherwise manipulated for cropland use prior to December 23, 1985;
- (5) Fields used for rice cultivation; and,
- (6) Features used for agricultural purposes (e.g., stock ponds, irrigation ditches, etc.).

3.2.4 SWRCB Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation (Attachment A)

The SWRCB has adopted “General Requirements and Prohibitions” with respect to cannabis cultivation. Among these are “minimum riparian setbacks” measured from the edge of the wetland as determined by a qualified professional familiar with the USACE Wetlands Delineation Manual. Prescribed setbacks for cannabis cultivation and support facilities (e.g., materials/vehicle storage, pumps, water storage tanks) are as follows:

- Perennial watercourses (e.g. lakes, ponds, springs): 150 feet;
- Intermittent watercourses or wetlands: 100 feet;
- Ephemeral watercourses: 50 feet; and,
- Man-made irrigation canals and reservoirs: limits of riparian vegetation zone.

The SWRCB guidelines also include requirements for cleanup, restoration, and mitigation for impacts to riparian vegetation and/or oak trees. A revegetation plan may be required for impacts to these habitat types resulting from cannabis operations.

3.2.5 California Code of Regulations, Title 14, Section 722 – General Lake or Streambed Alteration Agreement or Activities Related to Cannabis Cultivation (General Agreement)

The California Department of Fish and Wildlife (CDFW) requires a General Agreement under the referenced statute for “construction, reconstruction or repair of stream crossings in the form of a bridge, culvert, or rock ford, and water diversion on non-fish rivers streams and lakes that are used or will be used for the purpose of cannabis cultivation, each a “covered activity””.

3.3 LOCAL LAND USE POLICIES

3.3.1 County Stream and Riparian Habitat Protection

The Environmental Thresholds and Guidelines Manual (County 2008) defines riparian habitat as 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 as springs or seeps. This habitat can also occur along arroyos and barrancas, and other types of drainages throughout the County”.

County-prescribed setbacks (i.e., buffer areas) from the outer (upland) edge of the riparian canopy, or the top-of-bank of the water body in the absence of riparian vegetation, are 50 feet in urban areas, and 100 feet in rural areas. Intrusion within the buffer areas for riparian habitats and streams may be considered significant.

Per the Hoop Structures Ordinance Amendment (Case No. 17ORD-00000-00005) to the County LUDC (County 2019), the following setbacks apply for cannabis projects on agriculturally zoned land:

- Within the Urban, Inner Rural, and Existing Developed Rural Neighborhood (EDRN) areas hoop structures and shade structures shall be setback 50 feet from the top-of-bank or edge of riparian vegetation of streams and creeks, whichever is more protective of the resource.
- Within the Rural areas hoop structures and shade structures shall be setback 100 feet from the top-of-bank or edge of riparian vegetation of streams and creeks, whichever is more protective of the resource.

3.3.2 Oak Tree Protection

The County’s Standard Conditions and Mitigation Measures (County 2011) require that grading, trenching, ground disturbance, construction activities and structural development occur beyond six feet of the dripline of all oak trees. Mitigation for impacted coast live oak trees requires posting of a performance security and tree replacement at a 10:1 ratio, preferably on-site (County 2019).

3.3.3 California Environmental Quality Act (CEQA)

This Revised Assessment is intended to support County review of the proposed Project. The adopted County-wide Programmatic FEIR for the Cannabis Land Use Ordinance and Licensing Program (County 2017) generally covers individual cannabis projects when the EIR CEQA analysis applies. The guidelines for determining CEQA significance are followed in this Revised Assessment. The following threshold criteria, as defined by the CEQA Guidelines Appendix G Initial Study Checklist, were used to evaluate potential effects to biological resources. Based on these criteria, the proposed Project would have a significant effect on biological resources if it would:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies, or regulations, or by the*

California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS).

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS.*
- c) Have a substantial adverse effect on State or federally protected wetlands (including marsh, vernal pool, and coastal areas) through direct removal, filling, hydrological interruption, or other means.*
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.*
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.*
- f) Conflict with the provisions of an adopted habitat Conservation plan, natural community conservation Plan, or other approved local, regional or state habitat conservation plan.*

In addition, based on the following County-adopted CEQA thresholds from the County's Environmental Thresholds and Guidelines Manual (County 2008) the Project would have a significant effect on biological resources if it would:

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

3.3.4 County Land Use Development Code (LUDC) §35.42.075

The County LUDC provides development standards, permit requirements, and procedures for commercial cannabis activities (County 2019). As summarized in Appendix J: Cannabis Activities Additional Standards of the LUDC, the following measures are to be implemented to protect biological resources, if present.

A. Tree Protection Plan

- A.1. The 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 County Planning and Development Department (Department) a Tree Protection Plan prepared by a Department-approved arborist designed to determine whether avoidance, minimization, or compensatory measures are necessary.

B. Habitat Protection Plan

- B.1. The Applicant for a land use entitlement for a cannabis activity that would involve clearing of native vegetation or other sensitive 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, shall prepare and submit a Habitat Protection Plan prepared by a Department-approved biologist, in coordination with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) as required for State or Federal permits and State or Federally listed species, designed to determine whether avoidance, minimization, or compensatory measures are necessary.
- B.3. If the project site is located within the known habitat of a species listed as rare, threatened, or endangered by the USFWS and/or CDFW, the issuance of a permit does not relieve the permit-holder of any duties, obligations, or responsibilities under the Endangered Species Act or any other law.

C. Wildlife Movement Plan

- C.1. The Applicant shall prepare a Wildlife Movement Plan for all commercial cannabis activities proposed in or near wildlife movement areas for the Department's review and approval. A Department-approved biologist shall review the Plan and confirm the adequacy of design for passage of smaller wildlife and safe prevention of entry by larger mammals, such as deer. The Applicant shall demonstrate to the Department that all perimeter fencing requirements are in place as required prior to commencement of cannabis activities.

4.0 METHODS

4.1 BACKGROUND REVIEW

Prior to the field surveys, SES reviewed available public domain information including the NRCS Web Soil Survey of Northern Santa Barbara County, California (NRCS 2020), USGS CA 7.5-minute quadrangle maps (CNDDDB 2020), the National Hydrography Dataset (NHD) (USGS 2020), National Wetlands Inventory (USFWS 2020), California Natural Diversity Data Base (CDFW 2020), and weather data. The CNDDDB query provided locations of special-status plant populations, sensitive natural communities, and special-status wildlife documented within a 5-mile radius of the parcel.

4.2 FIELD METHODOLOGY

Biological field investigations included pedestrian surveys of the Survey Area to facilitate mapping of primary vegetation types, documentation of dominant plant species and wildlife, delineation of the limits of ESH, and a spring botanical survey. Mapping of jurisdictional limits and the vegetation sampling points were performed in the field using an iPad tablet with ArcCollector and an EOS Arrow 100 Global Navigation Satellite System (GNSS) receiver. Table 1 provides a summary of survey types, dates, and field personnel.

Table 1 – Biological Surveys Conducted in 2019 and 2020

Type of Survey	Date	Field Personnel	Area Surveyed ¹
Botanical Survey Wildlife Survey ESH/Vegetation Mapping Aquatic Sampling of LOAL-40	April 9, 2019	John Storrer Justine Cooper	Survey Area and stock pond (LOAL-40) ¹ (Approximately 28 acres)
Botanical Survey Wildlife Survey Fence Line Mapping	February 5, 2020	John Storrer Jessica Peak	Existing/Proposed Fenced Areas (Approximately 7 acres)
Spring Botanical Survey CNPS Vegetation Rapid Assessment Forms	May 28, 2020	Jessica Peak	Survey Area, excluding stock pond (LOAL-40) (Approximately 28 acres)

¹See Figure 3 for extent of Survey Area and location of LOAL-40 relative to Project features.

4.2.1 Botanical Surveys

The field investigations included mapping and documentation of primary vegetation types using CDFW-CNPS protocol for Vegetation Rapid Assessment, when applicable (Appendix B – CNPS Vegetation Rapid Assessment Forms). Descriptions of vegetation communities are adapted from *A Manual of California Vegetation, Second Edition* (MV-II) (Sawyer et al. 2009) and *A Manual of California Vegetation Online* (CNPS 2020a). Nomenclature for plant species follows *The Jepson Manual, Second Edition* (Baldwin et al. 2012) and *Jepson eFlora* (Jepson 2020). Vegetation Rapid Assessment Forms were completed at one location for each vegetation community in the Survey Area that meets, or could be adapted to meet, the MV-II classification system (VEG-01 through VEG-04) (Figure 4 – Vegetation Communities & Land Use Types). Vegetation communities and land use types are discussed in detail in Section 5.2 below.

The May 28, 2020 survey was conducted during the appropriate blooming period to detect and identify special-status plant species that have the potential to occur in the Survey Area (e.g., mesa horkelia, black-flowered figwort, etc.). The spring survey was performed by walking through the vegetated areas of the Survey Area to determine whether sensitive plants were present.

4.2.2 Wildlife Surveys

The evaluation of wildlife use of the property was made in part through field reconnaissance, but was also based on habitat suitability within the Survey Area and known occurrence of various species in the Project vicinity. Wildlife species that were observed or detected via vocalizations were recorded. Habitat conditions and current status of special-status wildlife species, were a particular focus of the wildlife surveys. Potential for nesting, roosting, or foraging by sensitive bird species and various raptors was also assessed.

4.2.3 Delineation of Jurisdictional Limits

The jurisdictional limits of ephemeral drainage in the Survey Area were determined. The extent of the TOB of the creek was mapped using an iPad tablet with ArcCollector and an EOS Arrow 100 High Accuracy GNSS receiver (Figures 3 and 5).

4.2.3.1 Waters of the U.S.

Pursuant to Section 401 of the Clean Water Act (CWA), the limit of U.S. Army Corps of Engineers (USACE) jurisdiction in non-tidal waters extends to the OHWM and includes all adjacent wetlands. The OHWM is an element used to identify the lateral limits of non-wetland waters based on stream geomorphology and vegetation response to the dominant stream discharge (Lichvar and McColley 2008). Per the 2020 Rule, ephemeral features are not considered Waters of the U.S., which means the ephemeral drainage in the Survey Area is not under USACE jurisdiction.

4.2.3.2 CDFW Streambed

Pursuant to Section 1600 *et seq.* of the California Fish and Game code, the extent of California Department of Fish and Wildlife (CDFW) jurisdiction was determined based on presence of a defined physical bed, bank, and channel. CDFW jurisdiction extends to the TOB or the edge of riparian vegetation, whichever is further.

4.2.3.3 Waters of the State

Per the California Code of Regulations, title 23, section 3831(w), the SWRCB considers ephemeral watercourses to be jurisdictional. The SWRCB jurisdiction extends to the TOB or the edge of riparian vegetation, whichever is further.

4.2.3.4 County Streams

The County considers streams and associated riparian habitat important biological resources. Similar to the CDFW streambed jurisdiction described above, the County jurisdiction was determined based on presence of a defined physical bed, bank, and channel. County jurisdiction extends to the TOB or the edge of riparian vegetation, whichever is further.

5.0 RESULTS

5.1 HYDROLOGY

An unnamed ephemeral drainage trends westward across the parcel, adjacent to the southern boundary of the cannabis cultivation area (Figure 3 – Survey Area Map). The upper reach of the drainage has limited erosion and directs overland flow through coast live oak woodland and California sagebrush scrub habitats. The lower portion of the drainage becomes deeply incised south of the existing ranch road (Appendix A – Site Photographs). The drainage conveys stormwater runoff through a 48-inch culvert at the entrance driveway, downstream through several agricultural properties, and joins additional small tributaries, all of which eventually discharge into the Santa Ynez River approximately 5.4 miles to the southwest (USGS 2020). Streamflow appears to be episodic and when present, surface flow likely percolates into the groundwater table before it reaches the river. Santa Rosa Creek is 1.0 mile east of the property, but there appears to be no connectivity between the drainage in the Survey Area and Santa Rosa Creek.

The upper portion of the drainage sheet flows across an existing ranch road that provides access to the eastern portion of the property and the stock pond (LOAL-40). Erosion features (i.e. rilling) along on the ranch road and sediment washout at the base of the road indicate that overland flow

from both the drainage and the road contribute to the incised portion of the watercourse (Appendix A – Site Photographs).

The near-vertical banks of the lower reach of the drainage rise to about 20-40 feet above the sandy channel bottom. The drainage supports coast live oak trees and California sagebrush scrub habitats, but has little riparian vegetation (i.e., scattered arroyo willow and mulefat near the culvert and entrance). No surface flow was present during any of the field surveys.

As mentioned above, there is an ephemeral stock pond near the northwest corner of the property (LOAL-40) (Appendix A – Site Photographs). This is a man-made, “push-up” pond with a perimeter berm rising 8-10 feet above the surface of the water. There is no connectivity between the stock pond and the ephemeral drainage that is described above. The pond was roughly rectangular in shape, measuring 105 x 75 feet and had a maximum depth of about 3 feet at the time of the April 9, 2019 survey.

5.2 VEGETATION COMMUNITIES & LAND USE TYPES

There are six (6) vegetation communities and land use types present in the Survey Area: coast live oak woodland, California sagebrush scrub, wild oats and annual brome grassland, ruderal/disturbed habitat, ornamental trees, and active agriculture. A CNPS Vegetation Rapid Assessment Form was completed for each vegetation community that meets, or can be adapted to meet, the MV-II classification system (CNPS 2016) (Appendix B).

Vegetation communities were mapped based on field observations using aerial imagery. Representative photographs are provided in Appendix A. Vegetation communities and land use types present in the Survey Area are summarized in Table 2 and the distribution of these communities is illustrated in Figure 4 – Vegetation Communities & Land Use Types.

Table 2 – Summary of Vegetation Communities & Land Use Types in the Survey Area

Vegetation Alliance/Land Use Type ¹	Vegetation Association ¹	Listing Status/ Rarity Ranking ³	Area in Survey Area (acres)
Sensitive Vegetation Communities & Individual Native Trees			
Coast Live Oak Woodland/Trees <i>Quercus agrifolia</i> Woodland Alliance	<i>Quercus agrifolia</i> – <i>Toxicodendron</i> <i>diversilobum</i> – Grass	Protected by County/ State policies G5, S4	3.73
Native Vegetation Community			
California Sagebrush Scrub <i>Artemisia californica</i> Shrubland Alliance	<i>Artemisia californica</i> – <i>Acmispon glaber</i>	G5, S5	15.42
Non-native Vegetation Communities			
Wild Oats and Annual Brome Grassland <i>Avena</i> sp. – <i>Bromus</i> sp. Herbaceous Alliance	<i>Bromus diandrus</i> -Mixed herbs	N/A	0.32
Other Land Use Types			
Active Agriculture/Tilled Area ²	N/A	N/A	2.34
Ornamental Trees ²	N/A	N/A	0.48
Ruderal/Disturbed ²	N/A	N/A	5.13

¹ Vegetation Alliances and Associations follow *A Manual of California Vegetation Online* (MV-II) (CNPS 2020a), where applicable.

² Not a recognized community in MV-II.

³ Listing Status/ Rarity Ranking Notes:

Global/State rarity rankings follow the CDFW California Natural Communities List (CDFW 2019). Natural communities with ranks 1-3 are considered sensitive.

G1/S1 – Critically imperiled. At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.

G2/S2 – Imperiled. At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.

G3/S3 – Vulnerable. At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.

G4/S4 – Apparently Secure. Uncommon but not rare; some cause for long-term concern due to declines or other factors.

G5/S5 – Demonstrably Secure. Common; widespread and abundant.

5.2.1 Coast Live Oak Woodland (*Quercus agrifolia* Woodland Alliance)

Coast live oak (*Quercus agrifolia*) is a drought-resistant evergreen tree ranging from 20 to 80 feet in height, with massive spreading branches and a dense canopy of thick, waxy leaves. Coast live oaks are a long-lived species and can survive for 300 years or more. Although seemingly ubiquitous on the central coast of California, coast live oak woodlands are limited in distribution to a 50-mile wide swath along the coast from Mendocino County to northern Baja California and are absent from the interior ranges and Sierra Nevada. Coast live oak woodland is considered an ESH by the County and individual oak trees are protected per County regulations.

This community is dominated by coast live oak trees. The understory consists of a mix of shrubs and herbaceous species characteristic of oak woodlands in the region. These include poison oak (*Toxicodendron diversilobum*), annual grasses (ripgut brome [*Bromus diandrus*], barley [*Hordeum murinum*], Italian rye [*Festuca perennis*], and wild oats [*Avena fatua*]), Douglas' nightshade (*Solanum douglasii*), snowberry (*Symphoricarpos albus*), climbing penstemon (*Keckiella cordifolia*), chickweed (*Stellaria media*), hummingbird sage (*Salvia spathacea*), fiesta flower (*Pholistoma auritum*), and bracken fern (*Pteridium aquilinum*) (see Appendix B – CNPS Vegetation Rapid Assessment Form VEG-04).

5.2.2 California Sagebrush Scrub (*Artemisia californica* Shrubland Alliance)

California sagebrush scrub is the most prevalent vegetation type within the Survey Area (Figure 4 – Vegetation Communities & Land Use Types; Appendix A – Site Photographs). This community is dominated by California sagebrush (*Artemisia californica*) and deerweed (*Acmispon glaber*). There were also frequent expressions of California bush sunflower (*Encelia californica*), black sage (*Salvia mellifera*), poison oak, coyote brush (*Baccharis pilularis* var. *consanguinea*), toyon (*Heteromeles arbutifolia*), giant wild rye (*Leymus condensatus*), California buckwheat (*Eriogonum fasciculatum*), mock heather (*Ericameria ericoides*), elderberry (*Sambucus nigra* ssp. *caerulea*), redberry (*Rhamnus crocea*), bush lupine (*Lupinus arboreus*), purple owl's clover (*Castilleja exserta*), and blue dicks (Dipterostemon [*Dichelostemma*] *capitatum*) (see Appendix B – CNPS Vegetation Rapid Assessment Form VEG-03).

Approximately two acres of this vegetation type had been recently cleared during the April 9, 2019 survey in an area not proposed for cannabis cultivation (Appendix A – Site Photographs). The

California sagebrush scrub habitat had reestablished in this area by the May 28, 2020 survey and was dominated by bush lupine, deerweed, and mock heather (Appendix A – Site Photographs).

5.2.3 Wild Oats and Annual Brome Grasslands (*Avena* sp. – *Bromus* sp. Herbaceous Alliance)

Wild oats and annual brome grassland were observed in the Survey Area around the coast live oak woodland in the northwest portion of the Survey Area. Grassland habitat was also present around the stock pond, outside of the parcel. This community is dominated by ripgut brome and other annual grasses including wild oats, barley, Italian rye, and soft chess (*Bromus hordeaceus*). Spanish clover (*Acemison americanus*), tocalote (*Centaurea melitensis*), and greenstem filaree (*Erodium moschatum*) were also noted. This community most closely aligns with the *Bromus diandrus*-Mixed Herbs Association in MV-II (see Appendix B – CNPS Vegetation Rapid Assessment Form VEG-02).

5.2.4 Ornamental Trees

There are ornamental trees around the house and barn, including Monterey cypress (*Hesperocyparis macrocarpa*), red gum (*Eucalyptus camaldulensis*), and Peruvian peppertree (*Schinus molle*) (Figure 4 – Vegetation Communities & Land Use Types; Appendix A – Site Photographs). This vegetation type is not a recognized community in MV-II, as it consists of species not native to the region that have been planted and/or exotic species that typically don't occur in the natural landscape outside of urban areas.

5.2.5 Ruderal/Disturbed

Ruderal/disturbed habitat is present in cleared areas, along the access roads, edges of agricultural areas, and around existing structures (Figure 4 – Vegetation Communities & Land Use Types; Appendix A – Site Photographs). This vegetation type is not a recognized community in MV-II, as it consists of species not native to the region that have become naturalized and widespread in disturbed areas (see Appendix B – CNPS Vegetation Rapid Assessment Form VEG-01).

Ruderal (i.e., disturbance adapted) plant species recorded in this community include annual grasses (e.g., bromes, wild oats, barley, Italian rye, etc.), as well as a variety of weedy forbs: greenstem filaree, cheeseweed (*Malva parviflora*), poison hemlock (*Conium maculatum*), summer mustard (*Hirschfeldia incana*), black mustard (*Brassica nigra*), Italian thistle (*Carduus pycnocephalus*), bur clover (*Medicago polymorpha*), Bermuda buttercup (*Oxalis pes-caprae*), wild radish (*Raphanus sativus*), and milk thistle (*Silybum marianum*).

5.2.6 Active Agriculture

The proposed cannabis cultivation areas (hoops and outdoor) are within areas recently used for agricultural purposes (i.e., cultivated within the last 3 to 5 years). The agricultural areas were not in production at the time of the field surveys. Ruderal plant species (e.g., cheeseweed, annual grasses, wild radish, black mustard, etc.) were observed along the edges of agricultural areas and in locations that had been left fallow. Approximately 2.3 acres of the existing agriculture had been tilled at the time of the May 28, 2020 survey (Figure 4 – Vegetation Communities & Land Use Types; Appendix A – Site Photographs). This is the location proposed for hoops.

5.3 GENERAL WILDLIFE HABITAT

The oak woodland and coastal scrub habitats that dominate the 120-acre parcel provide moderate to high value habitat for terrestrial wildlife. The existing and proposed fence lines surrounding the cultivation areas are made of 4-inch square wire mesh, which excludes most terrestrial wildlife that could damage the crops (e.g., deer, raccoon, brush rabbit, etc.), but the spacing is large enough to allow reptiles, amphibians, and small mammals (e.g., snake, lizard, salamander, frog, mice, gophers, etc.) to traverse through the fence without harm. There are no other fences or barriers within the property that would inhibit wildlife movement and wildlife would be able to pass through the property around all sides of the fencing.

Bird species typical of oak woodland and coastal scrub habitats were observed during the field surveys. These included red-tailed hawk (*Buteo jamaicensis*), black phoebe (*Sayornis nigricans*), barn swallow, raven (*Corvus corax*), song sparrow (*Melospiza melodia*), house finch (*Carpodacus mexicanus*), and yellow-rumped warbler (*Dendroica coronata*). Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), a California Species of Special Concern was observed in the northeastern corner of the parcel.

The stock pond near the northeastern portion of the parcel is attractive to wildlife when water is present. The pond was surveyed for amphibian larvae in April 2019 and two species were found: California tiger salamander (*Ambystoma californiense*), a federally and state-listed endangered species, and Baja California treefrog (*Pseudacris hypochondriaca*).

Because of its poorly developed habitat and narrow channel width, the drainage provides limited dispersal and migration potential for upland wildlife (e.g., raccoon, gray fox, bobcat). In addition, its ephemeral character precludes habitation and breeding by aquatic and semi-aquatic wildlife. The high quality of the surrounding oak woodland and scrub habitats and lack of fences and structures outside of the cultivation areas allows unrestricted movement by large wildlife species across the landscape. These species include mule deer (*Odocoileus hemionus*), black bear (*Ursus americanus*), and mountain lion (*Felis concolor*).

5.4 SPECIAL-STATUS PLANTS AND WILDLIFE SPECIES

Special-status species and habitats include plant and wildlife taxa, vegetation communities, or other unique biological features that are afforded special protection by local land use policies and/or state and federal regulations. Vegetation communities may warrant special status if they are of limited distribution, support protected plants and animals, have high wildlife value, or are particularly vulnerable to disturbance. Special-status plant and animal species are those that are listed as rare, threatened, or endangered under the state and/or federal Endangered Species Acts or those that appear on various “watch lists” compiled by academic institutions, conservation organizations, and wildlife agencies. These include the CNDDDB lists of “*Special Animals*” and “*Special Plants*” (CNDDDB 2020), CNPS Inventory of Rare and Endangered Vascular Plants of California (CNPS 2020b), “*California Bird Species of Special Concern*” (Shuford and Gardali 2008), “*Amphibian and Reptile Species of Special Concern in California*” (Jennings and Hayes 1994), and “*Terrestrial Mammal Species of Special Concern in California*” (CDFG 1998).

Ten (10) special-status plant species, eleven (11) special-status wildlife species, and three (3) special-status community are documented (i.e., are tracked by the CNDDDB) within a 5-mile radius

of the parcel. The likelihood for special-status plant and wildlife species to occur within the Survey Area was evaluated as part of this Revised Assessment.

Species or communities dependent on coastal habitats (e.g., seaside bird's-beak, dune larkspur, southern curly-leaved monardella) or perennial water sources (e.g., unarmored threespine stickleback, southern California steelhead, southern California steelhead stream) are excluded from consideration in Table 3 due to the lack of suitable aquatic habitat in the Survey Area. The remaining two special-status communities, southern cottonwood willow riparian forest and southern willow scrub, are also excluded from consideration in Table 3 due to a lack of developed riparian habitat associated with the drainage.

Table 3 lists special status plants and animals that have a reasonable possibility to occur in the Survey Area or were observed during field surveys. The assessment is based on habitat suitability, elevation and geographic range, soils, topography, surrounding land uses, and proximity of known occurrences in the CNDDDB database to the Survey Area. The likelihood for special-status species to occur within the Survey Area was assessed using information from the various listed sources and wildlife and botanical surveys. Narratives are provided for species for which there are land use planning and regulatory implications.

Table 3. Special-status Plant and Wildlife Species Occurrences Documented within a 5-mile Radius

Common Name Scientific Name (Arranged alphabetically by scientific name)	Listing Status*	Habitat Requirements/Habitat Affinity	Suitable Habitat Present in Survey Area (Y/N)	Likelihood for Occurrence within Survey Area
Plants				
Santa Ynez groundstar <i>Ancistrocarphus keilii</i>	CRPR 1B.1 G1, S1	Sandy soils in chaparral bordering oak woodland, under shrubs. Elevation range: 100 – 450 feet. Blooming period: March – April.	Yes	Sandy soils and oak woodland habitat are present in the Survey Area; however, Santa Ynez groundstar was not observed during April 2019 and May 2020 field surveys. The only documented occurrence of this species is from 1925 the Santa Ynez River drainage, somewhere between Buellton and Lompoc in the vicinity of Highway 246 (CNDDDB 2020). Santa Ynez groundstar is not expected to occur in the Survey Area.
La Purisima manzanita <i>Arctostaphylos purissima</i>	CRPR 1B.1 G2, S2	Sandstone outcrops, sandy soils, and chaparral. Elevation range: 0 –1,000 feet. Blooming period: January – March.	No	Although sandy soils are present in the Survey Area, chaparral habitat is not. La Purissima and sand mesa manzanita are evergreen shrubs that would have been identifiable during the field surveys – no manzanita were observed during field surveys. Manzanita species are not expected to occur in the Survey Area.
sand mesa manzanita <i>Arctostaphylos rudis</i>	CRPR 1B.2 G2, S2	Sandy soils and chaparral. Elevation range: 0 –1,300 feet. Blooming period: November – February.	No	
Miles' milk-vetch <i>Astragalus didymocarpus</i> var. <i>milesianus</i>	CRPR 1B.2 G5, S2	Grassy areas in coastal scrub and clay soils. Elevation range: 0 –1,350 feet. Blooming period: March – May.	No	Although California sagebrush scrub is present throughout the Survey Area, the soils are sandy and not suitable for Miles' milk vetch. This species was not observed during April 2019 and May 2020 field surveys. Miles' milk vetch is not expected to occur in the Survey Area.
Vandenberg monkeyflower <i>Diplacus vandenbergensis</i>	FE CRPR 1B.1 G1, S1	Open, sandy sites among shrubs. Often in disturbed areas in chaparral, cismontane woodland, and coastal dunes. Elevation range: 200 – 400 feet. Blooming period: April – June.	Yes	Suitable habitat for Vandenberg monkeyflower is present in the Survey Area. Open areas in scrub habitat in the vicinity of cultivation areas were searched, and this species was not observed during April 2019 and May 2020 field surveys. Vandenberg monkeyflower is not expected to occur in the Survey Area.

Table 3. Special-status Plant and Wildlife Species Occurrences Documented within a 5-mile Radius

Common Name Scientific Name (Arranged alphabetically by scientific name)	Listing Status*	Habitat Requirements/Habitat Affinity	Suitable Habitat Present in Survey Area (Y/N)	Likelihood for Occurrence within Survey Area
mesa horkelia <i>Horkelia cuneata</i> var. <i>puberula</i>	CRPR 1B.1 G4, S1	Dry, sandy coastal chaparral. Elevation range: 200 – 2,900 feet. Blooming period: March – July.	Yes	Although sandy soils are present in the Survey Area, chaparral habitat is not. Mesa horkelia was not observed in the Survey Area. A more common variety, wedge leaf horkelia (<i>Horkelia cuneata</i> var. <i>cuneata</i>) was observed on the road edge, south of Santa Rita Road during the May 2020 field survey. Mesa horkelia is not expected to occur in the Survey Area.
black-flowered figwort <i>Scrophularia atrata</i>	CRPR 1B.2 G2, S2	Calcium and diatom-rich soils in chaparral, coastal dunes, coastal scrub, and riparian woodland. Elevation range: 0 – 1,300 feet. Blooming period: April – July.	Yes	Scrub habitat in the Survey Area has the potential to support black-flowered figwort; however, this species was not observed during April 2019 and May 2020 field surveys. Black-flowered figwort is not expected to occur in the Survey Area.
Amphibians				
California tiger salamander <i>Ambystoma californiense</i>	FE, ST, WL G2, S2	Inhabits valley foothills and grasslands, savannas, and open woodlands near vernal pools or other seasonal sources of water for breeding. Require upland, underground refuges, often California ground squirrel and Botta’s pocket gopher burrows.	Yes	There is a “Known CTS Breeding Pond”, LOAL-40, in the Survey Area that was confirmed to have larval CTS present during the aquatic survey of the pond performed on April 2019 survey (SES 2019b; USFWS 2010). Additionally, there are three “Potential CTS Breeding Ponds” within the maximum distance the species is known to migrate or disperse (1.37 miles) from the Survey Area (USFWS 2010). Thus, all suitable upland habitat outside of existing agricultural areas within the parcel is considered potentially occupied by CTS.

Table 3. Special-status Plant and Wildlife Species Occurrences Documented within a 5-mile Radius

Common Name Scientific Name (Arranged alphabetically by scientific name)	Listing Status*	Habitat Requirements/Habitat Affinity	Suitable Habitat Present in Survey Area (Y/N)	Likelihood for Occurrence within Survey Area
California red-legged frog (CRLF) <i>Rana draytonii</i>	FT, SSC G2, S2	Found primarily in coastal drainages of central California, from Marin County, California, to northern Baja California, Mexico. Uses a variety of aquatic, riparian, and upland habitats. Requires a pond, slow-flowing stream reach, or deep pool within a stream with vegetation or other material to which egg masses may be attached. Uses both riparian and upland habitats for foraging, shelter, cover. Will also use small mammal burrows and moist leaf litter as refugia.	Yes	CRLF could occur in the stock pond in the northeast corner of the property (LOAL-40). Upland habitat is present in the Survey Area, but is degraded in active cultivation areas. The closest documented occurrence is approximately 1.5 miles south of the Survey Area in “Known CTS Breeding Pond” LOAL-2w (CNDDDB 2020; USFWS 2010).
western spadefoot <i>Spea hammondi</i>	SSC G3, S3	Prefers open areas with sandy or gravelly soils, in a variety of habitats including grasslands, mixed woodlands, coastal sage scrub, chaparral, sandy washes, and river floodplains. Vernal pools or other ephemeral water sources are essential for breeding and egg-laying.	Yes	Western spadefoot could use LOAL-40 for breeding and suitable upland habitat is present in the Survey Area as well. The closest documented occurrence is approximately 1.5 miles south of the Survey Area at the intersection of Campbell Road and Highway 246 adjacent to “Known CTS Breeding Ponds” LOAL-2w and LOAL-2e (CNDDDB 2020; USFWS 2010).
Reptiles				
northern California legless lizard <i>Anniella pulchra</i>	SSC G3, S3	Inhabits moist soil in sparsely vegetated areas of beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks. Leaf litter under trees and shrubs in sunny areas and dunes stabilized with bush lupine and mock heather often indicate suitable habitat. Can also be found under surface objects such as rocks, boards, driftwood, and logs.	Yes	There is suitable habitat for northern California legless lizard in the coast live oak woodland and California sagebrush scrub habitat. However, legless lizard would not inhabit cultivated fields and would be unlikely to be found in and around areas of development.

Table 3. Special-status Plant and Wildlife Species Occurrences Documented within a 5-mile Radius

Common Name Scientific Name (Arranged alphabetically by scientific name)	Listing Status*	Habitat Requirements/Habitat Affinity	Suitable Habitat Present in Survey Area (Y/N)	Likelihood for Occurrence within Survey Area
coast patch-nosed snake <i>Salvadora hexalepis virgulata</i>	SSC G5, S2	Inhabits semi-arid brushy areas and chaparral in canyons, rocky hillsides, and plains.	Yes	The California sagebrush scrub offers suitable habitat for the coast patch nosed snake. The closest documented occurrence is 4.6 miles northwest of the property in open coastal sage scrub near the Burton Mesa Ecological Reserve in May 2004 (CNDDDB 2020). The likelihood of occurrence of this species in the Survey Area is considered low, due to its regional scarcity. It is considered uncommon along the south coast area due to land changes from heavy grazing, development and loss of former habitat, and loss of prey.
Birds				
tricolored blackbird <i>Agelaius tricolor</i>	ST, MBTA G2, S2	Found in areas near water including marshes, grasslands, and wetlands. Utilize grasslands and agricultural areas for foraging.	No	Suitable nesting habitat for tricolored blackbird is not present in the Survey Area. The tri-colored blackbird typically forages in suitable areas nearby nesting sites year-round (Lehman 2020) and there is limited foraging habitat within and adjacent to the Survey Area. Therefore, it is unlikely that cultivation would impact foraging habitat. The closest documented occurrence is approximately 4 miles to the northeast near Los Alamos. This nesting record is from 1936 and the nesting colony was presumed extirpated in 1991 (CNDDDB 2020). This species is not expected to occur except as a transient.
southern California rufous-crowned sparrow <i>Aimophila ruficeps canescens</i>	WL, MBTA G5, S3	Inhabits rocky areas of foothills and lower canyons, in understory of pine-oak woods, or in chaparral or coastal scrub.	Yes	One southern California rufous-crowned sparrow, was observed singing from a perch near the stock pond during the April 2019 survey. The species would most likely be found in rocky areas of sparse or moderately dense scrub.

Table 3. Special-status Plant and Wildlife Species Occurrences Documented within a 5-mile Radius

Common Name Scientific Name (Arranged alphabetically by scientific name)	Listing Status*	Habitat Requirements/Habitat Affinity	Suitable Habitat Present in Survey Area (Y/N)	Likelihood for Occurrence within Survey Area
prairie falcon <i>Falco mexicanus</i>	WL, MBTA G5, S4	Frequent open country such as grasslands, agricultural areas, ponds, sloughs, river mouths, seacoasts, and offshore for hunting. Nests are typically located on cliffs.	No	Prairie falcon is considered an uncommon winter visitor and rare breeding resident in the interior lowlands of Santa Barbara County (Lehman 2020). The closest documented occurrence of this species is from 1916, 4.75 miles southeast of the Survey Area (CNDDDB 2020). The prairie falcon would occur only as a rare transient to the Survey Area.
American peregrine falcon <i>Falco peregrinus anatum</i>	FP, BCC, MTBA G4, S3	Uses a variety of open habitats for foraging, often near rivers or lakes, including tundra, marshes, seacoasts, savannahs, grasslands, meadows, open woodlands, and agricultural areas. Riparian areas, as well as coastal and inland wetlands, are important year-round habitats. Requires cliffs or suitable surrogates for breeding that are close to preferred foraging areas.	No	There is limited suitable foraging habitat for American peregrine falcon within the Survey Area. The American peregrine falcon is a wide-ranging species that could occur in the Survey Area as an occasional transient, but is considered unlikely to occur due to the distance from suitable breeding habitat.
Mammals				
American badger <i>Taxidea taxus</i>	SSC G5, S3	Most abundant in drier open stages of shrub, forest, and grassland habitats, with friable soils that facilitate burrowing. Needs sufficient food and open, uncultivated ground. Preys mainly on burrowing rodents.	Yes	There is suitable foraging and denning habitat for American badger in the grassland and scrub habitats within the parcel. The closest documented occurrence is a roadkill specimen observed in 1990, 1 mile southwest of the Survey Area near Campbell Road and Highway 246 (CNDDDB 2020).

*Listing Status/ Rarity Ranking Notes:

Federal: FE – Federally listed Endangered

FT – Federally listed Threatened

FC – Federal Candidate Species

WL – USFWS Watch list

BCC – USFWS Bird of Conservation Concern

MTBA – Migratory Bird Treaty Act

State: SE – State listed Endangered

ST – State listed Threatened
SC – State Candidate Species
SR – State Rare Species
SA – State Special Animal
FP – CDFW Fully Protected Species
SSC – CDFW Species of Special Concern
WL – CDFW Watch List

CRPR: California Native Plant Society Rare Plant Rank

CBR – Considered but Rejected
1B – Rare, threatened, or endangered in CA and elsewhere
2 – Rare, threatened, or endangered in CA but common elsewhere
4 – Limited distribution (Watch-list)
CBR – Considered but Rejected

CRPR Extensions

0.1 – Seriously endangered in California
0.2 – Fairly endangered in California
0.3 – Not very endangered in California

CNDDDB Element Rankings

Global/State Rarity Ranking: G1/S1 – Critically imperiled. At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
G2/S2 – Imperiled. At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.
G3/S3 – Vulnerable. At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.
G4/S4 – Apparently Secure. Uncommon but not rare; some cause for long-term concern due to declines or other factors.
G5/S5 – Demonstrably Secure. Common; widespread and abundant.

¹ – Unless otherwise noted, habitat, elevation, and blooming period for special-status plant species is from *The Jepson eFlora* (2020) and CNPS 2020b.

5.4.1 Special-status Plant Species

The field surveys conducted in April 2019 and May 2020 were within the typical blooming season to detect/identify all of the special-status plant species that are known to occur in the Project vicinity. No special-status plant species were observed in the Survey Area during the field surveys, and none are expected to occur. Proposed cannabis cultivation will be limited to areas previously used for agricultural purposes and will avoid native habitat that has the potential to support rare plants.

5.4.2 Special-status Wildlife Species

Two special-status wildlife species were observed on the parcel during the April 2019 field survey: southern California rufous-crowned sparrow (SSC, G5, S3) and California tiger salamander Santa Barbara County DPS (FE, SE, G2G3 S2S3).

An additional five (5) special-status wildlife species have a moderate to high potential to utilize the Survey Area or adjacent habitat during dispersal or while foraging: California red-legged frog, western spadefoot, northern California legless lizard, coast patch-nosed snake, and American badger. Sensitive wildlife species that have the potential to occur are discussed in more detail in the following narratives.

The Operator is initiating consultation with CDFW and USFWS regarding appropriate measures to protect all special-status species that have the potential to occur in the property, particularly CTS and CRLF.

5.4.2.1 California Tiger Salamander (*Ambystoma californiense*)

The Santa Barbara County Distinct Population Segment (DPS) of CTS was emergency listed by the USFWS as endangered under the Federal Endangered Species Act in January of 2000 (USFWS 2000). Its distribution is limited to Santa Barbara County among six discrete regions: West Santa Maria/Orcutt; East Santa Maria; West Los Alamos; East Los Alamos; Purisima Hills, and Santa Rita Valley. The six associated metapopulations inhabit ponds and adjacent uplands.

The California Fish and Game Commission listed the Santa Barbara County DPS of the California tiger salamander as threatened under the California Endangered Species Act in August of 2010 (CDFW 2010).

CTS inhabit low elevation vernal pools and seasonal ponds and associated grassland, oak savanna, and coastal scrub plant communities of the Santa Maria, Los Alamos, and Santa Rita valleys in northwestern Santa Barbara County. CTS in the Purisima Hills occur at higher elevations. Historically, they bred primarily in natural vernal pools, but they have adapted to breeding in man-made stock ponds created for ranching and agricultural purposes. The aquatic larval stage lasts about 3-6 months.

CTS spend most of their life cycle in underground retreats in upland habitat. The most commonly used refugia are burrows of California ground squirrel and Botta's pocket gopher. CTS are known to travel long distances from breeding ponds into upland habitats. Maximum distances moved are difficult to establish for any species, but CTS have been recorded to disperse 1.37 miles (2.2 kilometers) from breeding ponds (Orloff 2011). Cultivated or regularly managed (i.e., tilled) fields

do not afford refuge habitat for CTS because regular manipulation of soil precludes establishment of small mammal burrows.

The stock pond in the northeast corner of the property, LOAL-40, is a USFWS “Known CTS Breeding Pond” (2010). Presence of larval CTS in this pond was confirmed by aquatic sampling during the April 2019 survey effort (SES 2019b) (Appendix A – Site Photographs). Additionally, there are three “Potential CTS Breeding Ponds” within the maximum distance the species is known to migrate or disperse (1.37 miles) from the Survey Area (USFWS 2010).

CTS are expected to use small mammal burrows in the surrounding grasslands, shrublands, and woodlands for harborage. Existing and proposed hardscape and structural development (e.g., residence, barn, nursery, storage sheds, parking) do not contain suitable upland habitat for CTS. The cultivation area proposed for hoops has been consistently tilled in the last 3 to 5 years. It is not considered viable upland refuge habitat because it does not support stable populations of small mammals. due to the regular manipulation of soil for planting and harvest. The proposed outdoor cultivation area was previously used for agricultural purposes, but is currently fallow. The outdoor cultivation area is considered possible dispersal habitat that can be navigated by CTS migrating between aquatic breeding and upland refuge habitats.

5.4.2.2 *California Red-legged Frog (Rana draytonii) (CRLF)*

The California red-legged frog (CRLF) typically occurs in ponds, slow-flowing stream reaches, or deep pools within a stream with riparian or emergent vegetation. CRLF could occur in LOAL-40. The ephemeral drainage does not hold water long enough to support breeding or long-term habitation by this species. Upland habitat is present in the wild oats and annual brome grassland and ruderal/disturbed habitat adjacent to the existing agricultural areas. The closest documented occurrence is approximately 1.5 miles south of the Survey Area in “Known CTS Breeding Pond” LOAL-2w (CNDDDB 2020; USFWS 2010).

LOAL-40 could potentially support CRLF breeding, but the animal has not been documented during aquatic surveys of LOAL-40. Areas proposed for cannabis cultivation and support facilities could be considered dispersal habitat if CRLF were to use LOAL-40 for breeding. Areas routinely in cultivation do not constitute viable upland habitat.

5.4.2.3 *Western Spadefoot (Spea hammondi)*

The western spadefoot prefers open areas with sandy or gravelly soils, in a variety of habitats including grasslands, mixed woodlands, coastal sage scrub, chaparral, sandy washes, and river floodplains. Vernal pools or other ephemeral water sources are essential for breeding and egg-laying.

Western spadefoot could use LOAL-40 for breeding habitat and suitable upland habitat is present in the Survey Area as well. The closest document occurrence is approximately 1.5 miles south of the Survey Area at the intersection of Campbell Road and Highway 246 adjacent to “Known CTS Breeding Ponds” LOAL-2w and LOAL-2e (CNDDDB 2020; USFWS 2010).

The western spadefoot is more likely to be found in the grassland immediately surrounding LOAL-40, but could occupy small mammal burrows in the grassland, woodland and scrub habitats in the

Survey Area. There is no suitable habitat for this species in the areas proposed for cannabis cultivation or support facilities.

5.4.2.4 Northern California Legless Lizard (*Anniella pulchra*)

The northern California legless lizard occurs in scrub and woodland habitats associated with loose, sandy substrates. The sandy, loamy soil in the scrub habitat and coast live oak woodland within the Survey Area is suitable for the northern California legless lizard. The areas proposed for cannabis cultivation are regularly manipulated and do not offer suitable habitat for this species.

5.4.2.5 Coast patch-nosed snake (*Salvadora hexalepis virgulata*)

The coast-patch nosed snake inhabits semi-arid brushy areas and chaparral in canyons, rocky hillsides, and plains. The closest documented occurrence is 4.6 miles northwest of the property in open coastal sage scrub near the Burton Mesa Ecological Reserve in May 2004 (CNDDDB 2020). The California sagebrush scrub offers suitable habitat for the coast patch nosed snake. However, the likelihood of occurrence of this species in the Survey Area is considered low due to its regional scarcity.

5.4.2.6 Southern California Rufous-crowned Sparrow (*Aimophila ruficeps canescens*)

Southern California rufous-crowned sparrow is considered uncommon to locally fairly common in the upper elevations of the interior lowlands of Santa Barbara County (Lehman 2020). A southern California rufous-crowned sparrow was observed singing from a perch near the stock pond during the April 2019 survey. The species inhabits dry, open and rocky chaparral and coastal sage scrub. Although this species utilizes the habitat in the property, southern California rufous-crowned sparrows would not be expected to nest in developed areas or proposed cultivation areas.

5.4.2.7 American Badger (*Taxidea taxus*)

The American badger is a California Species of Special Concern. Badgers are uncommon, but widespread in grassland and scrub habitats in northern Santa Barbara County. Habitat to support American badger is present in the Survey Area. No badger burrows or signs of this species were observed during the field surveys. This species should be considered a possible resident in the Survey Area based on presence of suitable habitat and prey base. Badgers may traverse cultivated fields, such as those proposed for conversion to cannabis production, but only on a transient basis due to the relative lack of prey.

5.5 ENVIRONMENTALLY SENSITIVE HABITAT

5.5.1 Sensitive Vegetation Communities & Native Trees

Coast live oak woodland and individual coast live oak trees are considered ESH by the County and native habitats, such as the California sagebrush scrub, are protected by the County's Cannabis Regulations (Figure 5 – Sensitive Biological Resources). All of the coast live oak trees in the Survey Area are considered sensitive and protected under County policies.

5.5.2 Jurisdictional Waters

The ephemeral drainage in the Survey Area is regulated by the County, CDFW, and RWQCB. The RWQCB prescribed setback for cannabis cultivation and support facilities for ephemeral watercourses is 50 feet. There is no riparian vegetation along the northern bank drainage, so the RWQCB/County prescribed setback (i.e., buffer area) from TOB is 50 feet for outdoor row crop cultivation and 100 feet for hoops (County 2019, SWRCB 2017). Encroachment within ESH or the buffer areas for streams/drainages may be considered significant by the County and state agencies.

6.0 IMPACT DISCUSSION

The following impact discussion is based on existing conditions within the Survey Area. The sections below describe the potential impacts of the proposed Project to biological resources. Consistent with the County's Environmental Thresholds and Guidelines Manual (County 2008) and the County-wide FEIR for the Cannabis Land Use Ordinance and Licensing Program (County 2017), the impacts on biological resources are considered significant if a proposed Project:

- Has a substantial adverse effect, either directly or through habitat modifications, on any on any sensitive natural community or plant or wildlife species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.
- Has a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- Interferes substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

6.1 SUMMARY OF PROJECT IMPACTS

Temporary/indirect impacts (e.g., noise, dust) to native trees and habitat around the Survey Area, resulting from ongoing agricultural activities, are minimal and can be mitigated through implementation of the recommended avoidance and minimization measures outlined in Section 7.0.

Direct impacts from the Project are confined to areas already containing existing infrastructure, active agriculture, or ruderal/disturbed habitat. Project impacts are summarized in Table 4.

Table 4 – Summary of Project Impacts (Conversion of Existing Use)

Project Component	Habitat Impacted	Approximate Area	Approx. Area in TOB Setback	Type of Impact
Hoop Cultivation Area	Active Agriculture/Tilled	2.3 acres	0	Permanent
Outdoor Cultivation Area	Ruderal/Disturbed	0.5-acre	0	Permanent
Nursery	Ruderal/Disturbed	4,158 sq. ft.	0	Permanent
Water Tanks	Ruderal/Disturbed	1,000 sq. ft.	0	Permanent
Storage Sheds	Ruderal/Disturbed	240 sq. ft.	0	Permanent
Parking/Loading Areas	Ruderal/Disturbed	1,000 sq. ft.	0	Permanent
Existing Security Fencing	Ruderal/Disturbed	3,575 linear feet	943 linear feet	Permanent
Proposed Security Fencing	Ruderal/Disturbed	640 linear feet	0	Permanent

6.2 IMPACTS TO EPHEMERAL DRAINAGE AND PRESCRIBED SETBACK

No impacts to the ephemeral drainage are anticipated as a result of the Project. Stormwater runoff Best Management Practices (BMPs) (e.g., fiber rolls, etc.) will be implemented prior to the rainy season (i.e., November 15 through April 1), consistent with RWQCB guidelines and annual cannabis licensing requirements. Gravity-fed drip irrigation will be utilized in cultivation areas and will not result in runoff to the drainage. Plastic/poly hoop coverings will be removed as part of site ‘winterization’ techniques (metal frames will remain year-round), to reduce the velocity of stormwater runoff during large storms.

Impacts to the 50-foot setback from the ephemeral drainage are limited to the approximately 943 linear feet of existing deer fencing along the TOB of the drainage. The fence was installed following discussions/recommendations by County Staff during a site visit in summer 2019. Because the habitat along the TOB of the drainage was previously disturbed by cattle and ongoing agricultural operations, and there is no riparian vegetation present, installation of the fence did not impact sensitive habitat. In its current configuration, the fence line meets the County Sheriff security requirements and also prevents cattle from accessing and causing further erosion to the northern bank of the drainage. The portion of the fence within the prescribed 50-foot setback is not considered a significant impact to the drainage or surrounding habitat.

With implementation of the avoidance and minimization measures outlined below, potential impacts to the drainage and associated buffer area would be reduced to a less than significant level.

6.3 IMPACTS TO NATIVE TREES AND HABITAT

No impacts to native trees or habitat are anticipated as a result of the Project. The areas proposed for cultivation are previously disturbed or actively cultivated and do not contain native habitat. The existing and proposed fence lines serve to prevent human intrusion into adjacent coast live oak woodland and California sagebrush scrub habitat. Cultivation activities (e.g., tilling, irrigation, equipment storage) will not occur within 6 feet of the canopy of coast live oak trees that occur within the fence line. With implementation of the avoidance and minimization measures outlined below, potential impacts to coast live oak trees and native scrub habitat would be reduced to a less than significant level.

6.4 IMPACTS TO SPECIAL-STATUS PLANTS

No impacts to special-status plants will occur as a result of the Project. No special-status plant species were observed in the Survey Area during April 2019 and May 2020 field surveys, and none are expected to occur in the vicinity of proposed cannabis cultivation.

6.5 IMPACTS TO SPECIAL-STATUS WILDLIFE

As discussed above, two special-status wildlife species were observed on the parcel during the April 2019 field survey: southern California rufous-crowned sparrow and California tiger salamander. In addition, there are five special-status wildlife species that have the potential to occur in the Survey Area, and possibly use the Survey Area for dispersal or for foraging: California red-legged frog, western spadefoot, northern California legless lizard, coast patch-nosed snake, and American badger. None of these animals are likely to depend on, or permanently reside in areas of current or future cultivation.

Because the proposed outdoor cultivation area is fallow, it is recommended that a qualified biologist conduct a pre-construction survey of that area and adjacent California sagebrush scrub habitat for special-status wildlife, prior to installation of additional fence or planting. The Operator will initiate consultation with CDFW and USFWS regarding the agencies' requirements for avoidance of take of listed species (i.e., CTS and CRLF) and appropriate measures to reduce impacts to all special-status wildlife that have the potential to occur in the Survey Area.

Proposed lighting for the Project is 'dark sky' compliant (i.e., hooded, faced downward) and is motion activated to reduce impacts to wildlife using the ephemeral drainage and adjacent habitats. Cannabis waste will be stored in enclosed bins and removed from the site by a certified hauler, so as not to attract wildlife. There are no sediment basins or impoundments proposed as part of the Project.

6.6 NESTING BIRDS

Project activities related to structures (e.g., nursery, fencing) are temporary and are not expected to impact nesting birds that may occur in the adjacent coast live oak woodland or California sagebrush scrub habitats, including the southern California rufous-crowned sparrow. With implementation of recommended avoidance and minimization measures, potential impacts to nesting birds would be considered less than significant.

6.7 IMPACTS TO WILDLIFE MOVEMENT

No impacts to wildlife corridors are expected as a result of the Project. The existing and proposed fenced areas do not constitute a critical or essential wildlife corridor and because the land is disturbed or has been cultivated historically, there is no loss of native habitat associated with the Project.

There is an abundance of high quality woodland and scrub habitat that can be accessed by wildlife traversing the landscape, on all sides of the Project's fenced areas. The existing and proposed deer fence, made of 4-inch square wire mesh, exclude medium and large terrestrial wildlife that could damage the crops (e.g., deer, raccoon, brush rabbit, etc.), but the spacing is large enough to allow reptiles, amphibians, and small mammals (e.g., snake, lizard, salamander, frog, mice, gophers, etc.) to traverse through the fence without harm. There are no other fences or barriers within the property that would inhibit wildlife movement. Proposed hoops will not serve as a barrier to CTS or CRLF dispersal during the rainy season, when sensitive amphibians are more likely to be migrating, because the plastic/poly on the metal frames will be removed as part of site winterization measures. As mentioned previously, the Operator is initiating consultation with CDFW and USFWS regarding next steps to minimize potential impacts to CTS, CRLF, and other sensitive wildlife that may disperse/migrate through the Survey Area.

7.0 RECOMMENDED AVOIDANCE AND MINIMIZATION MEASURES

The following avoidance and minimization measures are intended to reduce the likelihood of impacts to biological resources that have the potential to result from the Project. Recommended species-specific and sensitive habitat protection measures are listed first, followed by general construction measures and standard Best Management Practices (BMPs).

7.1 SPECIES-SPECIFIC AND ESH AVOIDANCE AND MINIMIZATION MEASURES

- A minimum setback of 50 feet from the TOB of the ephemeral drainage shall be maintained for all outdoor cannabis cultivation and associated structures and a minimum setback of 100 feet shall be maintained for hoops.
- The Operator will initiate consultation with CDFW and USFWS regarding the appropriate course of action to prevent and/or mitigate for impacts to state and/or federally-listed special-status wildlife species (i.e., CTS and CRLF), as well as measures to protect other special-status wildlife species that have the potential to occur.
- A worker environmental awareness training pamphlet will be prepared and available on-site for all employees (including site supervisors, equipment operators, and laborers). The information will emphasize the presence of special-status species that have the potential to occur in the Survey Area (e.g., CTS, CRLF), identification of those species, their habitat requirements, applicable regulatory policies and provisions regarding their protection, measures being implemented to avoid and/or minimize impacts, and penalties for noncompliance. The pamphlet will also emphasize that if listed species are observed within or near the cultivation area, work will be suspended, the species are not be touched or moved, and the CDFW and USFWS should be notified immediately.

- If installation of additional fencing around the outdoor cultivation area is implemented during the bird nesting season (February 1 to August 31), a qualified biologist shall conduct a pre-construction survey of the adjacent California sagebrush scrub habitat and work areas within 7 days of construction commencement (i.e., mobilization, staging, or post hole excavation) to avoid impacts to nesting birds. Surveys shall be conducted in all areas within 500 feet of proposed disturbance areas, or a lesser distance if dense vegetation renders a 500-foot survey radius infeasible. If breeding birds with active nests are found prior to (or during) Project construction, a qualified biologist shall oversee the establishment of a buffer (prescriptively 300 feet for passerines and 500 feet for raptors) around the nest; no activities will be allowed within the buffer(s) until the young have fledged from the nest or the nest fails.
- Prior to installation of additional fencing around the outdoor cultivation area, a qualified biologist shall conduct a pre-construction survey for special-status wildlife species in the adjacent California sagebrush scrub habitat and work areas. The pre-construction survey shall occur no more than 7 days prior to the start of work.
- Coast live oak woodland, California sagebrush scrub, and individual coast live oak trees should be protected consistent with County policies and guidelines. No grading, tilling, or cultivation should occur within 6 feet of the dripline of native trees and no equipment or supplies should be stockpiled or stored under the canopy or within 6 feet of native trees or habitat.
- If incidental damage occurs to native trees (e.g., removal, broken limbs, damage to critical root zones) the trees should be examined by a County-approved arborist or biologist to determine whether compensatory measures are necessary.

7.2 GENERAL CONSTRUCTION AVOIDANCE AND MINIMIZATION MEASURES

- Precautions shall be taken to prevent sediment transport into the ephemeral drainage. Erosion control measures (e.g., jute netting, fiber rolls, gravel bags, etc.) shall be used (as necessary and in consultation with the RWQCB) where sediment runoff from exposed areas could enter the drainage. All erosion control materials shall be free from plastic to prevent entanglement of wildlife.
- Dust generated by tilling and cultivation activities should be kept to a minimum with a goal of reducing impacts to adjacent native habitat. A water truck or sprinkler system should be used to prevent excessive dust.
- Fueling of equipment will not be done within 100 feet of the drainage. Stationary equipment and fluid storage vessels will be equipped with secondary containment. A spill containment and cleanup kit should be kept on-site in the event of an incidental spill.
- All agricultural chemicals and nutrients shall be stored in secondary containment within the storage sheds.
- All motorized equipment used shall be maintained in proper working condition and shall be free of drips and leaks of coolant, hydraulic, and petroleum products. No equipment shall be used for the Project unless such equipment is free of leaks and drips.
- Trash and food items will be kept in closed containers and removed daily.

- Cannabis waste shall be stored in an enclosed bin and removed from the site by a certified hauler.

8.0 CONCLUSIONS

Proposed cannabis cultivation in historically cultivated and disturbed fields will not result in significant impacts to special-status plants, native trees, native scrub/woodland habitat, or the ephemeral drainage. Pending consultation with CDFW and USFWS will help determine the appropriate course of action to prevent and/or mitigate for impacts to state and/or federally-listed special-status wildlife species (i.e., CTS and CRLF), as well as measures to protect other special-status wildlife species that have the potential to occur in the Survey Area.

All proposed outdoor ‘open sky’ cannabis cultivation will be planted a minimum of 50 feet from the TOB of the ephemeral drainage, and hoops will maintain the prescribed 100-foot setback.

RWQCB-required implementation, maintenance, and monitoring of BMPs and removal of plastic/poly hoop coverings during the rainy season is expected to reduce erosion/sedimentation/stormwater impacts to the ephemeral drainage to a less than significant level.

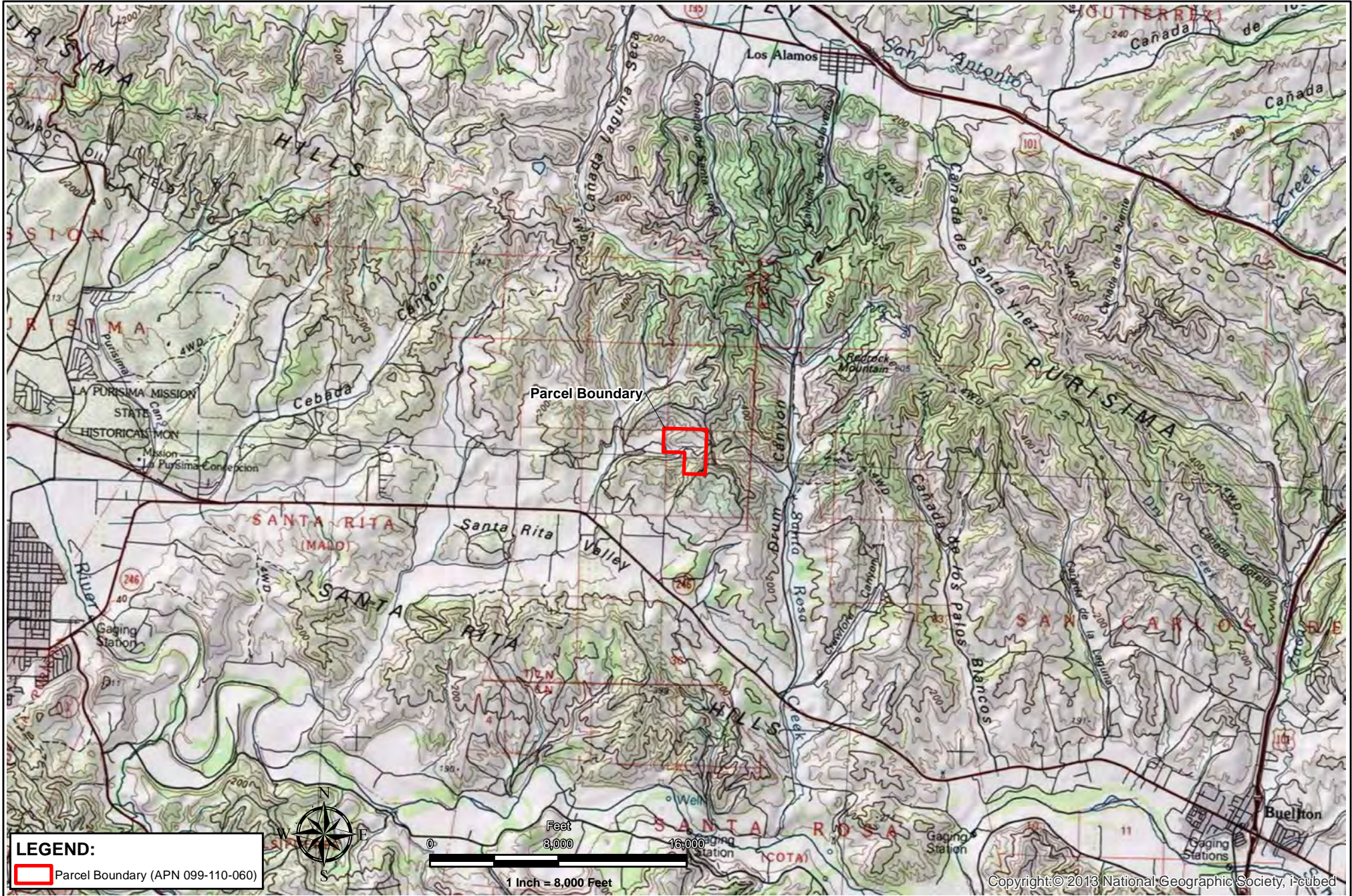
The existing and proposed fence lines do not impede wildlife movement across the landscape or block an essential wildlife corridor, therefore a Wildlife Movement Plan is not considered necessary. The Project does not include removal of trees or native vegetation, therefore a Tree Protection Plan and Habitat Protection Plan are not required pursuant to the County LUDC.

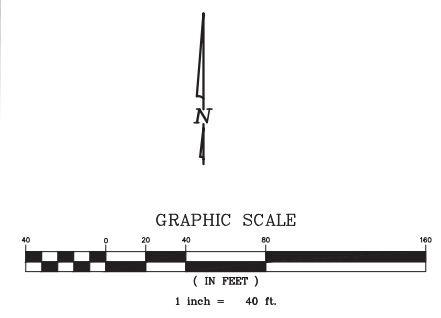
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FIGURES



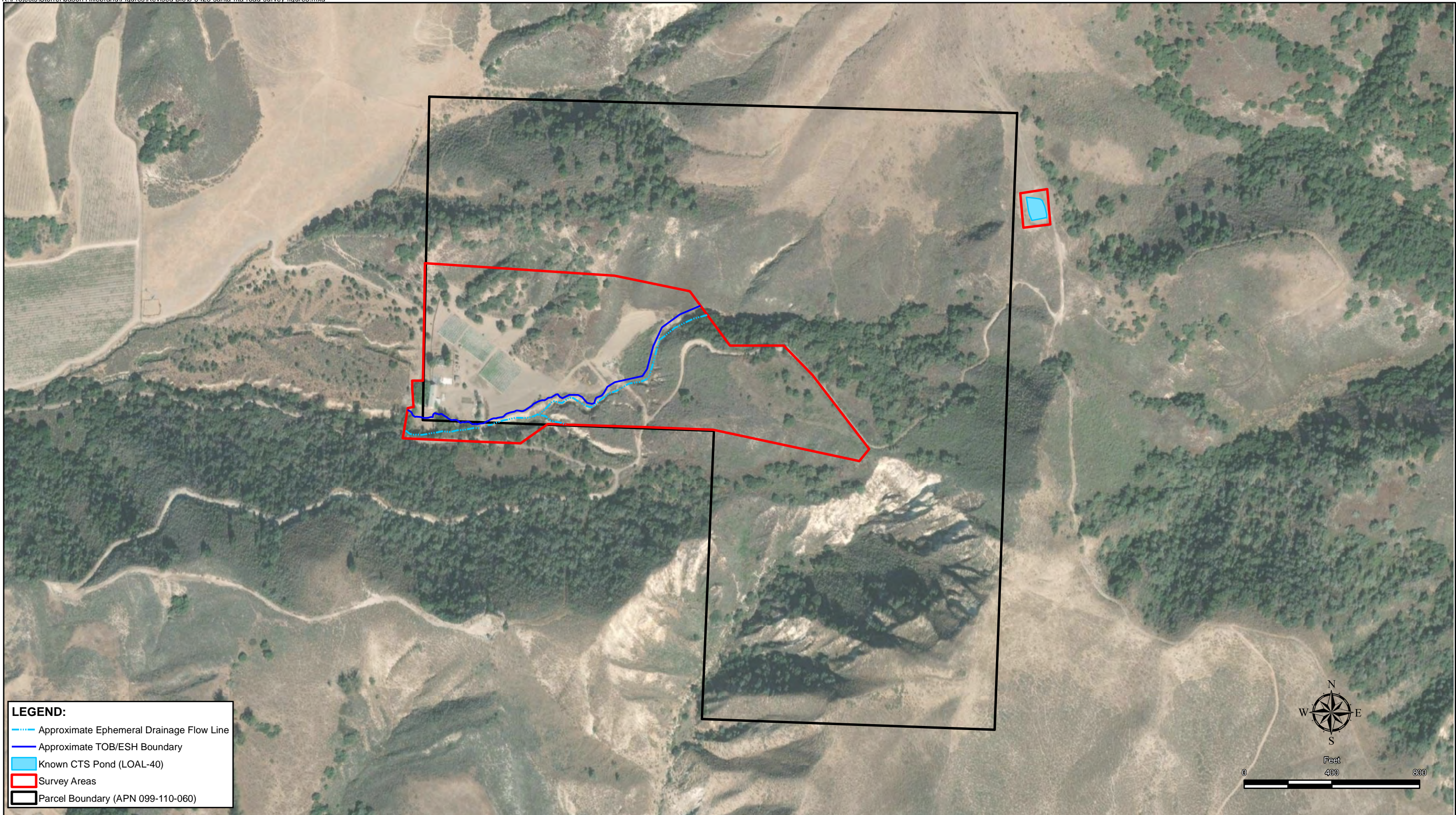


1974 Hillebrand Site-CTS Pond.dwg 8/11/2020

CTS POND EXHIBIT
 SANTA RITA PROJECT
 COUNTY OF SANTA BARBARA, CALIFORNIA

BETHEL
 engineering

2824 Appan Dr., Santa Maria, California 93455 (805) 924-5187



LEGEND:

- Approximate Ephemeral Drainage Flow Line
- Approximate TOB/ESH Boundary
- Known CTS Pond (LOAL-40)
- Survey Areas
- Parcel Boundary (APN 099-110-060)



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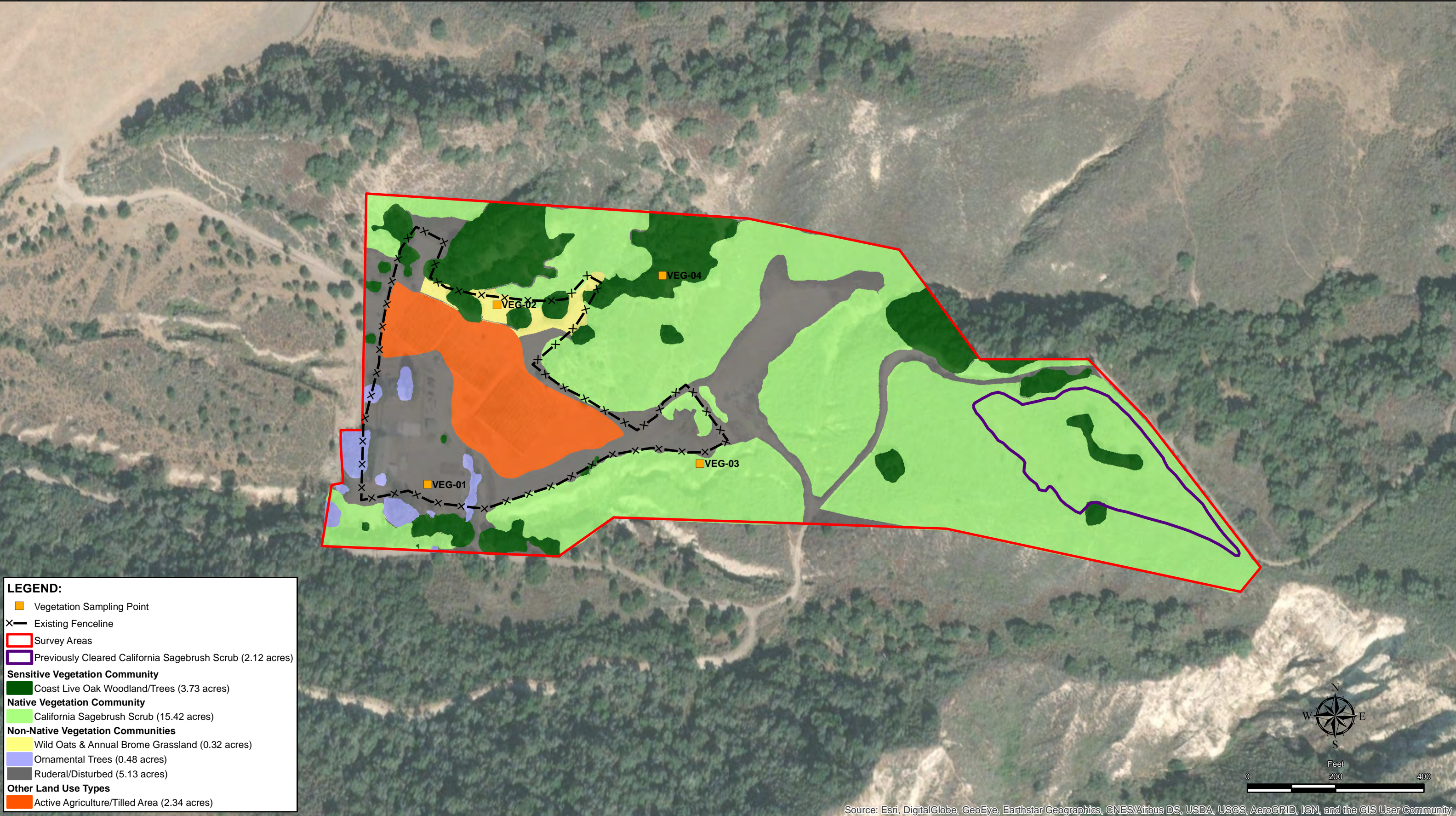
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Survey Area Map
Santa Rita Holdings, LLC Cannabis Cultivation Project
Revised Biological Resources Assessment
5423 Santa Rita Road, Lompoc, CA

Figure 3


August 12, 2020



LEGEND:

- Vegetation Sampling Point
- Existing Fenceline
- Survey Areas
- Previously Cleared California Sagebrush Scrub (2.12 acres)
- Sensitive Vegetation Community**
- Coast Live Oak Woodland/Trees (3.73 acres)
- Native Vegetation Community**
- California Sagebrush Scrub (15.42 acres)
- Non-Native Vegetation Communities**
- Wild Oats & Annual Brome Grassland (0.32 acres)
- Ornamental Trees (0.48 acres)
- Ruderal/Disturbed (5.13 acres)
- Other Land Use Types**
- Active Agriculture/Tilled Area (2.34 acres)

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



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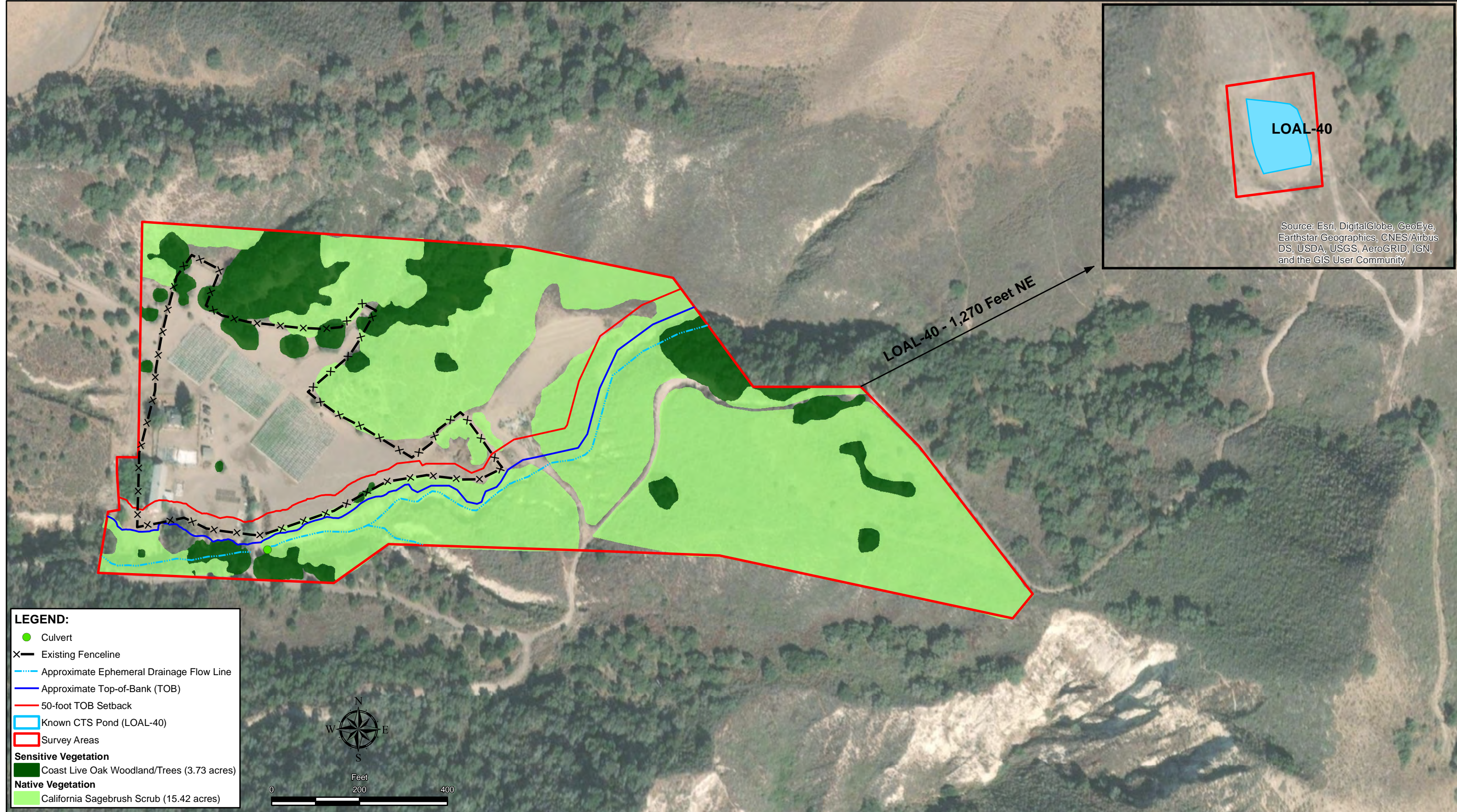


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Vegetation Communities and Land Use Types
Santa Rita Holdings, LLC Cannabis Cultivation Project
Revised Biological Resources Assessment
5423 Santa Rita Road, Lompoc, CA

Figure 4

August 12, 2020



LEGEND:

- Culvert
- Existing Fenceline
- Approximate Ephemeral Drainage Flow Line
- Approximate Top-of-Bank (TOB)
- 50-foot TOB Setback
- Known CTS Pond (LOAL-40)
- Survey Areas

Sensitive Vegetation

- Coast Live Oak Woodland/Trees (3.73 acres)
- Native Vegetation
- California Sagebrush Scrub (15.42 acres)



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Sensitive Biological Resources
Santa Rita Holdings, LLC Cannabis Cultivation Project
Revised Biological Resources Assessment
5423 Santa Rita Road, Lompoc, CA

Figure 5

August 12, 2020

APPENDIX A

SITE PHOTOGRAPHS

(All photographs taken May 28, 2020 unless otherwise noted)



Photo 1 – Ephemeral drainage, active agricultural/tilled area proposed for hoops, existing infrastructure (Aspect: Southwest).



Photo 2 – Disturbed/fallow area proposed for outdoor cultivation with perimeter deer fencing (Aspect: Southwest).



Photo 3 – Upper reach of the ephemeral drainage, outdoor cultivation area, and existing ranch road (Aspect: North).



Photo 4 – Lower reach of the ephemeral drainage and existing fence line along the TOB (Aspect: Southwest).



Photo 5 – Existing culvert at the entrance driveway (Aspect: South).



Photo 6 – Ruderal/disturbed habitat along the fence line in the prescribed 50-foot setback (Aspect: West).



Photo 7 – Active agricultural/tilled area proposed for hoops (Aspect: West).



Photo 8 – Ruderal/disturbed habitat proposed for the nursery area (Aspect: Southwest).



Photo 9 – Coast live oak woodland, California sagebrush scrub, and existing water tank on the slope above the proposed outdoor cultivation area (Aspect: West).



Photo 10 – Area of California sagebrush scrub habitat cleared in 2019 (Aspect: Southwest). Photo taken April 9, 2019.



Photo 11 – Previously cleared area naturally revegetated with bush lupine, mock heather, and other native shrubs.



Photo 12 – Known CTS Breeding Pond LOAL-40 and surrounding habitat (Aspect: South). Photo taken April 9, 2019.



Photo 13 – CTS Larvae Found in Stock Pond (LOAL-40). Photo taken April 9, 2019.

APPENDIX B
CNPS VEGETATION RAPID ASSESSMENT FORM

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised April 28, 2016)

For Office Use:	Final database #:	Final vegetation type:	Alliance Association
I. LOCATIONAL/ENVIRONMENTAL DESCRIPTION			circle: Relevé or RA
Database #: VEG-01	Date: 5/28/20	Name of recorder: Jessica Peak	
		Other surveyors:	
Location Name: 5423 Santa Rita Road, Buxilton			
GPS name: ipnd/ARRM 160 receiver		For Relevé only: Bearing °, left axis at ID point ___ of Long / Short side	
UTME _____	UTMN _____	Zone: 11 NAD83 GPS error: ft./m./PDOP <u>8.2</u> inches	
Decimal degrees: LAT <u>34.674877</u> LONG <u>-120.313283</u>			
GPS within stand? <input checked="" type="checkbox"/> Yes / <input type="checkbox"/> No If No, cite from GPS to stand: distance (m) ___ bearing ° ___ inclination ° ___			
and record: Base point ID _____ Projected UTM: UTME _____ UTMN _____			
Camera Name: JP		Cardinal photos at ID point:	
Other photos: photos representative of habitat type			
Stand Size (acres): <1, <u>(1-5)</u> , >5 Plot Size (m²): 100 / _____ Plot Shape ___ x ___ m RA Radius <u>20</u> m			
Exposure, Actual °: ___ NE NW SE SW Flat <u>(Variable)</u> Steepness, Actual °: ___ 0° 1-5° >5-25° >25			
Topography: Macro: top <u>upper</u> <u>mid</u> lower bottom Micro: convex <u>flat</u> concave <u>undulating</u>			
Geology code: _____ Soil Texture code: _____ <u>Upland</u> or Wetland/Riparian (circle one)			
% Surface cover: (Incl. outcrops) (>60cm diam) (25-60cm) (7.5-25cm) (2mm-7.5cm) (Incl sand, mud)			
H₂O: <input checked="" type="checkbox"/> BA Stems: 2 Litter: 1 Bedrock: <input checked="" type="checkbox"/> Boulder: <input checked="" type="checkbox"/> Stone: <input checked="" type="checkbox"/> Cobble: <input checked="" type="checkbox"/> Gravel: 3 Fines: 75 =100%			
% Current year bioturbation <u>1</u> Past bioturbation present? <input checked="" type="checkbox"/> Yes / <input type="checkbox"/> No % Hoof punch <u>2</u>			
Fire evidence: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (circle one) If yes, describe in Site history section, including date of fire, if known.			
Site history, stand age, comments:			
Ruderal habitat around existing barn & developed area, edges of active agricultural areas			
Disturbance code / Intensity (L,M,H): <u>H101, 103, 104, 105, 1</u> "Other" _____			
II. HABITAT DESCRIPTION			
Tree DBH: T1 (<1" dbh), T2 (1-6" dbh), T3 (6-11" dbh), T4 (11-24" dbh), T5 (>24" dbh), T6 multi-layered (T3 or T4 layer under T5, >60% cover)			
Shrub: S1 seedling (<3 yr. old), S2 young (<1% dead), S3 mature (1-25% dead), S4 decadent (>25% dead)			
Herbaceous: H1 (<12" plant ht.), H2 (>12" ht.)			
Desert Riparian Tree/Shrub: 1 (<2ft. stem ht.), 2 (2-10ft. ht.), 3 (10-20ft. ht.), 4 (>20ft. ht.)			
Desert Palm/Joshua Tree: 1 (<1.5" base diameter), 2 (1.5-6" diam.), 3 (>6" diam.)			
III. INTERPRETATION OF STAND			
Field-assessed vegetation Alliance name: <u>Ruderal / disturbed</u>			
Field-assessed Association name (optional): <u>N/A</u>			
Adjacent Alliances/direction: <u>Active agriculture (N/W)</u>			
Confidence in Alliance identification: L M <input checked="" type="checkbox"/> H Explain: _____			
Phenology (E,P,L): Herb <input checked="" type="checkbox"/> Shrub <input checked="" type="checkbox"/> Tree <input checked="" type="checkbox"/> Other identification or mapping information: _____			

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised April 28, 2016)

For Office Use:	Final database #:	Final vegetation type:	Alliance _____ Association _____
I. LOCATIONAL/ENVIRONMENTAL DESCRIPTION			circle: Relevé or (RA)
Database #: <u>VEK-02</u>	Date: <u>5/20/20</u>	Name of recorder: <u>Jessica Peak</u>	□ □ □
		Other surveyors:	
Location Name: <u>5423 Santa Rita Road, Buellton</u>			
GPS name: <u>ipad / Aperm 100 receiver</u> For Relevé only: Bearing°, left axis at ID point _____ of Long / Short side			
UTME _____ UTMN _____		Zone: <u>11 NAD83</u> GPS error: ft./ m./ PDOP <u>8.6 inches</u>	
Decimal degrees: LAT <u>34.674005</u> LONG <u>-120.312791</u>			
GPS within stand? (Yes) No If No, cite from GPS to stand: distance (m) _____ bearing ° _____ inclination ° _____			
and record: Base point ID _____ Projected UTM: UTME _____ UTMN _____			
Camera Name: <u>JP</u> Cardinal photos at ID point: _____			
Other photos: <u>Representative photos of habitat</u>			
Stand Size (acres): (<u><1</u>) 1-5, >5 Plot Size (m ²): 100 / _____ Plot Shape _____ x _____ m RA Radius <u>10</u> m			
Exposure, Actual °: _____ NE NW SE (<u>SW</u>) Flat Variable Steepness, Actual °: _____ 0° (<u>1-5°</u>) > 5-25° > 25			
Topography: Macro: top (<u>upper</u>) (<u>mid</u>) lower bottom Micro: (<u>convex</u>) flat concave (<u>undulating</u>)			
Geology code: _____ Soil Texture code: _____ (<u>Upland</u>) or Wetland/Riparian (circle one)			
% Surface cover: (Incl. outcrops) (>60cm diam) (25-60cm) (7.5-25cm) (2mm-7.5cm) (Incl sand, mud)			
H ₂ O: <u>0</u> BA Stems: <u>2</u> Litter: <u>1</u> Bedrock: <u>0</u> Boulder: <u>0</u> Stone: <u>0</u> Cobble: <u>0</u> Gravel: <u>2</u> Fines: <u>95=100%</u>			
% Current year bioturbation <u>2</u> Past bioturbation present? (<u>Yes</u>) / No % Hoof punch <u>0</u>			
Fire evidence: Yes / (<u>No</u>) (circle one) If yes, describe in Site history section, including date of fire, if known.			
Site history, stand age, comments:			
<u>wild oats/annual bromo grassland on slopes north of active agricultural area, beneath scattered coast live oak trees.</u>			
Disturbance code / Intensity (L,M,H): <u>M, O3, O5, 1, 1, 1, 1</u> "Other" _____			
II. HABITAT DESCRIPTION			
Tree DBH: T1 (<1" dbh), T2 (1-6" dbh), T3 (6-11" dbh), T4 (11-24" dbh), T5 (>24" dbh), T6 multi-layered (T3 or T4 layer under T5, >60% cover)			
Shrub: S1 seedling (<3 yr. old), S2 young (<1% dead), S3 mature (1-25% dead), S4 decadent (>25% dead)			
Herbaceous: H1 (<12" plant ht.), H2 (>12" ht.)			
Desert Riparian Tree/Shrub: 1 (<2ft. stem ht.), 2 (2-10ft. ht.), 3 (10-20ft. ht.), 4 (>20ft. ht.)			
Desert Palm/Joshua Tree: 1 (<1.5" base diameter), 2 (1.5-6" diam.), 3 (>6" diam.)			
III. INTERPRETATION OF STAND			
Field-assessed vegetation Alliance name: <u>wild oats & annual bromo grassland</u>			
Field-assessed Association name (optional): <u>Bromus diandrus & mixed herbs</u>			
Adjacent Alliances/direction: <u>active agriculture, 1, 1, 1, 1</u>			
Confidence in Alliance identification: L M (H) Explain: _____			
Phenology (E,P,L): Herb <u>P</u> Shrub <u>E/P</u> Tree <u>P</u> Other identification or mapping information: _____			

Combined Vegetation Rapid Assessment and Relevé Field Form
(Revised April 28, 2016)

For Office Use:	Final database #:	Final vegetation type:	Alliance Association
I. LOCATIONAL/ENVIRONMENTAL DESCRIPTION			circle: Relevé or (RA)
Database #: VEG-03	Date: 5/28/20	Name of recorder: Jessica Peak	□ □ □ □
		Other surveyors:	
Location Name: 5423 Santa Rita Road, Buellton			
GPS name: ipad/APRON 100 RECEIVER		For Relevé only: Bearing°, left axis at ID point _____ of Long / Short side	
UTME _____	UTMN _____	Zone: 11 NAD83 OPS error: ft./ m./ PDOP 8.5 in 2015	
Decimal degrees: LAT 34.675046 LONG -120.311234			
GPS within stand? (Yes) No If No, cite from GPS to stand: distance (m) _____ bearing ° _____ inclination ° _____			
and record: Base point ID _____ Projected UTM: UTME _____ UTMN _____			
Camera Name: JP Cardinal photos at ID point: _____			
Other photos: representative photos of habitat			
Stand Size (acres): <1, 1-5, >5 Plot Size (m²): 100 / _____ Plot Shape _____ x _____ m RA Radius 20 m			
Exposure, Actual °: _____ NE NW SE (SW) Flat Variable Steepness, Actual °: _____ 0° (1-5°) >5-25° >25			
Topography: Macro: (top) upper mid lower bottom Micro: convex flat (concave) undulating			
Geology code: _____ Soil Texture code: _____ (Upland) or Wetland/Riparian (circle one)			
% Surface cover: (Incl. outcrops) (>60cm diam) (25-60cm) (7.5-25cm) (2mm-7.5cm) (Incl sand, mud)			
H2: 0 BA Stems: 3 Litter: 2 Bedrock: 0 Boulder: 0 Stone: 0 Cobble: 0 Gravel: 2 Fines: 93 = 100%			
% Current year bioturbation 1 Past bioturbation present? (Yes) No % Hoof punch 0			
Fire evidence: (No) (circle one) If yes, describe in Site history section, including date of fire, if known.			
Site history, stand age, comments:			
<p>California sagebrush scrub is present in a small depression in the northeast portion of the Project Area, along the slopes outside/adjacent to the Project Area, & along the unnamed drainage.</p>			
Disturbance code / Intensity (L,M,H): M→H 03, 04, 05, 23, 1 "Other" _____			
II. HABITAT DESCRIPTION			
Tree DBH: T1 (<1" dbh), T2 (1-6" dbh), T3 (6-11" dbh), T4 (11-24" dbh), T5 (>24" dbh), T6 multi-layered (T3 or T4 layer under T5, >60% cover)			
Shrub: S1 seedling (<3 yr. old), S2 young (<1% dead), S3 mature (1-25% dead), S4 decadent (>25% dead)			
Herbaceous: H1 (<12" plant ht.), H2 (>12" ht.)			
Desert Riparian Tree/Shrub: 1 (<2ft. stem ht.), 2 (2-10ft. ht.), 3 (10-20ft. ht.), 4 (>20ft. ht.)			
Desert Palm/Joshua Tree: 1 (<1.5" base diameter), 2 (1.5-6" diam.), 3 (>6" diam.)			
III. INTERPRETATION OF STAND			
Field-assessed vegetation Alliance name: California sagebrush scrub			
Field-assessed Association name (optional): Artemisia californica - Acmispon glaber			
Adjacent Alliances/direction: endemic / disturbed, Active agriculture			
Confidence in Alliance identification: L M (H) Explain: _____			
Phenology (E,P,L): Herb P Shrub E/P Tree P Other identification or mapping information: _____			

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised April 28, 2016)

Database #: VEG-023

SPECIES SHEET

□
□
□

IV. VEGETATION DESCRIPTION

% NonVasc cover: 10 Total % Vasc Veg cover: 90

% Cover - Conifer tree / Hardwood tree: 0, 10 Regenerating Tree: 1 Shrub: 35 Herbaceous: 5
 Height Class - Conifer tree / Hardwood tree: 0, 1-6 Regenerating Tree: 1 Shrub: 3 Herbaceous: 1-2

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

Stratum categories: T=Tree, A = Sapling, E = SEedling, S = Shrub, H= Herb, N= Non-vascular
 % Cover Intervals for reference: r=trace, +=<1%, 1-5%, >5-15%, >15-25%, >25-50%, >50-75%, >75%

Stratum	Species	% cover	C	Final species determination
S	Artemisia californica	45-50		
S	Acmispon glaber	15-25		
S	Erigeron californicus	5-15		
S	Salvia mellifera	5-15		
S	Toxicodendron diversilobum	15-25		
S	Diplopia aurantiacus	1-5		
H	Calystegia macrostegia	1-5		
H	Carduus pycnocephalus	1-5		
H	Stipa pulchra	1-5		
H	BRASSICA nigra	1-5		
S	Baccharis pilularis	5-15		
H	Conium maculatum	1-5		
H	Blanus madritensis	5-15		
H	Festuca mylos	1-5		
H	Blanus diandrus	1-5		
H	Avena fatua	+		
H	Silybum marianum	+		
H	Melica imperfecta	+		
S	Eriogonum fasciculatum	5-15		
H	Stipa lupida	1-5		
S	Sambucus nigra caerulea	1-5		
H	Pseudognaphalium californicum	1-5		
H	Dudleya lanceolata	+		
H	Elymus condensatus	1-5		
S	Heteromeles arbutifolia	1-5		
S	Rubus ursinus	1-5		
H	Logfia californica	v		
H	Choeisanthe	+		
S	Salix lasiolepis	1-5		in unnamed drainage
S	Baccharis salicifolia	1-5		" "
H	Aclepias californicus	+		
H	Clarkia unguiculata	+		
S	Eriogonum fasciculatum	1-5		
H	Pteridium aquilinum	1-5		
H	Phacelia cicutarium	+		

Unusual species: _____

Combined Vegetation Rapid Assessment and Relevé Field Form
(Revised April 28, 2016)

For Office Use:	Final database #:	Final vegetation type:	Alliance Association
I. LOCATIONAL/ENVIRONMENTAL DESCRIPTION			circle: Relevé or RA
Database #: <u>VEG-04</u>	Date: <u>5/28/20</u>	Name of recorder: <u>Jessica Peak</u>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Location Name: <u>5423 Santa Rita Rd., Bellingham</u>	Other surveyors:	
GPS name: <u>ipad / ARROW 100 RECEIVER</u>	For Relevé only: Bearing°, left axis at ID point _____ of Long / Short side		<input type="checkbox"/> <input type="checkbox"/>
UTME _____ UTMN _____	Zone: <u>11 NAD83</u> GPS error: ft./ m./ PDOP _____		
Decimal degrees: LAT <u>39.670212</u>		LONG <u>-120.311550</u>	<input type="checkbox"/> <input type="checkbox"/>
GPS within stand? <input checked="" type="checkbox"/> Yes / No If No, cite from GPS to stand: distance (m) _____ bearing ° _____ inclination ° _____			
and record: Base point ID _____		Projected UTM: UTME _____ UTMN _____	
Camera Name: <u>JP</u>	Cardinal photos at ID point:		
Other photos: <u>representative photos of habitat</u>			
Stand Size (acres): <u><1, 1-5, >5</u>	Plot Size (m²): <u>100 / _____</u>	Plot Shape _____ x _____ m	RA Radius <u>20</u> m
Exposure, Actual °: _____ NE NW <u>SE</u> SW Flat <u>Variable</u> Steepness, Actual °: _____ 0° <u>1-5°</u> <u>>5-25°</u> >25			
Topography: Macro: <u>top</u> <u>upper</u> <u>mid</u> lower bottom		Micro: <u>convex</u> flat concave <u>undulating</u>	
Geology code: _____		Soil Texture code: _____ <u>Upland</u> or Wetland/Riparian (circle one)	
% Surface cover: (Incl. outcrops) (>60cm diam) (25-60cm) (7.5-25cm) (2mm-7.5cm) (Incl sand, mud)			
H20: <u>0</u> BA Stems: <u>5</u> Litter: <u>5</u> Bedrock: <u>0</u> Boulder: <u>0</u> Stone: <u>0</u> Cobble: <u>2</u> Gravel: <u>3</u> Fines: <u>85</u> =100%			
% Current year bioturbation <u>2</u> Past bioturbation present? <input checked="" type="checkbox"/> Yes No % Hoof punch <u>3</u>			
Fire evidence: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (circle one) If yes, describe in Site history section, including date of fire, if known.			
Site history, stand age, comments:			
<p><u>Coast live oak woodland present on slopes above proposed cultivation areas & scattered along unnamed drainage.</u></p> <p><u>Cattle graze & lounge under coast live oak woodland canopy</u></p>			
Disturbance code / Intensity (L,M,H): <u>M, 0, 1, 0, 3, 1, 0, 5, 1, 1</u> "Other" _____			
II. HABITAT DESCRIPTION			
Tree DBH: <u>T1</u> (<1" dbh), <u>T2</u> (1-6" dbh), <u>T3</u> (6-11" dbh), <u>T4</u> (11-24" dbh), <u>T5</u> (>24" dbh), <u>T6</u> multi-layered (T3 or T4 layer under T5, >60% cover)			
Shrub: <u>S1</u> seedling (<3 yr. old), <u>S2</u> young (<1% dead), <u>S3</u> mature (1-25% dead), <u>S4</u> decadent (>25% dead)			
Herbaceous: <u>H1</u> (<12" plant ht.), <u>H2</u> (>12" ht.)			
Desert Riparian Tree/Shrub: 1 (<2ft. stem ht.), 2 (2-10ft. ht.), 3 (10-20ft. ht.), 4 (>20ft. ht.)			
Desert Palm/Joshua Tree: 1 (<1.5" base diameter), 2 (1.5-6" diam.), 3 (>6" diam.)			
III. INTERPRETATION OF STAND			
Field-assessed vegetation Alliance name: <u>coast live oak woodland</u>			
Field-assessed Association name (optional): <u>Quercus agrifolia - Toxicodendron diversilobum - grass</u>			
Adjacent Alliances/direction: <u>California sagebrush scrub, wild oats, annual bromes grassland, agriculture</u>			
Confidence in Alliance identification: L M <input checked="" type="checkbox"/> H Explain: _____			
Phenology (E,P,L): Herb P Shrub <u>E/P</u> Tree P Other identification or mapping information: _____			

**Attachment 3 –
Biological Resources Assessment Addendum, Tree Protection
Plan, Habitat Protection Plan, and Wildlife Movement Plan
dated March 2021**

**Attachment 4 –
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 Hdl Companies and dated October 31, 2017 and incorporated herein by reference:
<https://santabarbara.legistar.com/View.ashx?M=F&ID=5685428&GUID=E6A9F289-B740-40DC-A302-B4056B72F788>
- B. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) enhances the local economy and provides opportunities for future jobs, business development, and increased living wages. Moreover, the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) promotes continued agricultural production as an integral part of the region's economy by giving existing farmers access to the potentially profitable cannabis industry, which in turn would provide relief for those impacted by competition from foreign markets and rising costs of water supply.
- C. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) expands the production and availability of medical cannabis, which is known to help patients address symptoms related to glaucoma, epilepsy, arthritis, and anxiety disorders, among other illnesses.
- D. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) allows for the orderly development and oversight of commercial cannabis activities by applying development standards that

- require appropriate siting, setbacks, security, and nuisance avoidance measures, thereby protecting public health, safety, and welfare.
- E. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) provides a method for commercial cannabis businesses to operate legally and secure a permit and license to operate in full compliance with County and state regulations, maximizing the proportion of licensed activities and minimizing unlicensed activities. Minimization of unlicensed activities will occur for two reasons. First, the County will be providing a legal pathway for members of the industry to comply with the law. Secondly, the County will use revenue from the project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) to strengthen and increase code enforcement actions in an effort to remove illegal and noncompliant operations occurring in the County unincorporated areas.
 - F. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) establishes land use requirements for commercial cannabis activities to minimize the risks associated with criminal activity, degradation of neighborhood character, groundwater basin overdraft, obnoxious odors, noise nuisances, hazardous materials, and fire hazards.
 - G. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) minimizes the potential for adverse impacts on children and sensitive populations by imposing appropriate setbacks and ensuring compatibility of commercial cannabis activities with surrounding existing land uses, including residential neighborhoods, agricultural operations, youth facilities, recreational amenities, and educational institutions. For detailed discussions on compatibility, see Section 3.9, *Land Use and Planning*, in the EIR, incorporated herein by reference, as well as the other Findings for Approval in this document.
 - H. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) provides opportunities for local testing labs that protect the public by ensuring that local cannabis supplies meet product safety standards established by the State of California.
 - I. The project (as modified by incorporation of EIR mitigation measures, and additional development standards shown in RV 01) protects agricultural resources, natural resources, cultural resources, and scenic resources by limiting where cannabis activities can be permitted and by enacting development standards that would further avoid or minimize potential impacts to the environment.

2.0 ADMINISTRATIVE FINDINGS FOR CANNABIS LAND USE ORDINANCES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

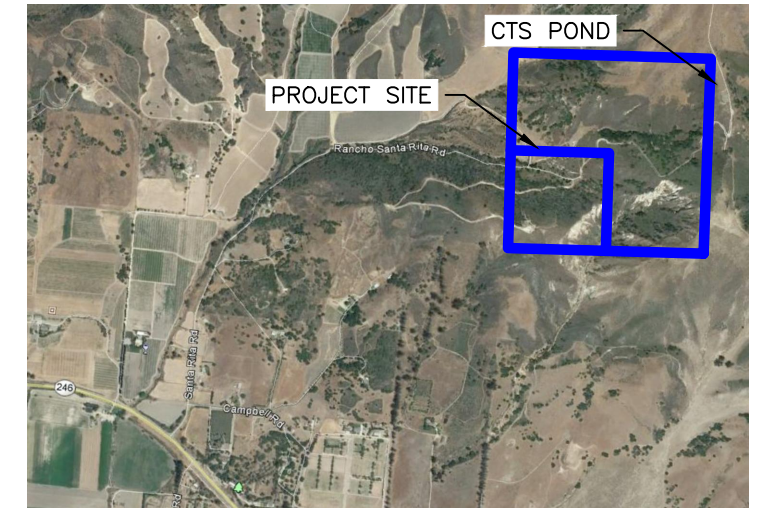
as a factor in making a recommendation to the Board. APAC recommended the proposed amendments to the Uniform Rules on December 1, 2017, with particular consideration given to applying good zoning/planning practices while preserving agricultural and open space land in the County. As also stated under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

**ATTACHMENT D: LINK TO THE PROGRAM ENVIRONMENTAL IMPACT REPORT OF
THE CANNABIS ORDINANCE AND LICENSING PROGRAM, 17EIR-00000-00003**

<https://cosantabarbara.app.box.com/s/o9fp2865sykaqn98s0702plaa96xj7t5/folder/728875796>
62

ATTACHMENT E: PROJECT PLANS DATED DECEMBER 4, 2020

APN 099-110-060



VICINITY MAP

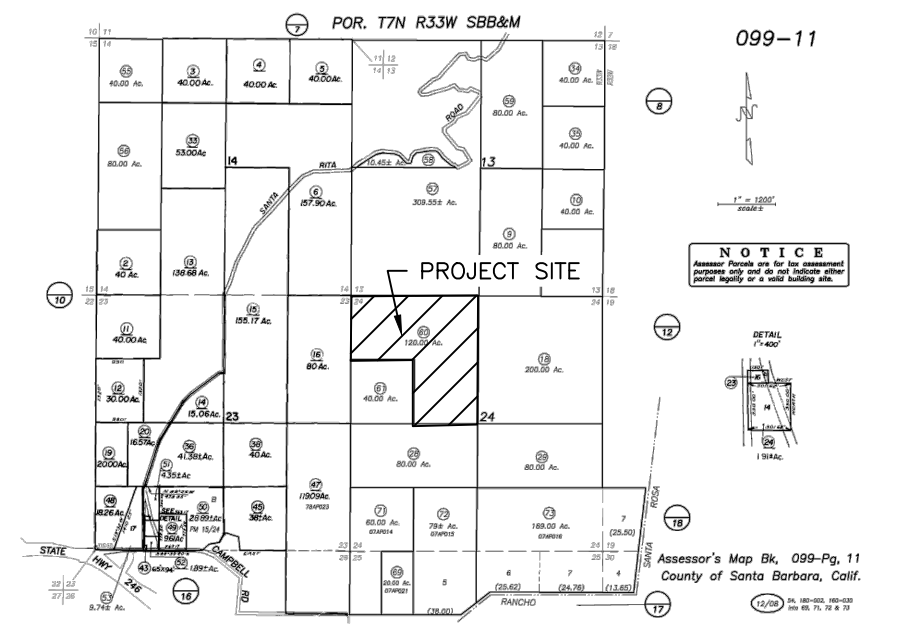
SITE INFORMATION

APN: 099-110-060
ADDRESS: 5423 RANCHO SANTA RITA ROAD, LOMPOC, SANTA BARBARA COUNTY, CA
CLIENT INFO: SANTA RITA HOLDINGS c/o JASON HILLENBRAND
PARCEL SIZE: 5,227,200 S.F./120 AC
FLOOD ZONE: N/A
ZONING: AG-II-100
AG PRESERVE: N/A

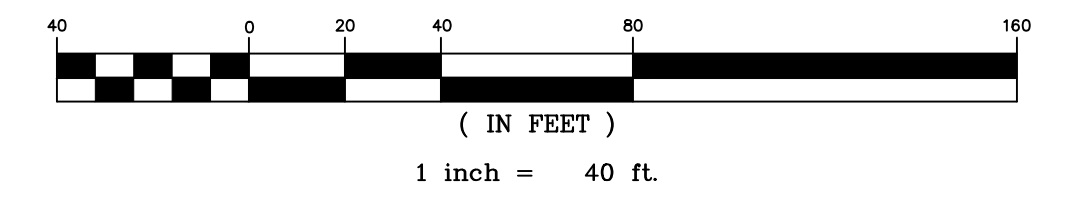
Table with 3 columns: CULTIVATION AREA, TOTAL ACREAGE / SQUARE FEET, AVERAGE SLOPE. Rows include HOOP AREA (1.88 AC / 81,875 SF, 10.7%), OUTDOOR AREA (NO HOOPS) (0.55 AC / 24,136 SF, 17.20%), and NURSERY AREA (0.11 AC / 4,598 SF, 2.00%).

LEGEND

- Legend items: PROPERTY LINE, DEER FENCE, EX. ACCESS ROAD, EX. BUILDING, EX. CULTIVATION AREA, EX. 2" WATER LINE SUBSURFACE, EX. 2" IRRIGATION WATER LINE, 50-FOOT ESH SETBACK, TOP OF BANK, NO HOOPS CULTIVATION AREA, EX. TREE, TREE PROTECTION, NO HOOPS CULTIVATION AREA, NURSERY AREA NOT UNDER HOOPS AREA, LAVENDER PLANTS.



GRAPHIC SCALE



TRANSPORTATION DEMAND MANAGEMENT PLAN:

THERE WILL BE 3 FULL TIME EMPLOYEES WHO RESIDE ON THE PROPERTY. DAILY TRIPS BY THESE EMPLOYEES IS LIMITED TO LEAVING THE PROPERTY TO PURCHASE SUPPLIES OR GROCERIES. ESTIMATED TOTAL DAILY TRIPS IS 0-1. NO INCREASE IN DAILY TRIPS BEYOND THE EXISTING FARMING USE.

ROUGHLY 8-12 PART TIME EMPLOYEES WOULD BE USED SEASONALLY, AND WOULD BE BROUGHT TO THE SITE VIA THEIR LABOR CONTRACTOR IN A CARPOOL VAN. DAILY TRIPS FOR PART TIME EMPLOYEES WOULD BE TWO (2), ONCE IN THE MORNING ARRIVING AT THE PROPERTY AND ONCE IN THE EVENING LEAVING THE PROPERTY.

THE NUMBER OF SEASONS WOULD BE MAXIMUM OF THREE (3). THEY ARE APRIL-JUNE, JUNE-OCTOBER, AND OCTOBER- DECEMBER. PART-TIME EMPLOYEES WOULD ARRIVE AT THE BEGINNING OF EACH SEASON FOR PLANTING, AND AT THE END OF EACH SEASON FOR HARVESTING. PLANTING AND HARVESTING SESSIONS ARE GENERALLY 2-3 DAYS LONG.

HOURS OF OPERATION ARE 6:00 AM - 4:00 PM.

WATER LINE EASEMENT SOUTH OF PROPERTY

WATER LINE SHOWN ON PLAN ARE PART OF THE APPLICANT'S AGREEMENT WITH THE VISTA HILLS WATER DISTRICT. THE APPLICANT HAS PROVIDED A SEPARATE DOCUMENT FROM THE DISTRICT INDICATING THIS AGREEMENT OF THEIR CURRENT AND FUTURE SERVICES.

APN 099-110-061

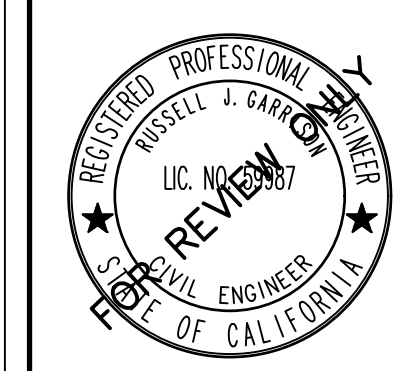


Table with columns: CHECKED BY, REVISIONS, DATE, DESCRIPTION. Includes entries for G.C., R.J.G., and revision dates 11/6/20 and 12/4/20.

Site Plan information including: SITE PLAN SANTA RITA PROJECT, COUNTY OF SANTA BARBARA, CALIFORNIA, Bethel Engineering logo, and SHEET 1 OF 3.

SITE INFORMATION

APN: 099-110-060
 ADDRESS: 5423 RANCHO SANTA RITA ROAD
 LOMPOC, SANTA BARBARA COUNTY, CA
 CLIENT INFO: SANTA RITA HOLDINGS
 c/o JASON HILLENBRAND
 PARCEL SIZE: 5,227,200 S.F./120 AC
 AVERAGE SLOPE: 42%
 FLOOD ZONE: N/A
 ZONING: AG-11-100
 AG PRESERVE: N/A

LEGEND

- PROPERTY LINE
- - - DEER FENCE
- - - EX. ACCESS ROAD
- - - EX. BUILDING
- - - EX. CULTIVATION AREA
- - - EX. 2" WATER LINE SUBSURFACE
- - - EX. 2" IRRIGATION WATER LINE
- ☁ EX. TREE
- DRAINAGE DIRECTION
- LIGHTING FIXTURE

LIGHTING NOTE:

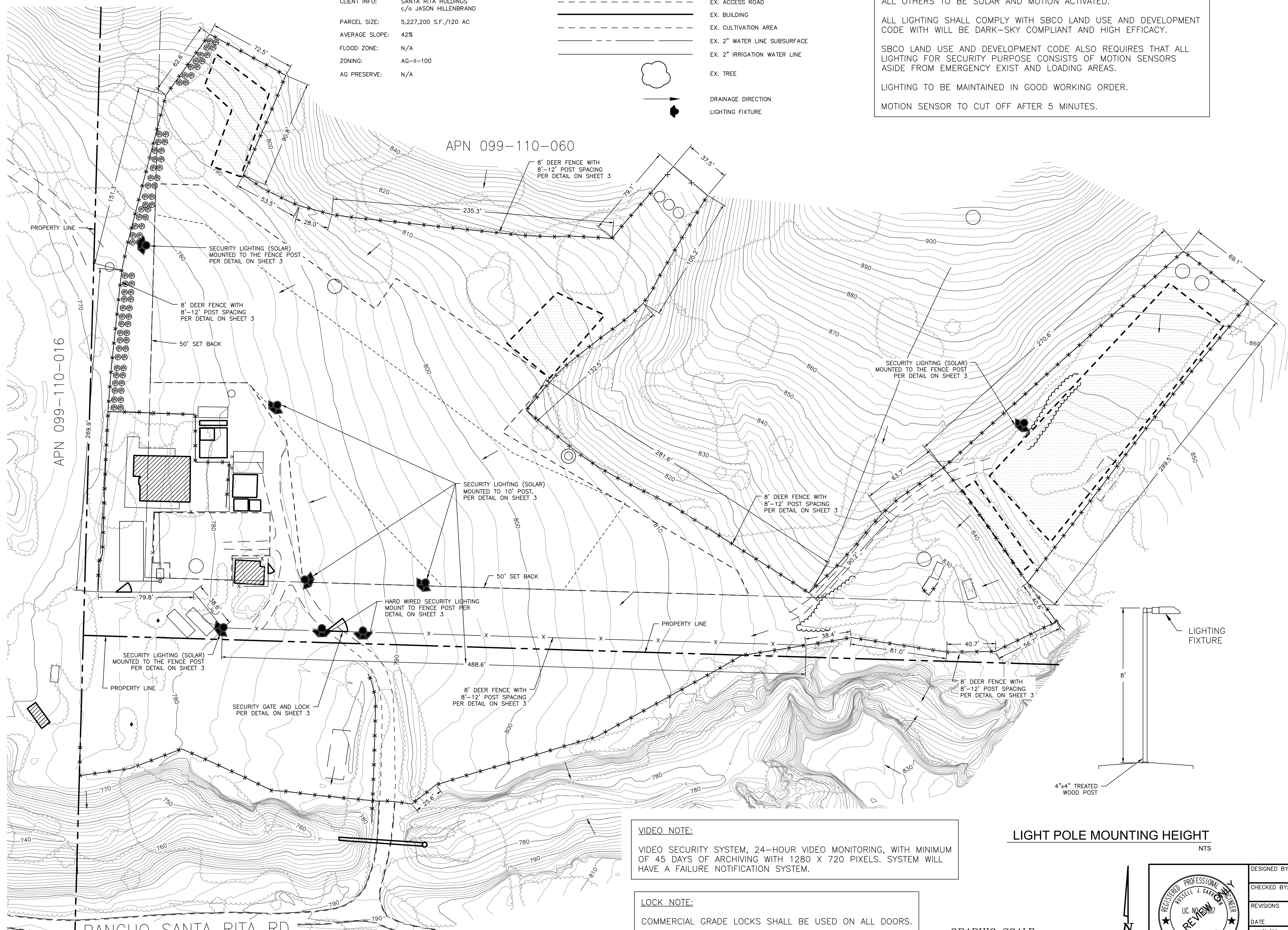
ALL LIGHTS TO BE "DARK SKY COMPLIANT" AND FACE DOWN ONLY. THE TWO LIGHTS FIXTURES AT THE MAIN ENTRANCE TO BE HARD WIRED. ALL OTHERS TO BE SOLAR AND MOTION ACTIVATED.

ALL LIGHTING SHALL COMPLY WITH SBCO LAND USE AND DEVELOPMENT CODE WITH WILL BE DARK-SKY COMPLIANT AND HIGH EFFICACY.

SBCO LAND USE AND DEVELOPMENT CODE ALSO REQUIRES THAT ALL LIGHTING FOR SECURITY PURPOSE CONSISTS OF MOTION SENSORS ASIDE FROM EMERGENCY EXIST AND LOADING AREAS.

LIGHTING TO BE MAINTAINED IN GOOD WORKING ORDER.

MOTION SENSOR TO CUT OFF AFTER 5 MINUTES.



SOLAR POWERED MOTION SENSORS MAY BE USED IN A LIMITED CAPACITY AT THE PERIMETER OF THE SITE
 LIGHTING PLAN LEGEND

- ☼ KIM LIGHTING ALT60 LED 1SA ALT 3 3000K POLE MOUNT HARDWIRED SECURITY LIGHT FIXTURE (HIGH EFFICACY DOWNLIGHT WITH MOTION SENSOR AND DARK SKY COMPLIANT. AT ENTRY ALSO INCLUDE A DIMMING OPTION FOR <50% FULL TIME ON WITH MOTION DETECTION TO FULL LIGHTING - SEE SPECIFICATION)
- ☼ LUMARK MAXX LED 3000K FULL CUT OFF HARDWIRED, HIGH EFFICACY, DARK SKY COMPLIANT DOWNLIGHT WITH MOTION SENSOR FOR USE AT PROPERTY ENTRY WITH A BILVEL DIMMING OPTION FOR <50% FULL TIME ON, WITH MOTION DETECTION TO FULL LIGHTING FOR MAX. 5 MIN. SEE A1.2 FOR MOUNTING DETAIL AT ENTRY
- ☼ PROPOSED SECURITY CAMERAS/ MONITORING SYSTEM. SEE A1.2 SECURITY AND FENCING PLAN FOR ADDITIONAL INFORMATION

EACH CAMERA SHALL BE LOCATED IN AN AREA TO SHOW ACTIVITY WITHIN 30 FEET OF ALL POINTS OF ENTRY AND EXIT OF THE LICENSED FACILITY SUCH AS PERIMETER ENTRANCES, PROCESSING, OR STORAGE TAKES PLACE REQUIRES CAMERAS AS NOTED.

ALL ENTRY POINT TO THE SITE, LIMITED ACCESS AREAS AND STRUCTURES WHERE CULTIVATION, PROCESSING, OR STORAGE TAKES PLACE REQUIRES CAMERAS AS NOTED.

CAMERA VIEWS SHALL ALLOW FOR THE CLEAR IDENTIFICATION OF PERSONS, IN OR AROUND ALL LIMITED ACCESS AREAS, SECURITY ROOMS, SURVEILLANCE STORAGE AREAS, AND ANYWHERE CANNABIS IS PRESENT (GROWN, PROCESSED, WEIGHED, STORED, AND/OR SOLD)

ENTRANCES AND EXITS TO THE PREMISES SHALL BE RECORDED FROM BOTH INDOOR AND OUTDOOR VANTAGE POINTS IN A MANNER TO CLEARLY CAPTURE VEHICLE LICENSE PLATES.

FOOTAGE MUST RECORD 14 HOURS A DAY, 7 DAYS A WEEK AT A MINIMUM OF 15 FRAMES PER SECOND.

RECORDINGS ARE SUBJECT TO REVIEW AND INSPECTION BY LICENSING AUTHORITIES (LOGIN/PASSWORD TO BE PROVIDED TO THE TEAM)

DATE AND TIME MUST BE CLEAR AND ACCURATE ON RECORDED IMAGES.

THE SURVEILLANCE SYSTEM MUST CONTAIN A FAILURE NOTIFICATION FUNCTION.

DEVICES THAT ACTIVATE RECORD BY MOTION, BATTERY POWERED OR DO NOT HAVE CONTINUOUS RECORDING CAPABILITY ARE NOT SUFFICIENT. DEVICES MUST HAVE CONSTANT POWER, CONTINUOUSLY RECORD AND HAVE ACCESS TO THE INTERNET FOR REMOTE VIEWING.

SECURITY FOOTAGE WILL BE STORED ON THE CLOUD AND ADDITIONALLY IN THE UTILITY SHED ON A BACKUP DRIVE.

CAMERA SHALL HAVE A RANGE OF 70 METERS.

SECURITY CAMERA SPECIFICATIONS

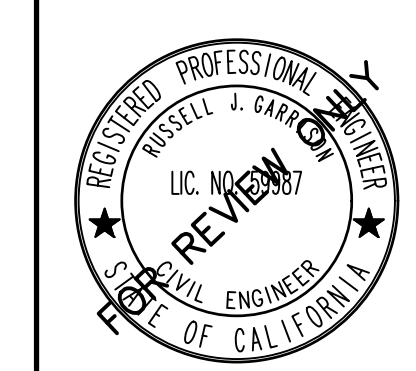
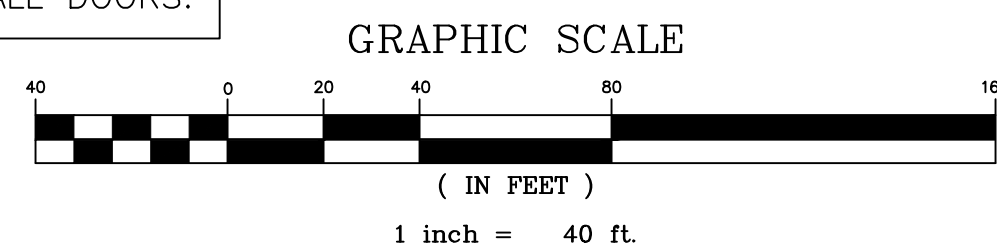
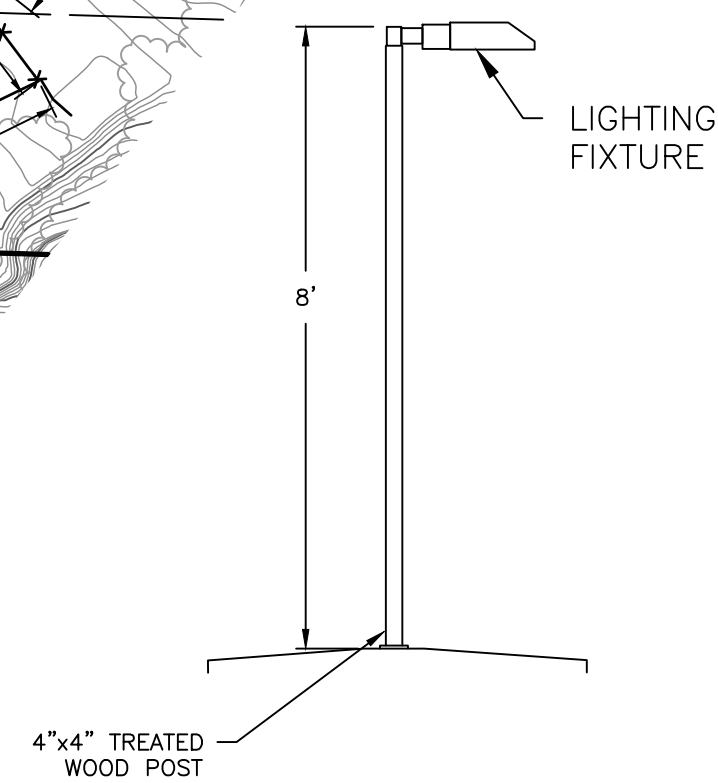
VIDEO NOTE:

VIDEO SECURITY SYSTEM, 24-HOUR VIDEO MONITORING, WITH MINIMUM OF 45 DAYS OF ARCHIVING WITH 1280 X 720 PIXELS. SYSTEM WILL HAVE A FAILURE NOTIFICATION SYSTEM.

LOCK NOTE:

COMMERCIAL GRADE LOCKS SHALL BE USED ON ALL DOORS.

LIGHT POLE MOUNTING HEIGHT



DESIGNED BY:	G.C.
CHECKED BY:	R.J.G.
REVISIONS	
DATE	DESCRIPTION
11/6/20	PC FROM 9-8-20
12/4/20	PC FROM 12-2-20

4/23/2021
 1974 Hillenbrand Site Plan.dwg

SECURITY AND LIGHTING PLAN
SANTA RITA PROJECT
 COUNTY OF SANTA BARBARA, CALIFORNIA

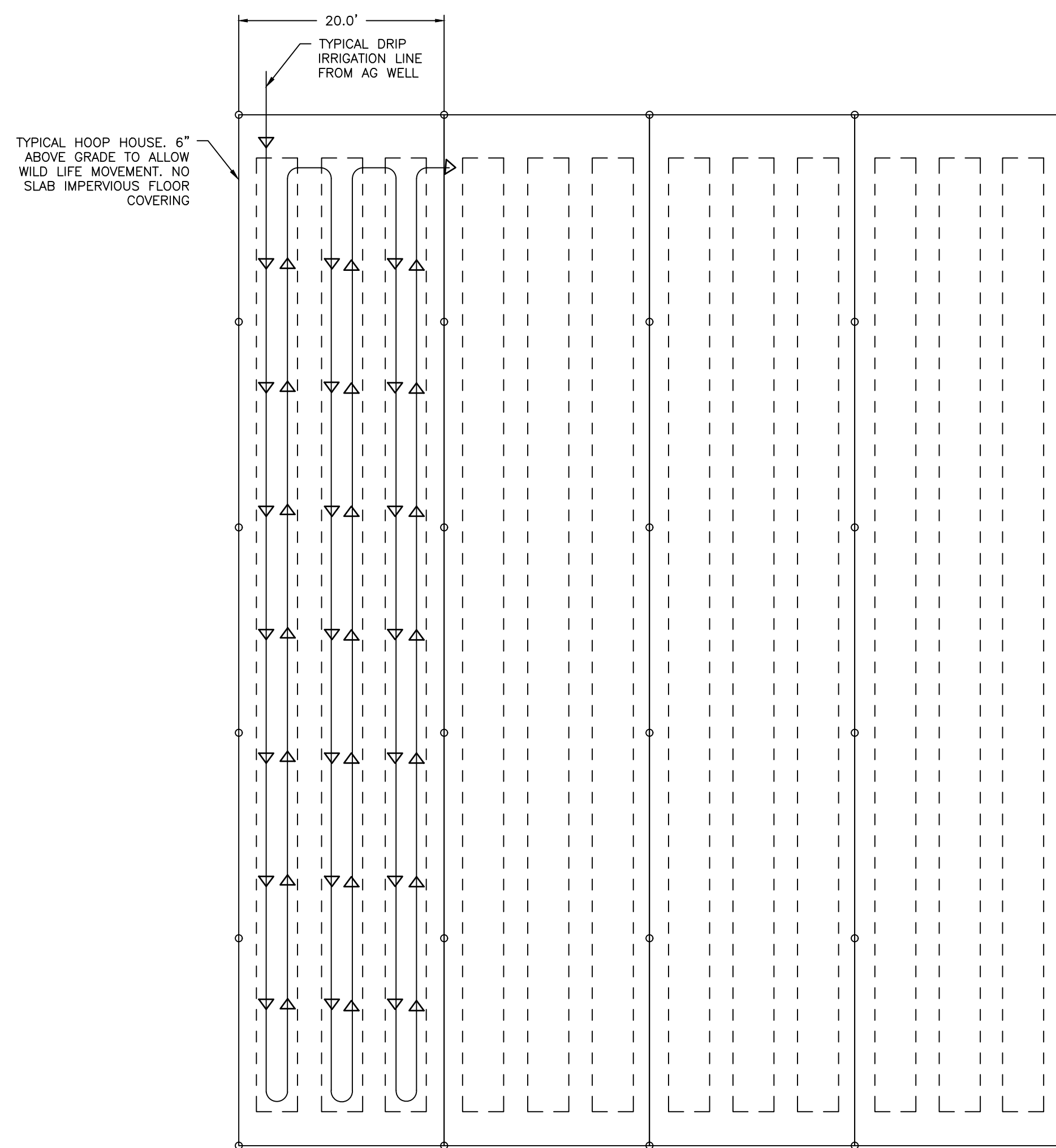
RUSSELL J. GARRISON R.C.E. 59987 DATE _____

BETHEL engineering 2024 Appon Dr., Santa Maria, California 93450 (805) 934-3787

SCALE: AS SHOWN
 SHEET 2 OF 3

RANCHO SANTA RITA RD

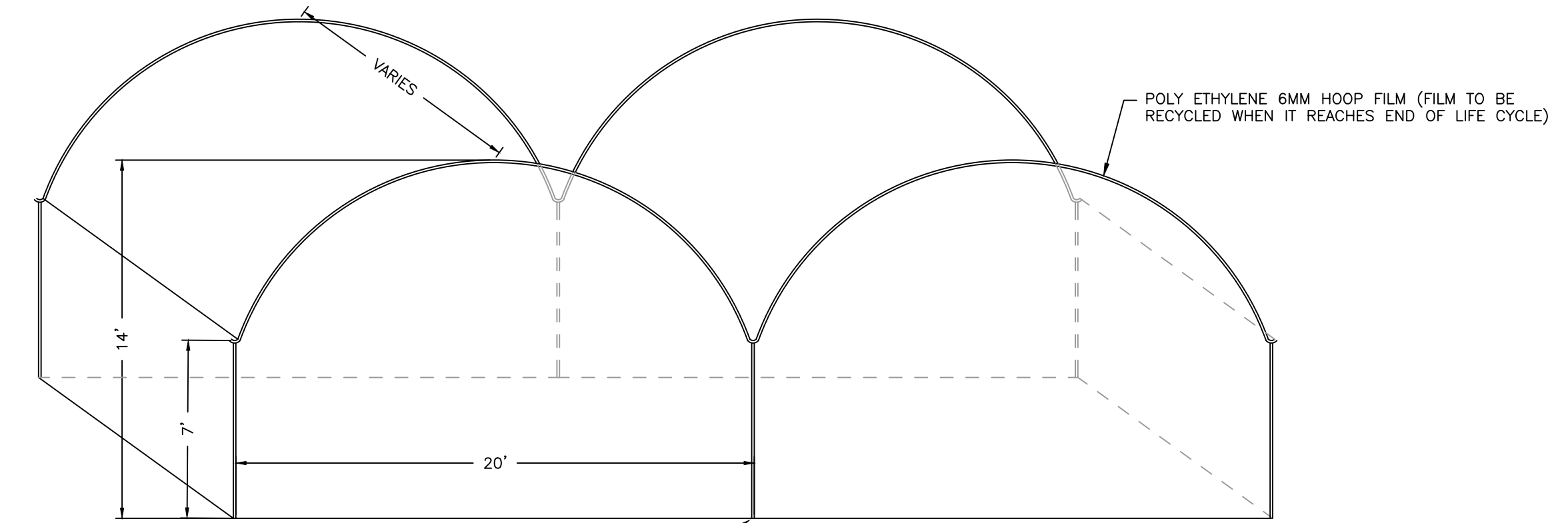
APN 099-110-061



IRRIGATION DETAIL - TIMED DRIP IRRIGATION

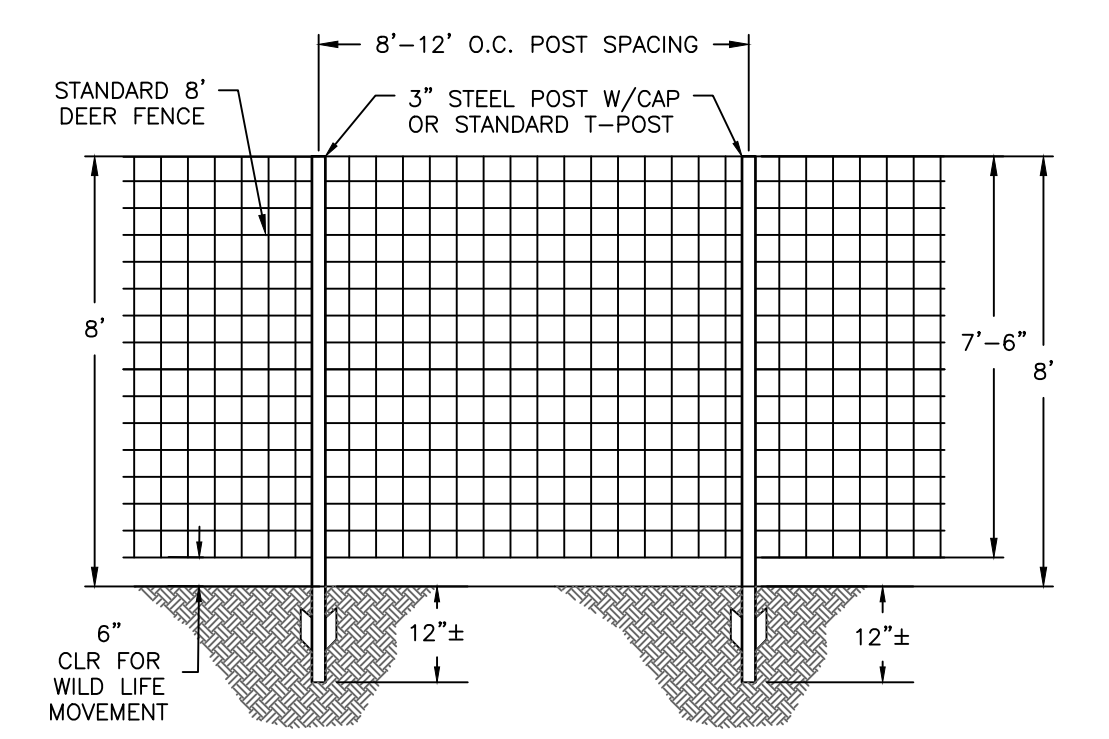
NOTES:
 PLANTS TO BE IN RAISED BEDS. IF THERE ARE AREAS WHERE RAISED BEDS ARE NOT PRACTICABLE, THE IRRIGATION WILL BE MODIFIED TO ALLOW FOR UNITS IN 30 GALLON POTS.

MITIGATION OF WATER DEMANDS:
 DRIP TAPE AND BEDCOVER SHALL BE USED. THE BEDCOVER WILL KEEP MOISTURE IN. THE DRIP TAPE ALLOWS WATER TO GRADUALLY DRIP OUT ELIMINATING SPRAYING. THE FARM WILL USE "BLUEMAT" MOISTURE SENSORS TO MEASURE THE MOISTURE CONTENT OF THE SOIL WHICH WILL PROMPT THE NEED TO WATER AS REQUIRE AND ELIMINATING EXCESSIVE WATERING.



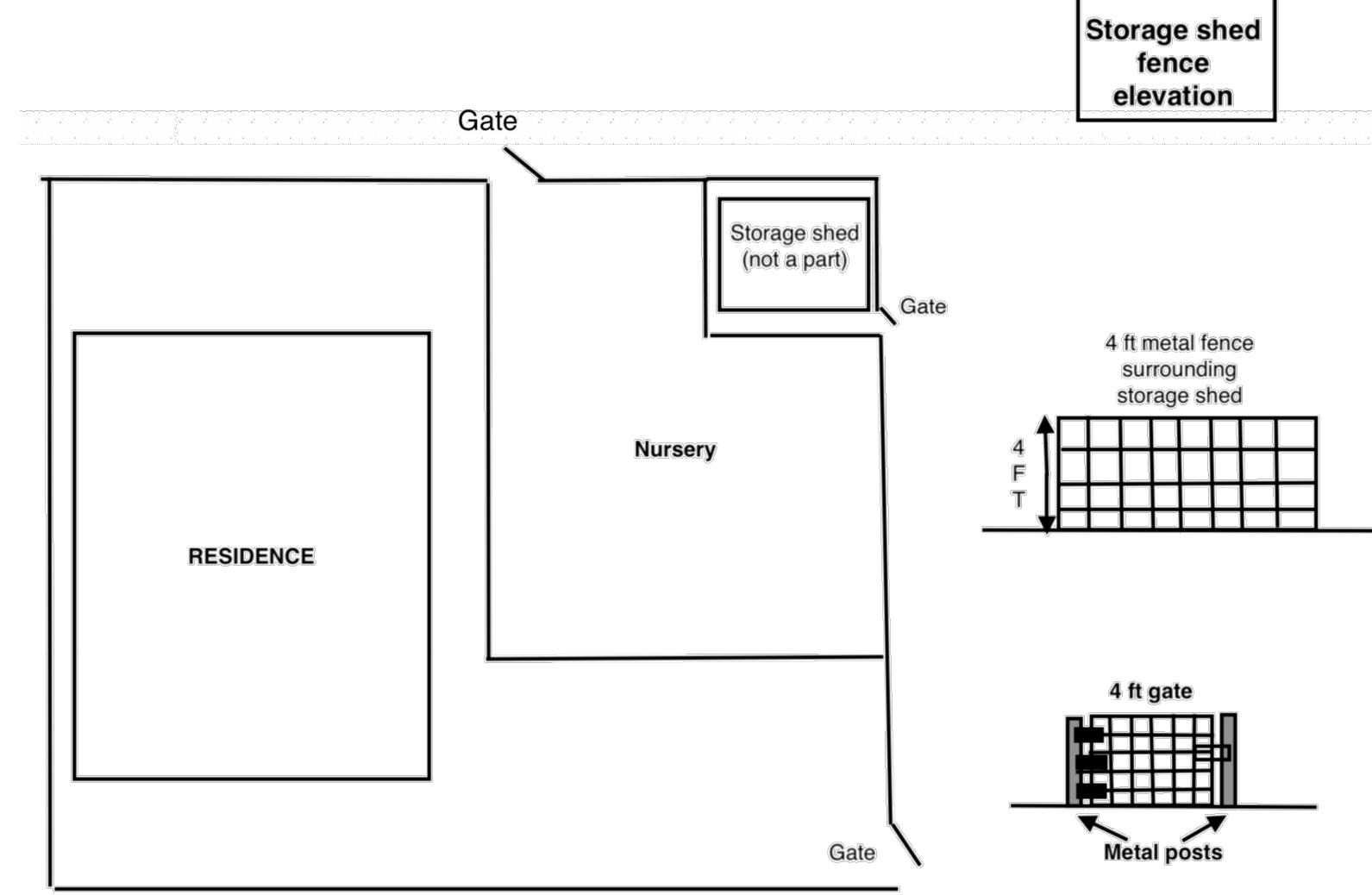
HOOP STRUCTURE

NOTE:
 NO SLAB OR FLOORING, TYP ALL
 PLASTIC/POLY COVERING WILL BE REMOVED AS NEEDED AND DURING RAINY SEASON TO ALLOW FOR RAINWATER TO PERCOLATE INTO THE SOIL AND PREVENT RUN-OFF



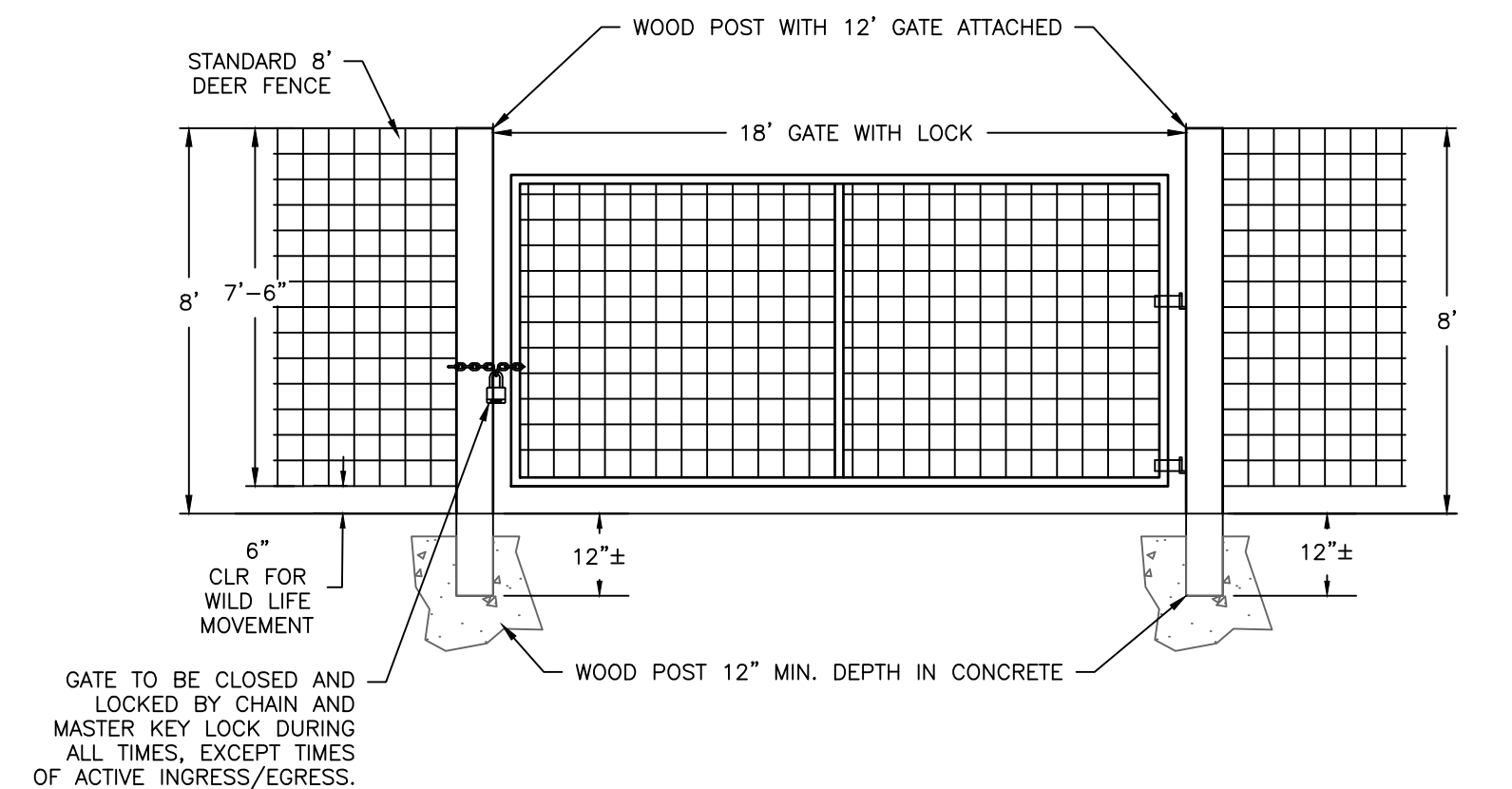
8' DEER FENCE DETAIL

NTS



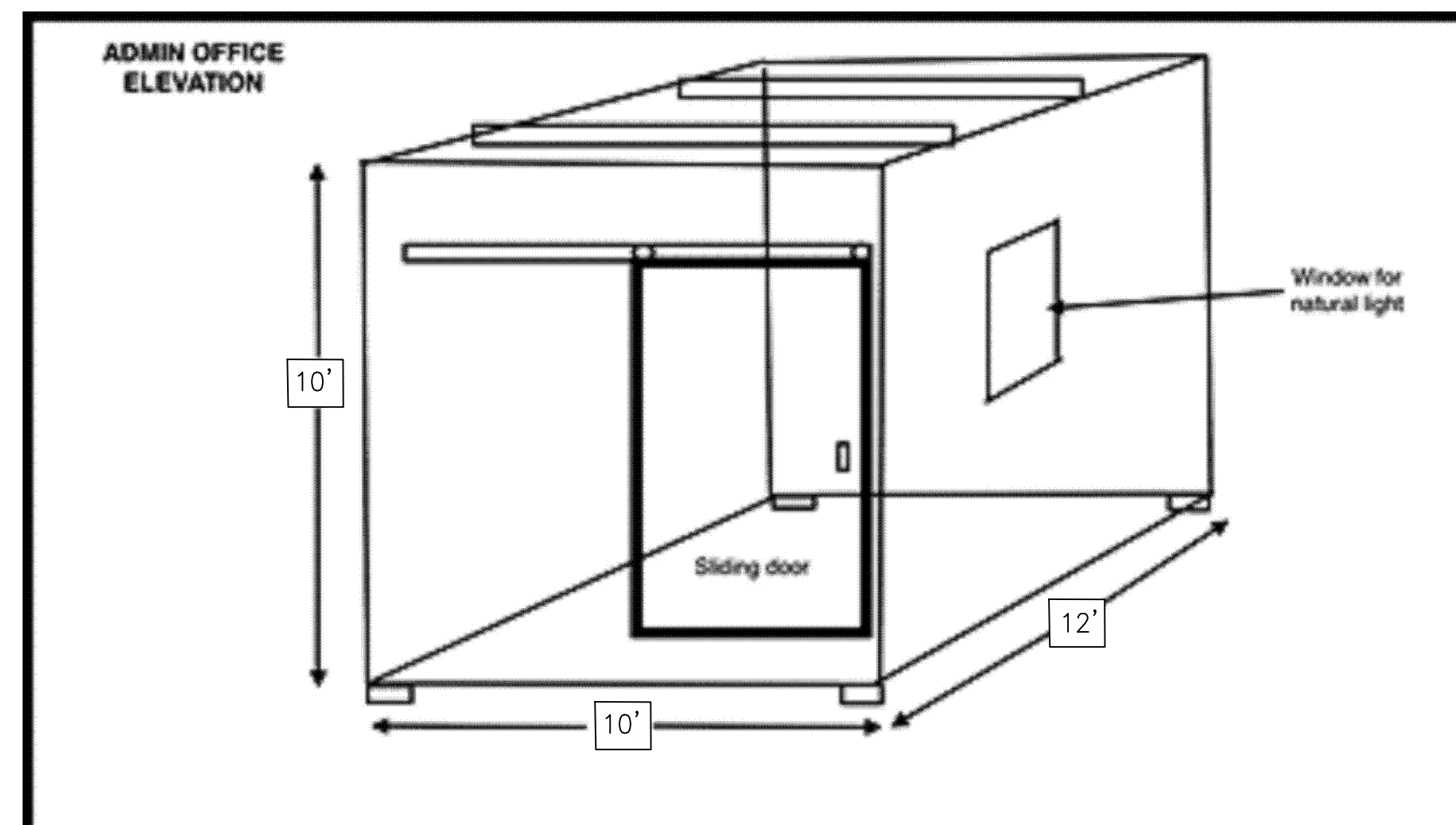
STORAGE SHED FENCE ELEVATION

NOTE: THIS SHED IS NOT PART OF THIS PROJECT.



CULTIVATION SITE GATE AND LOCK DETAIL

NTS



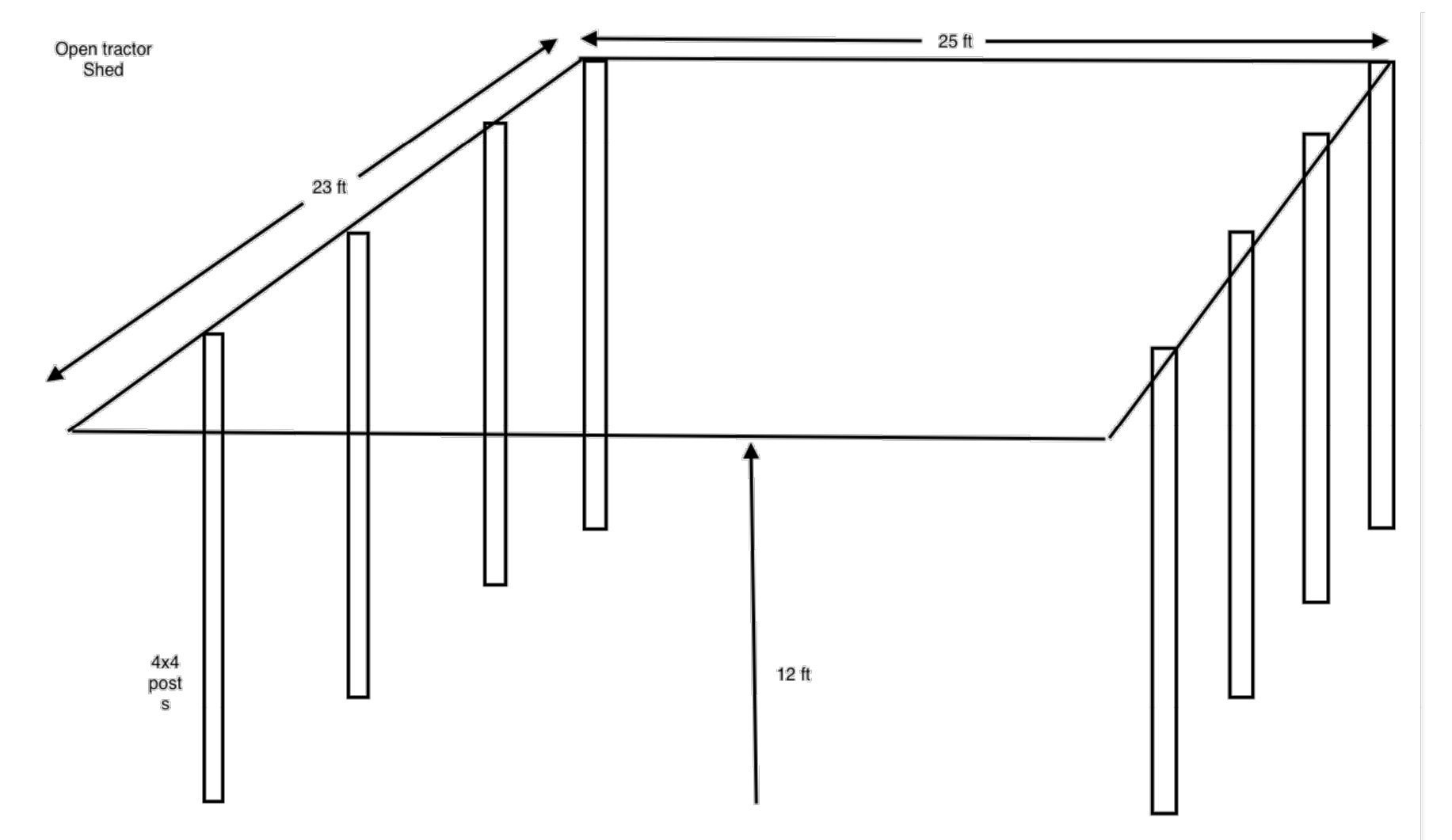
10' x 12' SHEED ELEVATION

NTS

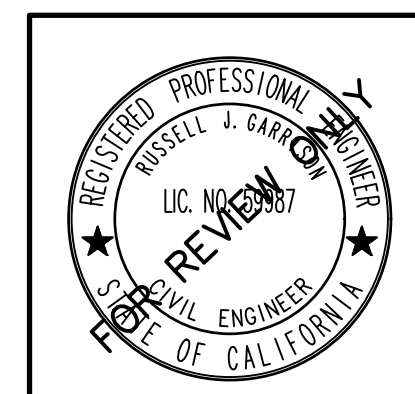


23' x 25' TRACTOR SHED ELEVATION

NOTE: ADMIN OFFICE UNDER TRACTOR SHED



NTS



DESIGNED BY:	G.C.
CHECKED BY:	R.J.G.
REVISIONS	
DATE	DESCRIPTION
11/6/20	PC FROM 9-8-20
12/4/20	PC FROM 12-2-20

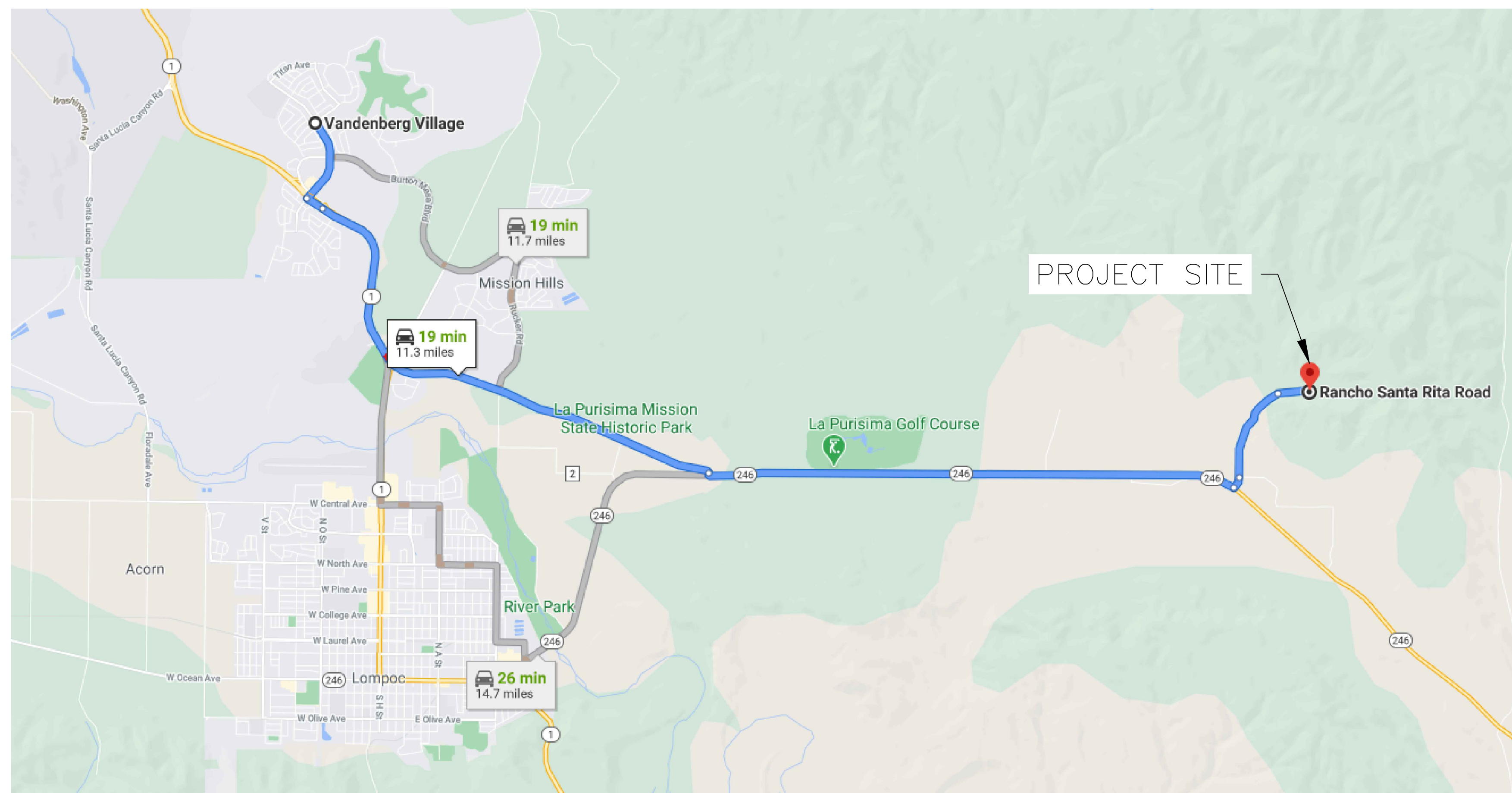
4/23/2021
1974 Hillenbrand Site Plan.dwg

SITE PLAN
SANTA RITA PROJECT
COUNTY OF SANTA BARBARA, CALIFORNIA

RUSSELL J. GARRISON R.C.E. 59987 DATE _____

BETHEL engineering 2824 Appon Dr., Santa Maria, California 93450 (805) 934-5787

SCALE: AS SHOWN
SHEET 3 OF 3



SITE TRANSPORTATION DEMAND MANAGEMENT - NORTH OR WEST

NTS

ARRIVALS FROM THE NORTH OR WEST OF THE PROJECT MAKE TAKE HIGHWAY 1 AND CONTINUE ONTO HWY 246 AND TURN LEFT (NORTH) ONTO CAMPBELL ROAD, THEN CONTINUE ONTO SANTA RITA ROAD. THE ENTRANCE TO THE PROPERTY IS ON THE LEFT HAND SIDE OF THE ROAD AT THE END OF (RANCHO) SANTA RITA ROAD.

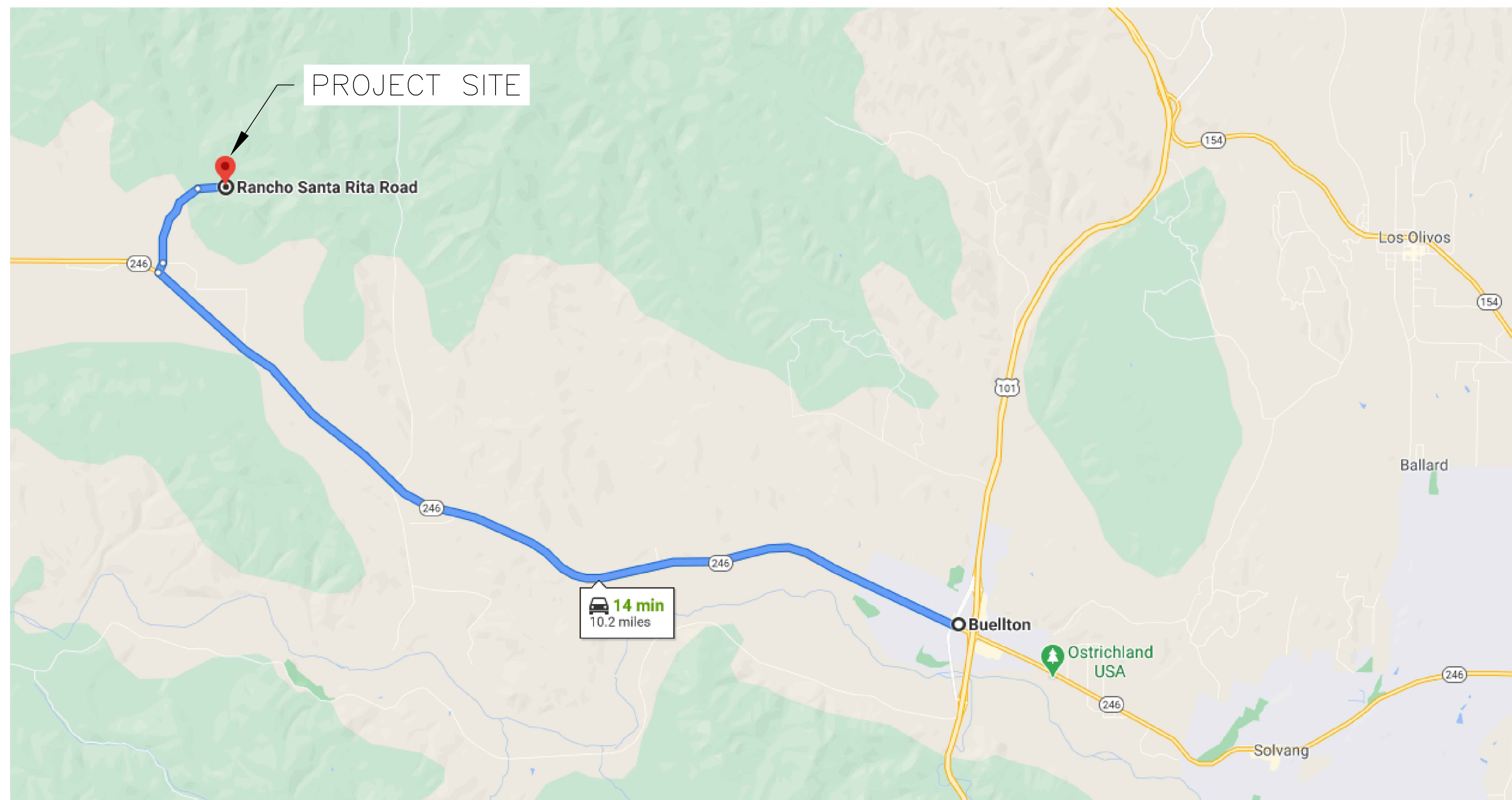
CURRENTLY THERE ARE THREE FULL TIME EMPLOYEES WHO RESIDE ON THE PROPERTY. DAILY TRIPS BY THESE EMPLOYEES IS LIMITED TO LEAVING THE PROPERTY TO PURCHASE SUPPLIES OR GROCERIES. ESTIMATED TOTAL DAILY TRIPS IS 1-2.

ROUGHLY 8-12 PART TIME EMPLOYEES WOULD BE USED SEASONALLY, AND WOULD BE BROUGHT TO THE SITE VIA THEIR LABOR CONTRACTOR GENERALLY IN A CARPOOL VAN/SHUTTLE. DAILY TRIPS FOR PART TIME EMPLOYEES WOULD BE TWO (2), ONCE IN THE MORNING ARRIVING AT THE PROPERTY AND ONCE IN THE EVENING LEAVING THE PROPERTY

THE NUMBER OF SEASONS WOULD BE THREE (3). THEY ARE APRIL-JUNE, JUNE-OCTOBER, AND OCTOBER- DECEMBER. PART-TIME TEMPORARY EMPLOYEES WOULD ARRIVE AT THE BEGINNING OF EACH SEASON FOR PLANTING, AND AT THE END OF EACH SEASON FOR HARVESTING. PLANTING AND HARVESTING SESSIONS ARE GENERALLY 2-3 DAYS LONG.

HOURS OF OPERATION ARE 6:00 AM - 4:00 PM. MONDAY THROUGH SUNDAY

THE PARKING AREA WILL HAVE DESIGNATED PARKING STALLS, ONE STALL WILL BE POSTED AS A VAN SHUTTLE SPACE AND ONE FOR CARPOOLING. ALL TEMPORARY/SEASONAL EMPLOYEES WILL BE SHUTTLE TO THE SITE AND ALL PERMANENT EMPLOYEES WILL BE OFFERED HOUSING IN THE ONSITE HOME FURTHER REDUCING THE NUMBER OF VEHICLE TRIPS.



SITE TRANSPORTATION DEMAND MANAGEMENT - SOUTH, NORTH, OR EAST

NTS

ARRIVALS FROM THE SOUTH, NORTH OR EAST OF THE PROJECT WILL TAKE HIGHWAY 246 AND TURN RIGHT (NORTH) ONTO CAMPBELL ROAD, THEN CONTINUE ONTO SANTA RITA ROAD. THE ENTRANCE TO THE PROPERTY IS ON THE LEFT HAND SIDE OF THE ROAD AT THE END OF (RANCHO) SANTA RITA ROAD.

3/5/2021
1974 Hillenbrand Site Plan.dwg

SITE TRANSPORTATION DEMAND MANAGEMENT EXHIBIT



2624 Alpark Dr., Santa Maria, California 93450 (805) 934-9787

ATTACHMENT F: ODOR ABATEMENT PLAN, DATED MARCH 15, 2021



Cannabis Odor Abatement Plan

April 23, 2021

Prepared for:

Jason Hilldenbrand

Site Address: 2300 Santa Rita Rd
Lompoc, CA

Prepared by:

Nate Seward, PE, CIH

Professional Mechanical Engineer (M31978)
Certified Industrial Hygienist (9582 CP)
Certified Radon Tester #108180RT
EPA & IICRC Instructor (WRT & AMRT)
Licensed Asbestos Abatement Consultant (I-1923)



April 23, 2021

Santa Rita Holdings

Site Address: 5423 Rancho Santa Rita Rd
Lompoc, CA

Re: Cannabis Odor Abatement Plan

Ladies and Gentlemen,

This Cannabis Odor Abatement Plan has been prepared in compliance with the Inland Zoning Ordinance requirements and the regulations set forth for Commercial Cannabis regulations. This plan includes the evaluation of a proposed odor abatement system to reduce and/or eliminate cannabis-related odors. The objective of the system is to eliminate odors from reaching receptors within residential zoned properties closest to the subject site.

Site Description –

The subject site is located at 2300 Santa Rita Rd, Lompoc, CA; APN: 099-110-060. The subject property will include cultivation of approximately 2.54 acres of cannabis. The cultivation operations will include outdoor cultivation (0.55 acre), hoop house cultivation (1.88 acres), and a nursery (0.11 acre). Cultivation would take place in raised beds in the ground, and 30-gallon pots will be used in areas in which raised beds are not practical. No cultivation will occur within the 50 ft. ESH setback (a reduction from 100-foot required in a rural setting substantiated in the Biological Resource Assessment), hoop structures will adhere to the 100-foot ESH setback and the cannabis activities in general will adhere to the 50-foot setback from the property lines. Hoop house coverings will be taken off as needed during the winter months to avoid storm water channeling. Fiber rolls are proposed to assist with capturing sediment and runoff from the site. There will be 2-3 harvests per year, taking place between 6 am and dusk. Plants will be chopped in the field, binned, and put into a refrigerated truck for transport to a processing facility. All drying and processing will be done off-site.

Since the project is so far removed from any neighbors, and the size of the project is relatively small, we do not expect odor to be an issue. Prevailing winds blow west to east, away from neighboring residences. The applicant will not be drying or processing on site, which is the main source of odor.

The hoops will be approximately 14 ft high by 20 feet wide with various lengths and will be seasonally covered with a plastic/poly. The metal structures will remain in place year-round with the plastic/poly removed as needed and during the raining season to allow for rainwater to percolate into the soil and prevent run-off.



Site improvements associated with the project for compliance with the Santa Barbara Zoning Ordinance, Santa Barbara County Program Environmental Impact Report (PEIR) for cannabis activities, the County Environmental Health & Safety Department, include 'dark sky' compliance exterior security lighting, security fencing and cameras, the installation of three 5000-gallon irrigation water storage tanks, and the installation of hoop houses. Water is provided by Vista Hills Mutual water company. Septic tanks are serviced by Lee and Neal Septic. Electricity for the home is provided through PG & E's solar program. PG & E will be providing electricity for security cameras and security lights where possible. A small submersible pump that requires electricity will be used to mix nutrients in the nutrient tank for the nursery. Gravity will be used to feed the rest of field crop. No electricity will be used inside hoop houses. There is no grading proposed for this project.

The onsite residence will be utilized as a residence with the main permanent employees living at the residence. There are bathroom facilities inside the home that are on a septic tank and they will provide the facilities for the permanent employees. Temporary/seasonal employees will be provided chemical toilets.

The location of the subject site is at the end of a very long private road with a diminishing easement, and as such the project is not visible from a public view so no screening is proposed. Adjacent land use is cattle grazing.

The existing security fencing is 8-foot deer fence securing the cultivation area. The security fence is currently located within the setback to prevent cattle from degrading and eroding the top of bank. Security cameras are strategically placed at the secured cannabis entry and around the canopy area. All exterior lighting will be dark sky compliant on motion sensors and will illuminate the entrance gate to the premises, and the driveway between the gate and the house. The cannabis operation will be served by Vista Hills Mutual Water Company and augmented by 6 water tanks.

There will be no noise generating equipment or environmental control systems used inside or outside the hoop houses or in the nursery area.

The subject property would be accessed by way of Highway 246 to Santa Rita Road. Vehicle trips generated by incoming and outgoing delivery of supplies or product would average one trip per day. Daily trips are minimized due to the permanent employees residing in the home. Temporary/seasonal employees will be utilized but these seasonal workers will carpool or deliver to the site via contractor labor vans to the facility.

It is anticipated that the subject property will produce three crops per year. The first crop will get planted into the ground in April with harvesting in the last two weeks of June. The second crop will get planted into the ground in July with harvesting in the last two weeks of October. The harvest will be immediately placed in plastic bags and stored in containers placed in a refrigerated truck.

organic compounds and other gases present. The following Table are the PID readings recorded from our study.

Table 1: PID readings downwind from point source

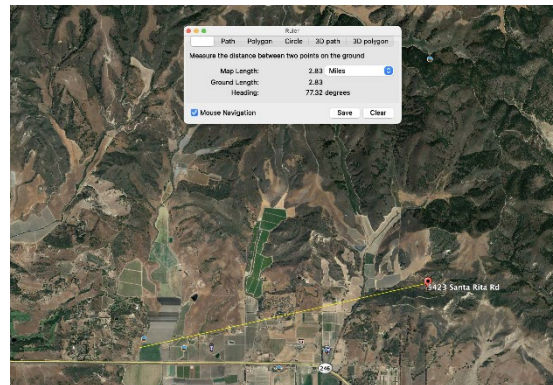
*Downwind and Distance from source	PID Reading	Odor observation
Inside Container (at source)	5,500	Very strong
10' downwind from source	1,020	Strong
20' downwind from source	155	Light/faint
30' downwind from source	250	Light/faint

*An axial air mover was used at the back of the container to push the odors toward our sampling equipment to represent a fairly aggressive wind speed.

The PID readings indicate a significant reading at the source which was expected based on the very strong odors being emitted. However, at 10' from the source the odor was still described as strong, however the readings suggested a reduction to approximately 20% of the source intensity. At 20' & 30' from the source, the readings dropped to 3% 5% of the original source odor. (Note: the slight increase of the PID reading at 30' compared to 20' were likely influenced by another shipping container nearby that contained more cannabis plants). The reduction in VOCs the further from the source is not surprising as the influence of mixing and dilution occurs the further from the source. It should be noted that this worse-case scenario also did not utilize any odor control technologies inside the curing container.

Residential Zones

The nearest residential zone appears to be approximately 2.8 miles from the subject site to the west. However, according to wind data located at the Lompoc airport, the general wind direction within the area blows from the west to the east. The nearest residential zone east of the property is the City of Buellton which is 9+ miles from the subject site.



Initial Complaint

Upon notification of an odor complaint, either from a public member directly or through a complaint that is received from an agency, we will perform an onsite assessment. The assessment will include an evaluation of the current wind conditions, review of the onsite meteorological data and odor observations upwind of the site. The applicant will document this data both at the time of the initial complaint and the assessment.



Any complaint of cannabis odor emanating from the property will be documented on a form or in a manner prescribed by the cultivation manager. Completed forms will be forwarded to the Record Keeping Manager. The form or documentation will contain, at a minimum:

1. The date of the complaint.
2. The name of the employee reporting an odor problem.
3. The name and contact information of the person who reported the odor if not an employee, if he/she chooses to disclose that information.
4. The date, time, and frequency of the noted odor emission.
5. The distance from the property that the odor was detected or approximate location of odor detection.
6. The outcome of the inspection of the incident, including confirmation of no further odors being detected.
7. The nature and date of any corrective action that was taken in the course of the inspection.

Resolution

An odor complaint will be considered resolved when:

1. The cultivation manager confirms that the issue has been effectively inspected and any necessary corrective measures have been taken, or the cultivation manager determines that there was no odor escaping the property that could be detected by a person of normal sensitivity.
2. The complaint response documentation is complete and filed.
3. Any official enforcement action is completed or resolved to the satisfaction of the agency or department initiating the action, if applicable.

Conclusions

Based on compliance with the required setbacks from the odor emitting areas to the property line (50' – 100') in conjunction with planting of various masking plants, flowers and vegetation along, it is unlikely that odors will be experienced beyond the property line. In addition, the nearest residential zones are miles from the subject site which significantly lowers the possibility of experiencing cannabis odors within these communities.



Limitations

It should be noted and understood that although cannabis activities have been legalized and permitted within the County, it is expected that illegal and unpermitted commercial and personal growing operations will continue within the immediate area. These operations are not complying with State or County regulations, particularly as it relates to odor abatement and therefore malodor complaints by the public may be incorrectly directed at the applicant. Cannabis odors, whether “real” or “psychological” are subjective and interpretive, depending on the receptor. Generally, the intensity of an odor will dissipate over distance and therefore in theory, the further the receptor is from the emitting-source, the less intense the odor generally is observed. If you have any questions or concerns regarding the information provided, please do not hesitate to call us at 805.432.4888.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Nate", is written over a thin horizontal line.

Nate Seward, PE, CIH

Professional Mechanical Engineer (M31978)
Certified Industrial Hygienist (9582 CP)

ATTACHMENT G: BIOLOGICAL RESOURCES ASSESSMENT DATED AUGUST 14,
2020



2565 Puesta Del Sol Road #3
Santa Barbara, CA 93105
(805) 682-2065
www.storrerenvironmental.com

**REVISED BIOLOGICAL RESOURCES ASSESSMENT
CANNABIS CULTIVATION PROJECT (19CUP-00000-00019)
5423 SANTA RITA ROAD (APN 099-110-060),
SANTA BARBARA COUNTY, CALIFORNIA**



Prepared for:

Santa Rita Holdings, LLC
c/o Jason Hillenbrand
5423 Santa Rita Road
Lompoc, CA 93463

Prepared By:

Storrer Environmental Services, LLC
2565 Puesta Del Sol Road #203
Santa Barbara, California 93105

Revised: August 14, 2020

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1.0 INTRODUCTION

This Revised Biological Resources Assessment (Revised Assessment) was prepared in support of a Conditional Use Permit application (19CUP-00000-00019) from the County of Santa Barbara (County) for the Santa Rita Holdings, LLC Cannabis Cultivation Project (Project), located at 5423 Santa Rita Road (APN 099-110-060) in Santa Barbara County, California.

The Revised Assessment has been prepared in compliance with County Ordinance 5027 and the corresponding requirements of Land Use Development Code (LUDC) §35.42.075 (Cannabis Regulations) and is also applicable to the requirements by other California resources agencies (e.g., California Department of Fish and Wildlife [CDFW], Regional Water Quality Control Board [RWQCB]), pursuant to the California Environmental Quality Act (CEQA). The investigations were completed by Storrer Environmental Services, LLC (SES).

The objectives and scope of this Revised Assessment are to 1) further identify the nature and extent of biological resources present within and in proximity to the planned cannabis cultivation area, with focus on native habitats and/or species afforded special protection by federal, state, and/or local policies and regulations; 2) recommend additional measures to minimize Project-related impacts to Environmentally Sensitive Habitat (ESH); 3) include a Tree Protection, Habitat Protection, and/or Wildlife Movement Plan, if necessary; 4) determine whether there are any site-specific impacts not generally assessed in the County’s Final Environmental Impact Report (FEIR) for the Cannabis Land Use Ordinance and Licensing Program (County 2017); and 5) address comments from the County and CDFW on the previous Biological Resources Assessment (SES 2019a).

1.1 PROJECT LOCATION & DESCRIPTION

The 120-acre parcel is located at 5423 Santa Rita Road (APN 099-110-060) in an unincorporated part of the County, approximately mid-distance between the Cities of Lompoc and Buellton (Latitude 34.674478°, Longitude -120.312899°) (Figure 1 – Site Vicinity Map). There is an unnamed ephemeral drainage that extends through the parcel from east to west.

The Project is a request on behalf of Santa Rita Holdings, LLC (Operator) to allow cannabis cultivation on approximately 6.3 acres of the property. The cultivation operations will include installation of approximately 2.3 acres of hoop houses, 0.5-acre outdoor (“open-sun”) cultivation, a 4,158 square foot nursery, two existing storage sheds (120 square feet each), security measures (e.g., fencing, lighting, and cameras), and installation of three 5,000-gallon irrigation water storage tanks (Figures 2a-2c – Site Plans).

There is existing 8-foot deer fence, comprised of 4-inch square wire mesh, in place around the majority of the proposed cultivation area (3,575 linear feet). An additional 640 linear feet of fencing is proposed for the perimeter of the outdoor cultivation area. A portion of the security fencing is currently located along the top of bank (TOB) of the ephemeral drainage. The security fencing was installed in summer 2019, per discussions with County Staff. The security fencing also prevents cattle from degrading the northern bank of the ephemeral drainage that is adjacent to the cultivation area.

Proposed lighting is ‘dark sky’ compliant. Water is provided by Vista Hills Mutual Water Company. Septic tanks are serviced by Lee and Neal Septic. Electricity for the existing residence is provided through PG&E’s solar program. PG&E will be providing electricity for security cameras and security lights, where possible. A small submersible pump that requires electricity will be used to mix nutrients in the nutrient tank for the nursery. No electricity will be used inside hoop houses. Gravity will be used to irrigate the cultivation areas via drip lines from water tanks. Fuel, agricultural chemicals, and nutrients will be stored in secondary containment in the storage sheds. The Operator has obtained a certified hauler to remove cannabis waste from the property. A covered secured bin is provided by the hauler and removed as needed.

2.0 ENVIRONMENTAL SETTING

The property is located in the Purisima Hills. The parcel is zoned agriculture (AG-II-100). The surrounding dominant land use to the south, east, and west is agriculture (i.e., vineyards or cultivated fields), but the land immediately north, east, and south of the property is undeveloped. For the purposes of this Revised Assessment, the Survey Area includes all proposed cannabis cultivation areas and associated operations areas, existing development, recently disturbed areas, the adjacent ephemeral drainage, and a nearby stock pond (Figure 3 – Survey Area Map).

Based on aerial imagery from Google Earth, a small agricultural operation limited to the open areas surrounding the residence has been active since at least 1994. In 2015 the agricultural operation expanded to the proposed hoop cultivation area in the western portion of the property. The proposed outdoor cultivation area was cleared sometime between December 2015 and June 2017. The remainder of the property is used for livestock grazing.

A deeply incised, unnamed ephemeral drainage trends westward across the parcel, adjacent to the southern boundary of the cannabis cultivation area. The drainage conveys stormwater runoff downstream through several agricultural properties, joining additional small tributaries, which eventually discharge into the Santa Ynez River approximately 5.4 miles to the southwest.

A “Known California Tiger Salamander (CTS) Breeding Pond”, designated LOAL-40 by the USFWS (2010), is located just outside of the northeast corner of the parcel (Figure 3 – Survey Area Map). The presence of CTS in LOAL-40 was confirmed by aquatic sampling during a 2019 field investigation (SES 2019b). LOAL-40 is an ephemeral stock pond that would continue to support existing nearby livestock operations, but is not on the property, nor is it a part of the proposed Project.

The Survey Area ranges in elevation from approximately 1,335 feet above mean sea level (msl) at the stock pond (i.e., LOAL-40) to 780 feet above msl at the southwestern corner. Based on review of the Web Soil Survey of the of Santa Barbara County, California, Northern Part the following two soil units are mapped in the Survey Area:

- San Andreas-Tierra Complex (SfG), 30 to 75 percent slopes. The majority of the Survey Area is comprised of the SfG soil type, including the northern portion of the lower cultivated area and the upper cultivated area. San Andreas-Tierra complex is a well-drained, fine sandy loam soil that forms on hills, overlying weathered bedrock. The parent material is residuum weathered from soft sandstone. This soil type is not considered prime farmland (NRCS 2020).

- Corralitos Sand (CtD2), 2 to 15 percent slopes, eroded. CtD2 soil type is present in the western portion of the Survey Area, including the developed area and the majority of the lower cultivated area. Corralitos sand is a somewhat excessively drained sandy soil that forms on alluvial fans, foot slopes, and treads. Parent material is sandy alluvium. Corralitos sand land is not considered prime farmland (NRCS 2020).

3.0 REGULATORY FRAMEWORK

Sensitive biological resources, including special-status plant and wildlife species, unique plant communities, wildlife corridors, nesting birds, and jurisdictional waters and wetlands, are protected under various federal, state, and local laws, regulations, and land use policies. The following sections summarize the regulations and policies administered by resource agencies pertaining to biological resources that are known to occur or have the potential to occur on the property.

3.1 FEDERAL REGULATIONS

3.1.1 Endangered Species Act (16 U.S.C. § 1531 et seq.)

The Endangered Species Act of 1973 (ESA) provides for the protection of plant and animal species listed by the federal government as “endangered” or “threatened,” and “the ecosystems upon which they depend.” The USFWS and National Marine Fisheries Service (NMFS) share responsibility for administration of the federal ESA. An “endangered” species is one that is “in danger of extinction” throughout all or a significant portion of its range. A “threatened” species is one that is “likely to become endangered” within the foreseeable future. The ESA prohibits “take” of threatened or endangered species except under certain circumstances and only with authorization from the USFWS. “Take” as defined by the ESA, “means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” This can also include the modification of a species’ habitat. For plants, this statute governs removing, possessing, maliciously damaging, or destroying any listed plant on federal land and removing, cutting, digging up, damaging, or destroying any listed plant on non-federal land in knowing violation of state law (16 U.S.C. § 1538(c)).

When non-federal entities, such as states, counties, local governments, and private landowners, wish to conduct an otherwise lawful activity that might incidentally, but not intentionally, “take” a listed species, an incidental take permit must first be obtained via formal consultation with the USFWS using one of two methods. If a federal nexus is not available, an incidental take permit (ITP) must be obtained for the project following formal consultation with the USFWS via Section 10 of the ESA (ESA § 10(a)(1)(B)).

If a federal nexus is available, then an incidental take permit may be obtained by the federal agency involved in the nexus (e.g., USACE) via Section 7 of the ESA (ESA § 7). Section 7 stipulates that any federal agency action that may affect a species listed as threatened or endangered requires a formal consultation with USFWS to ensure that the action is not likely to jeopardize the continued existence of the listed species or result in destruction or adverse modification of designated critical habitat (16 U.S.C. 1536(a)(2)). The Biological Opinion issued by the USFWS at the conclusion of the consultation may include authorization for incidental take of a listed species.

3.1.2 Clean Water Act – Section 404

The Clean Water Act (CWA) is comprehensive legislation established to protect the nation’s water from pollution by setting water quality standards and by limiting the discharge of effluents in the waters of the United States. Section 404 of the CWA regulates the discharge of dredged and/or fill material into waters of the U.S., including wetlands. Section 404 of the CWA is jointly administered and enforced by the U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA). Activities in waters of the U.S. regulated under Section 404 include dredge or fill for development, water resources projects (i.e., dams and levees), infrastructure development (i.e., highways and airports), and mining projects. With the exception of certain farming and forestry activities that are exempt from Section 404 regulation, a Section 404 permit is required before any dredged or fill material may be discharged into waters of the U.S. The Section 404 program prohibits discharge of dredged or fill material if waters of the U.S. would be significantly degraded or a practical alternative exists that is less damaging to the aquatic environment.

3.1.3 Waters of the U.S.

On April 21, 2020, the EPA and USACE published the Navigable Waters Protection Rule (2020 Rule) that defines waters of the U.S. and clarifies the limits of federal jurisdiction over wetlands, streams, and ditches under the CWA. The 2020 Rule became effective on June 22, 2020.

3.1.3.1 Jurisdictional Waters

For purposes of the Clean Water Act, 33 U.S.C. 1251 *et seq.* and its implementing regulations, the term “waters of the U.S.” means:

- (1) The territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide;
- (2) Tributaries;
- (3) Lakes and ponds, and impoundments of jurisdictional waters; and,
- (4) Adjacent wetlands.

The limit of USACE’s jurisdiction in non-tidal waters extends to the ordinary high water mark (OHWM). The term OHWM means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

The term adjacent wetlands applies to wetlands that:

- (i) Abut, meaning to touch at least at one point or side of, a water identified in paragraphs (1), (2), or (3) of this section;
- (ii) Are inundated by flooding from a water identified in paragraphs (1), (2), or (3) of this section in a typical year;

- (iii) Are physically separated from a water identified in paragraph (1), (2), or (3) of this section only by a natural berm, bank, dune, or similar natural feature; or
- (iv) Are physically separated from a water identified in paragraph (1), (2), or (3) of this section only by an artificial dike, barrier, or similar artificial structure so long as that structure allows for a direct hydrologic surface connection between the wetlands and the water identified in paragraph (1), (2), or (3) of this section in a typical year, such as through a culvert, flood or tide gate, pump, or similar artificial feature. An adjacent wetland is jurisdictional in its entirety when a road or similar artificial structure divides the wetland, as long as the structure allows for a direct hydrologic surface connection through or over that structure in a typical year.

The term “lakes and ponds, and impoundments of jurisdictional waters” means:

Standing bodies of open water that contribute surface water flow to a water identified in paragraph (1) of this section in a typical year either directly or through one or more waters identified in paragraph (2), (3), or (4) of this section. A lake, pond, or impoundment of a jurisdictional water does not lose its jurisdictional status if it contributes surface water flow to a downstream jurisdictional water in a typical year through a channelized non-jurisdictional surface water feature, through a culvert, dike, spillway, or similar artificial feature, or through a debris pile, boulder field, or similar natural feature. A lake or pond, or impoundment of a jurisdictional water is also jurisdictional if it is inundated by flooding from a water identified in paragraph (1), (2), or (3) of this section in a typical year.

3.1.3.2 Non-jurisdictional Waters

Per the 2020 Rule, the following are not “waters of the U.S.”:

- (1) Waters or water features that are not identified in paragraphs (1), (2), (3), or (4) of the previous section;
- (2) Groundwater, including groundwater drained through subsurface drainage systems;
- (3) Ephemeral features, including ephemeral streams, swales, gullies, rills, and pools;
- (4) Diffuse stormwater run-off and directional sheet flow over upland;
- (5) Ditches that are not waters identified in paragraphs (1) or (2) of the previous section, and those portions of ditches constructed in waters identified in paragraph (4) of the previous section that do not satisfy the definitions of adjacent wetlands;
- (6) Prior converted cropland;
- (7) Artificially irrigated areas, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease;
- (8) Artificial lakes and ponds, including water storage reservoirs and farm, irrigation, stock watering, and log cleaning ponds, constructed or excavated in upland or in non-jurisdictional waters, so long as those artificial lakes and ponds are not impoundments of jurisdictional waters;

- (9) Water-filled depressions constructed or excavated in upland or in non-jurisdictional waters incidental to mining or construction activity, and pits excavated in upland or in non-jurisdictional waters for the purpose of obtaining fill, sand, or gravel;
- (10) Stormwater control features constructed or excavated in upland or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater run-off;
- (11) Groundwater recharge, water reuse, and wastewater recycling structures, including detention, retention, and infiltration basins and ponds, constructed or excavated in upland or in non-jurisdictional waters; and,
- (12) Waste treatment systems.

3.2 STATE REGULATIONS

3.2.1 California Endangered Species Act (California Fish and Game Code § 2050, et seq.)

Fish and wildlife resources are protected by a number of laws and programs administered by the CDFW, formerly the California Department of Fish and Game. The California Endangered Species Act (CESA) generally parallels the provisions of the federal ESA, and states that “all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved.”

Under the CESA, “endangered” is defined as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range;” and “threatened” is defined as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts.” “Take” is defined as “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill” an individual of a species, but the definition does not include “harm” or “harass,” as the ESA does. As a result, the threshold for a take under the CESA is higher than that under the federal ESA. Exceptions to the take prohibition are limited to authorization of collection for “necessary scientific research”.

Consistent with the CESA, CDFW has established lists of endangered, threatened, and candidate species that may or may not be included on a federal ESA list. CDFW also maintains a list of Species of Special Concern for those species that have declining populations, limited distribution, diminishing habitat, or unusual scientific, educational, or recreational value. In addition, CDFW manages a “watch list” of species that have been de-listed or are vulnerable. Species of Special concern and watch list species are not afforded the same legal protection as listed species.

Pursuant to California Fish and Game Code Section 2081, CESA allows for incidental take permits to otherwise lawful development projects that could result in the take of a state-listed threatened or endangered species. The application for an incidental take permit under Section 2081(b) has a number of requirements including the preparation of a conservation plan, generally referred to as a Habitat Conservation Plan. CESA emphasizes early consultation to avoid potential impacts to rare, endangered, and threatened species and to develop appropriate mitigation planning to offset project-caused losses of listed species.

3.2.2 Native Plant Protection Act (California Fish and Game Code §§ 1900 - 1913, § 2062 and § 2067)

The CDFW also manages the California Native Plant Protection Act (NPPA), which designates and protects species eligible for state listing. Eligible species include those identified on California Native Plant Society (CNPS) Rare Plant Ranks (CRPRs) 1A, 1B, and 2 meet the definitions of Sections 1901, Chapter 10 (NPPA) or Sections 2062 and 2067 (CESA) of the California Fish and Game Code. CRPR 3 and 4 species, though not meeting the criteria for listing by CDFW, may be considered during project review by the agencies.

3.2.3 Clean Water Act – Section 401

The CWA Section 401 Water Quality Certification (Section 401 Certification) provides states and authorized tribes an opportunity to address the aquatic resource impacts of federally issued permits and licenses, to help protect water quality. Under Section 401 of the CWA, any applicant for a federal license or permit to conduct any activity that may result in any discharge into waters of the U.S. must obtain a Section 401 Certification from the State Water Resources Control Board (SWRCB) that the proposed activity will comply with state water quality standards. In California, Section 401 Certifications are issued by Regional Water Quality Control Boards (RWQCB) located throughout the state. The Central Coast RWQCB issues Section 401 Certifications for projects in the County. The federal CWA Section 404 permit is dependent on and subject to the terms of the Section 401 Certification. Therefore, under Section 401, a federal agency cannot issue a permit or license for an activity that may result in discharge into waters of the U.S. until the RWQCB has granted or waived the Section 401 Certification. Section 401 Certification is limited to federally jurisdictional waters and wetlands. In response to the federal 2020 Rule, SWRCB has adopted a new policy effective on May 28, 2020.

3.2.3.1 Waters of the State

California Code of Regulations, title 23, section 3831(w) states that “all waters of the United States are also ‘waters of the state.’” This regulation has remained in effect despite federal decisions which added limitations to what could be considered a water of the U.S. Therefore, the regulation reflects the SWRCB’s intent to include a broad interpretation of waters of the U.S. into the definition of waters of the state. Waters of the state includes features that have been determined by the EPA or the USACE to be “waters of the U.S.” in an approved jurisdictional determination; “waters of the U.S.” identified in an aquatic resource report certified by the USACE upon which a permitting decision was based; and features that are consistent with any current or historic final judicial interpretation of “waters of the U.S.” or any current or historic federal regulation defining “waters of the U.S.”

Because the interpretation of waters of the U.S. in place at the time section 3831(w) was adopted was broader than subsequent definitions (including the 2020 Rule) that incorporated more limitations into the scope of federal jurisdiction, it is consistent with the SWRCB’s intent to include both historic and current definitions of waters of the U.S. into the SWRCB’s wetland jurisdictional framework. Further, a wetland will continue to be protected when it has been regulated in the past as a water of the U.S. regardless of any subsequent changes in federal regulations. The inclusion of both current and historic definitions of “waters of the U.S.” will help ensure some regulatory stability in an area that has otherwise been in flux. Like the other

categories of the SWRCB's wetland jurisdictional framework, the status as a water of the U. S. may only be used to establish that a wetland qualifies as a water of the state; it cannot be used to exclude a wetland from qualifying as a water of the state. In other words, wetlands that are categorically excluded from qualifying as a water of the U.S. may nevertheless qualify as waters of the state under another jurisdictional category.

The SWRCB generally excludes certain areas and activities from the application procedures in order to better align the SWRCB's dredge or fill program with the federal CWA section 404 program. Activities and areas excluded from the procedures include:

- (1) Normal farming, ranching, and silviculture activities; constructing and maintaining stock or farm ponds and irrigation ditches; constructing or maintaining farm, forest, or mining roads; maintaining or reconstructing structures that are currently serviceable; and constructing temporary sediment basins for construction;
- (2) Suction dredge mining;
- (3) Routine emergency operation and maintenance activities;
- (4) Prior converted cropland that was cleared, drained, or otherwise manipulated for cropland use prior to December 23, 1985;
- (5) Fields used for rice cultivation; and,
- (6) Features used for agricultural purposes (e.g., stock ponds, irrigation ditches, etc.).

3.2.4 SWRCB Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation (Attachment A)

The SWRCB has adopted “General Requirements and Prohibitions” with respect to cannabis cultivation. Among these are “minimum riparian setbacks” measured from the edge of the wetland as determined by a qualified professional familiar with the USACE Wetlands Delineation Manual. Prescribed setbacks for cannabis cultivation and support facilities (e.g., materials/vehicle storage, pumps, water storage tanks) are as follows:

- Perennial watercourses (e.g. lakes, ponds, springs): 150 feet;
- Intermittent watercourses or wetlands: 100 feet;
- Ephemeral watercourses: 50 feet; and,
- Man-made irrigation canals and reservoirs: limits of riparian vegetation zone.

The SWRCB guidelines also include requirements for cleanup, restoration, and mitigation for impacts to riparian vegetation and/or oak trees. A revegetation plan may be required for impacts to these habitat types resulting from cannabis operations.

3.2.5 California Code of Regulations, Title 14, Section 722 – General Lake or Streambed Alteration Agreement or Activities Related to Cannabis Cultivation (General Agreement)

The California Department of Fish and Wildlife (CDFW) requires a General Agreement under the referenced statute for “construction, reconstruction or repair of stream crossings in the form of a bridge, culvert, or rock ford, and water diversion on non-fish rivers streams and lakes that are used or will be used for the purpose of cannabis cultivation, each a “covered activity””.

3.3 LOCAL LAND USE POLICIES

3.3.1 County Stream and Riparian Habitat Protection

The Environmental Thresholds and Guidelines Manual (County 2008) defines riparian habitat as 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 as springs or seeps. This habitat can also occur along arroyos and barrancas, and other types of drainages throughout the County”.

County-prescribed setbacks (i.e., buffer areas) from the outer (upland) edge of the riparian canopy, or the top-of-bank of the water body in the absence of riparian vegetation, are 50 feet in urban areas, and 100 feet in rural areas. Intrusion within the buffer areas for riparian habitats and streams may be considered significant.

Per the Hoop Structures Ordinance Amendment (Case No. 17ORD-00000-00005) to the County LUDC (County 2019), the following setbacks apply for cannabis projects on agriculturally zoned land:

- Within the Urban, Inner Rural, and Existing Developed Rural Neighborhood (EDRN) areas hoop structures and shade structures shall be setback 50 feet from the top-of-bank or edge of riparian vegetation of streams and creeks, whichever is more protective of the resource.
- Within the Rural areas hoop structures and shade structures shall be setback 100 feet from the top-of-bank or edge of riparian vegetation of streams and creeks, whichever is more protective of the resource.

3.3.2 Oak Tree Protection

The County’s Standard Conditions and Mitigation Measures (County 2011) require that grading, trenching, ground disturbance, construction activities and structural development occur beyond six feet of the dripline of all oak trees. Mitigation for impacted coast live oak trees requires posting of a performance security and tree replacement at a 10:1 ratio, preferably on-site (County 2019).

3.3.3 California Environmental Quality Act (CEQA)

This Revised Assessment is intended to support County review of the proposed Project. The adopted County-wide Programmatic FEIR for the Cannabis Land Use Ordinance and Licensing Program (County 2017) generally covers individual cannabis projects when the EIR CEQA analysis applies. The guidelines for determining CEQA significance are followed in this Revised Assessment. The following threshold criteria, as defined by the CEQA Guidelines Appendix G Initial Study Checklist, were used to evaluate potential effects to biological resources. Based on these criteria, the proposed Project would have a significant effect on biological resources if it would:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies, or regulations, or by the*

California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS).

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS.*
- c) Have a substantial adverse effect on State or federally protected wetlands (including marsh, vernal pool, and coastal areas) through direct removal, filling, hydrological interruption, or other means.*
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.*
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.*
- f) Conflict with the provisions of an adopted habitat Conservation plan, natural community conservation Plan, or other approved local, regional or state habitat conservation plan.*

In addition, based on the following County-adopted CEQA thresholds from the County's Environmental Thresholds and Guidelines Manual (County 2008) the Project would have a significant effect on biological resources if it would:

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

3.3.4 County Land Use Development Code (LUDC) §35.42.075

The County LUDC provides development standards, permit requirements, and procedures for commercial cannabis activities (County 2019). As summarized in Appendix J: Cannabis Activities Additional Standards of the LUDC, the following measures are to be implemented to protect biological resources, if present.

A. Tree Protection Plan

- A.1. The 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 County Planning and Development Department (Department) a Tree Protection Plan prepared by a Department-approved arborist designed to determine whether avoidance, minimization, or compensatory measures are necessary.

B. Habitat Protection Plan

- B.1. The Applicant for a land use entitlement for a cannabis activity that would involve clearing of native vegetation or other sensitive 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, shall prepare and submit a Habitat Protection Plan prepared by a Department-approved biologist, in coordination with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) as required for State or Federal permits and State or Federally listed species, designed to determine whether avoidance, minimization, or compensatory measures are necessary.
- B.3. If the project site is located within the known habitat of a species listed as rare, threatened, or endangered by the USFWS and/or CDFW, the issuance of a permit does not relieve the permit-holder of any duties, obligations, or responsibilities under the Endangered Species Act or any other law.

C. Wildlife Movement Plan

- C.1. The Applicant shall prepare a Wildlife Movement Plan for all commercial cannabis activities proposed in or near wildlife movement areas for the Department's review and approval. A Department-approved biologist shall review the Plan and confirm the adequacy of design for passage of smaller wildlife and safe prevention of entry by larger mammals, such as deer. The Applicant shall demonstrate to the Department that all perimeter fencing requirements are in place as required prior to commencement of cannabis activities.

4.0 METHODS

4.1 BACKGROUND REVIEW

Prior to the field surveys, SES reviewed available public domain information including the NRCS Web Soil Survey of Northern Santa Barbara County, California (NRCS 2020), USGS CA 7.5-minute quadrangle maps (CNDDDB 2020), the National Hydrography Dataset (NHD) (USGS 2020), National Wetlands Inventory (USFWS 2020), California Natural Diversity Data Base (CDFW 2020), and weather data. The CNDDDB query provided locations of special-status plant populations, sensitive natural communities, and special-status wildlife documented within a 5-mile radius of the parcel.

4.2 FIELD METHODOLOGY

Biological field investigations included pedestrian surveys of the Survey Area to facilitate mapping of primary vegetation types, documentation of dominant plant species and wildlife, delineation of the limits of ESH, and a spring botanical survey. Mapping of jurisdictional limits and the vegetation sampling points were performed in the field using an iPad tablet with ArcCollector and an EOS Arrow 100 Global Navigation Satellite System (GNSS) receiver. Table 1 provides a summary of survey types, dates, and field personnel.

Table 1 – Biological Surveys Conducted in 2019 and 2020

Type of Survey	Date	Field Personnel	Area Surveyed ¹
Botanical Survey Wildlife Survey ESH/Vegetation Mapping Aquatic Sampling of LOAL-40	April 9, 2019	John Storrer Justine Cooper	Survey Area and stock pond (LOAL-40) ¹ (Approximately 28 acres)
Botanical Survey Wildlife Survey Fence Line Mapping	February 5, 2020	John Storrer Jessica Peak	Existing/Proposed Fenced Areas (Approximately 7 acres)
Spring Botanical Survey CNPS Vegetation Rapid Assessment Forms	May 28, 2020	Jessica Peak	Survey Area, excluding stock pond (LOAL-40) (Approximately 28 acres)

¹See Figure 3 for extent of Survey Area and location of LOAL-40 relative to Project features.

4.2.1 Botanical Surveys

The field investigations included mapping and documentation of primary vegetation types using CDFW-CNPS protocol for Vegetation Rapid Assessment, when applicable (Appendix B – CNPS Vegetation Rapid Assessment Forms). Descriptions of vegetation communities are adapted from *A Manual of California Vegetation, Second Edition* (MV-II) (Sawyer et al. 2009) and *A Manual of California Vegetation Online* (CNPS 2020a). Nomenclature for plant species follows *The Jepson Manual, Second Edition* (Baldwin et al. 2012) and *Jepson eFlora* (Jepson 2020). Vegetation Rapid Assessment Forms were completed at one location for each vegetation community in the Survey Area that meets, or could be adapted to meet, the MV-II classification system (VEG-01 through VEG-04) (Figure 4 – Vegetation Communities & Land Use Types). Vegetation communities and land use types are discussed in detail in Section 5.2 below.

The May 28, 2020 survey was conducted during the appropriate blooming period to detect and identify special-status plant species that have the potential to occur in the Survey Area (e.g., mesa horkelia, black-flowered figwort, etc.). The spring survey was performed by walking through the vegetated areas of the Survey Area to determine whether sensitive plants were present.

4.2.2 Wildlife Surveys

The evaluation of wildlife use of the property was made in part through field reconnaissance, but was also based on habitat suitability within the Survey Area and known occurrence of various species in the Project vicinity. Wildlife species that were observed or detected via vocalizations were recorded. Habitat conditions and current status of special-status wildlife species, were a particular focus of the wildlife surveys. Potential for nesting, roosting, or foraging by sensitive bird species and various raptors was also assessed.

4.2.3 Delineation of Jurisdictional Limits

The jurisdictional limits of ephemeral drainage in the Survey Area were determined. The extent of the TOB of the creek was mapped using an iPad tablet with ArcCollector and an EOS Arrow 100 High Accuracy GNSS receiver (Figures 3 and 5).

4.2.3.1 Waters of the U.S.

Pursuant to Section 401 of the Clean Water Act (CWA), the limit of U.S. Army Corps of Engineers (USACE) jurisdiction in non-tidal waters extends to the OHWM and includes all adjacent wetlands. The OHWM is an element used to identify the lateral limits of non-wetland waters based on stream geomorphology and vegetation response to the dominant stream discharge (Lichvar and McColley 2008). Per the 2020 Rule, ephemeral features are not considered Waters of the U.S., which means the ephemeral drainage in the Survey Area is not under USACE jurisdiction.

4.2.3.2 CDFW Streambed

Pursuant to Section 1600 *et seq.* of the California Fish and Game code, the extent of California Department of Fish and Wildlife (CDFW) jurisdiction was determined based on presence of a defined physical bed, bank, and channel. CDFW jurisdiction extends to the TOB or the edge of riparian vegetation, whichever is further.

4.2.3.3 Waters of the State

Per the California Code of Regulations, title 23, section 3831(w), the SWRCB considers ephemeral watercourses to be jurisdictional. The SWRCB jurisdiction extends to the TOB or the edge of riparian vegetation, whichever is further.

4.2.3.4 County Streams

The County considers streams and associated riparian habitat important biological resources. Similar to the CDFW streambed jurisdiction described above, the County jurisdiction was determined based on presence of a defined physical bed, bank, and channel. County jurisdiction extends to the TOB or the edge of riparian vegetation, whichever is further.

5.0 RESULTS

5.1 HYDROLOGY

An unnamed ephemeral drainage trends westward across the parcel, adjacent to the southern boundary of the cannabis cultivation area (Figure 3 – Survey Area Map). The upper reach of the drainage has limited erosion and directs overland flow through coast live oak woodland and California sagebrush scrub habitats. The lower portion of the drainage becomes deeply incised south of the existing ranch road (Appendix A – Site Photographs). The drainage conveys stormwater runoff through a 48-inch culvert at the entrance driveway, downstream through several agricultural properties, and joins additional small tributaries, all of which eventually discharge into the Santa Ynez River approximately 5.4 miles to the southwest (USGS 2020). Streamflow appears to be episodic and when present, surface flow likely percolates into the groundwater table before it reaches the river. Santa Rosa Creek is 1.0 mile east of the property, but there appears to be no connectivity between the drainage in the Survey Area and Santa Rosa Creek.

The upper portion of the drainage sheet flows across an existing ranch road that provides access to the eastern portion of the property and the stock pond (LOAL-40). Erosion features (i.e. rilling) along on the ranch road and sediment washout at the base of the road indicate that overland flow

from both the drainage and the road contribute to the incised portion of the watercourse (Appendix A – Site Photographs).

The near-vertical banks of the lower reach of the drainage rise to about 20-40 feet above the sandy channel bottom. The drainage supports coast live oak trees and California sagebrush scrub habitats, but has little riparian vegetation (i.e., scattered arroyo willow and mulefat near the culvert and entrance). No surface flow was present during any of the field surveys.

As mentioned above, there is an ephemeral stock pond near the northwest corner of the property (LOAL-40) (Appendix A – Site Photographs). This is a man-made, “push-up” pond with a perimeter berm rising 8-10 feet above the surface of the water. There is no connectivity between the stock pond and the ephemeral drainage that is described above. The pond was roughly rectangular in shape, measuring 105 x 75 feet and had a maximum depth of about 3 feet at the time of the April 9, 2019 survey.

5.2 VEGETATION COMMUNITIES & LAND USE TYPES

There are six (6) vegetation communities and land use types present in the Survey Area: coast live oak woodland, California sagebrush scrub, wild oats and annual brome grassland, ruderal/disturbed habitat, ornamental trees, and active agriculture. A CNPS Vegetation Rapid Assessment Form was completed for each vegetation community that meets, or can be adapted to meet, the MV-II classification system (CNPS 2016) (Appendix B).

Vegetation communities were mapped based on field observations using aerial imagery. Representative photographs are provided in Appendix A. Vegetation communities and land use types present in the Survey Area are summarized in Table 2 and the distribution of these communities is illustrated in Figure 4 – Vegetation Communities & Land Use Types.

Table 2 – Summary of Vegetation Communities & Land Use Types in the Survey Area

Vegetation Alliance/Land Use Type ¹	Vegetation Association ¹	Listing Status/ Rarity Ranking ³	Area in Survey Area (acres)
Sensitive Vegetation Communities & Individual Native Trees			
Coast Live Oak Woodland/Trees <i>Quercus agrifolia</i> Woodland Alliance	<i>Quercus agrifolia</i> – <i>Toxicodendron</i> <i>diversilobum</i> – Grass	Protected by County/ State policies G5, S4	3.73
Native Vegetation Community			
California Sagebrush Scrub <i>Artemisia californica</i> Shrubland Alliance	<i>Artemisia californica</i> – <i>Acmispon glaber</i>	G5, S5	15.42
Non-native Vegetation Communities			
Wild Oats and Annual Brome Grassland <i>Avena</i> sp. – <i>Bromus</i> sp. Herbaceous Alliance	<i>Bromus diandrus</i> -Mixed herbs	N/A	0.32
Other Land Use Types			
Active Agriculture/Tilled Area ²	N/A	N/A	2.34
Ornamental Trees ²	N/A	N/A	0.48
Ruderal/Disturbed ²	N/A	N/A	5.13

¹ Vegetation Alliances and Associations follow *A Manual of California Vegetation Online* (MV-II) (CNPS 2020a), where applicable.

² Not a recognized community in MV-II.

³ Listing Status/ Rarity Ranking Notes:

Global/State rarity rankings follow the CDFW California Natural Communities List (CDFW 2019). Natural communities with ranks 1-3 are considered sensitive.

G1/S1 – Critically imperiled. At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.

G2/S2 – Imperiled. At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.

G3/S3 – Vulnerable. At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.

G4/S4 – Apparently Secure. Uncommon but not rare; some cause for long-term concern due to declines or other factors.

G5/S5 – Demonstrably Secure. Common; widespread and abundant.

5.2.1 Coast Live Oak Woodland (*Quercus agrifolia* Woodland Alliance)

Coast live oak (*Quercus agrifolia*) is a drought-resistant evergreen tree ranging from 20 to 80 feet in height, with massive spreading branches and a dense canopy of thick, waxy leaves. Coast live oaks are a long-lived species and can survive for 300 years or more. Although seemingly ubiquitous on the central coast of California, coast live oak woodlands are limited in distribution to a 50-mile wide swath along the coast from Mendocino County to northern Baja California and are absent from the interior ranges and Sierra Nevada. Coast live oak woodland is considered an ESH by the County and individual oak trees are protected per County regulations.

This community is dominated by coast live oak trees. The understory consists of a mix of shrubs and herbaceous species characteristic of oak woodlands in the region. These include poison oak (*Toxicodendron diversilobum*), annual grasses (ripgut brome [*Bromus diandrus*], barley [*Hordeum murinum*], Italian rye [*Festuca perennis*], and wild oats [*Avena fatua*]), Douglas' nightshade (*Solanum douglasii*), snowberry (*Symphoricarpos albus*), climbing penstemon (*Keckiella cordifolia*), chickweed (*Stellaria media*), hummingbird sage (*Salvia spathacea*), fiesta flower (*Pholistoma auritum*), and bracken fern (*Pteridium aquilinum*) (see Appendix B – CNPS Vegetation Rapid Assessment Form VEG-04).

5.2.2 California Sagebrush Scrub (*Artemisia californica* Shrubland Alliance)

California sagebrush scrub is the most prevalent vegetation type within the Survey Area (Figure 4 – Vegetation Communities & Land Use Types; Appendix A – Site Photographs). This community is dominated by California sagebrush (*Artemisia californica*) and deerweed (*Acmispon glaber*). There were also frequent expressions of California bush sunflower (*Encelia californica*), black sage (*Salvia mellifera*), poison oak, coyote brush (*Baccharis pilularis* var. *consanguinea*), toyon (*Heteromeles arbutifolia*), giant wild rye (*Leymus condensatus*), California buckwheat (*Eriogonum fasciculatum*), mock heather (*Ericameria ericoides*), elderberry (*Sambucus nigra* ssp. *caerulea*), redberry (*Rhamnus crocea*), bush lupine (*Lupinus arboreus*), purple owl's clover (*Castilleja exserta*), and blue dicks (Dipterostemon [*Dichelostemma*] *capitatum*) (see Appendix B – CNPS Vegetation Rapid Assessment Form VEG-03).

Approximately two acres of this vegetation type had been recently cleared during the April 9, 2019 survey in an area not proposed for cannabis cultivation (Appendix A – Site Photographs). The

California sagebrush scrub habitat had reestablished in this area by the May 28, 2020 survey and was dominated by bush lupine, deerweed, and mock heather (Appendix A – Site Photographs).

5.2.3 Wild Oats and Annual Brome Grasslands (*Avena* sp. – *Bromus* sp. Herbaceous Alliance)

Wild oats and annual brome grassland were observed in the Survey Area around the coast live oak woodland in the northwest portion of the Survey Area. Grassland habitat was also present around the stock pond, outside of the parcel. This community is dominated by ripgut brome and other annual grasses including wild oats, barley, Italian rye, and soft chess (*Bromus hordeaceus*). Spanish clover (*Acemison americanus*), tocalote (*Centaurea melitensis*), and greenstem filaree (*Erodium moschatum*) were also noted. This community most closely aligns with the *Bromus diandrus*-Mixed Herbs Association in MV-II (see Appendix B – CNPS Vegetation Rapid Assessment Form VEG-02).

5.2.4 Ornamental Trees

There are ornamental trees around the house and barn, including Monterey cypress (*Hesperocyparis macrocarpa*), red gum (*Eucalyptus camaldulensis*), and Peruvian peppertree (*Schinus molle*) (Figure 4 – Vegetation Communities & Land Use Types; Appendix A – Site Photographs). This vegetation type is not a recognized community in MV-II, as it consists of species not native to the region that have been planted and/or exotic species that typically don't occur in the natural landscape outside of urban areas.

5.2.5 Ruderal/Disturbed

Ruderal/disturbed habitat is present in cleared areas, along the access roads, edges of agricultural areas, and around existing structures (Figure 4 – Vegetation Communities & Land Use Types; Appendix A – Site Photographs). This vegetation type is not a recognized community in MV-II, as it consists of species not native to the region that have become naturalized and widespread in disturbed areas (see Appendix B – CNPS Vegetation Rapid Assessment Form VEG-01).

Ruderal (i.e., disturbance adapted) plant species recorded in this community include annual grasses (e.g., bromes, wild oats, barley, Italian rye, etc.), as well as a variety of weedy forbs: greenstem filaree, cheeseweed (*Malva parviflora*), poison hemlock (*Conium maculatum*), summer mustard (*Hirschfeldia incana*), black mustard (*Brassica nigra*), Italian thistle (*Carduus pycnocephalus*), bur clover (*Medicago polymorpha*), Bermuda buttercup (*Oxalis pes-caprae*), wild radish (*Raphanus sativus*), and milk thistle (*Silybum marianum*).

5.2.6 Active Agriculture

The proposed cannabis cultivation areas (hoops and outdoor) are within areas recently used for agricultural purposes (i.e., cultivated within the last 3 to 5 years). The agricultural areas were not in production at the time of the field surveys. Ruderal plant species (e.g., cheeseweed, annual grasses, wild radish, black mustard, etc.) were observed along the edges of agricultural areas and in locations that had been left fallow. Approximately 2.3 acres of the existing agriculture had been tilled at the time of the May 28, 2020 survey (Figure 4 – Vegetation Communities & Land Use Types; Appendix A – Site Photographs). This is the location proposed for hoops.

5.3 GENERAL WILDLIFE HABITAT

The oak woodland and coastal scrub habitats that dominate the 120-acre parcel provide moderate to high value habitat for terrestrial wildlife. The existing and proposed fence lines surrounding the cultivation areas are made of 4-inch square wire mesh, which excludes most terrestrial wildlife that could damage the crops (e.g., deer, raccoon, brush rabbit, etc.), but the spacing is large enough to allow reptiles, amphibians, and small mammals (e.g., snake, lizard, salamander, frog, mice, gophers, etc.) to traverse through the fence without harm. There are no other fences or barriers within the property that would inhibit wildlife movement and wildlife would be able to pass through the property around all sides of the fencing.

Bird species typical of oak woodland and coastal scrub habitats were observed during the field surveys. These included red-tailed hawk (*Buteo jamaicensis*), black phoebe (*Sayornis nigricans*), barn swallow, raven (*Corvus corax*), song sparrow (*Melospiza melodia*), house finch (*Carpodacus mexicanus*), and yellow-rumped warbler (*Dendroica coronata*). Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), a California Species of Special Concern was observed in the northeastern corner of the parcel.

The stock pond near the northeastern portion of the parcel is attractive to wildlife when water is present. The pond was surveyed for amphibian larvae in April 2019 and two species were found: California tiger salamander (*Ambystoma californiense*), a federally and state-listed endangered species, and Baja California treefrog (*Pseudacris hypochondriaca*).

Because of its poorly developed habitat and narrow channel width, the drainage provides limited dispersal and migration potential for upland wildlife (e.g., raccoon, gray fox, bobcat). In addition, its ephemeral character precludes habitation and breeding by aquatic and semi-aquatic wildlife. The high quality of the surrounding oak woodland and scrub habitats and lack of fences and structures outside of the cultivation areas allows unrestricted movement by large wildlife species across the landscape. These species include mule deer (*Odocoileus hemionus*), black bear (*Ursus americanus*), and mountain lion (*Felis concolor*).

5.4 SPECIAL-STATUS PLANTS AND WILDLIFE SPECIES

Special-status species and habitats include plant and wildlife taxa, vegetation communities, or other unique biological features that are afforded special protection by local land use policies and/or state and federal regulations. Vegetation communities may warrant special status if they are of limited distribution, support protected plants and animals, have high wildlife value, or are particularly vulnerable to disturbance. Special-status plant and animal species are those that are listed as rare, threatened, or endangered under the state and/or federal Endangered Species Acts or those that appear on various “watch lists” compiled by academic institutions, conservation organizations, and wildlife agencies. These include the CNDDDB lists of “*Special Animals*” and “*Special Plants*” (CNDDDB 2020), CNPS Inventory of Rare and Endangered Vascular Plants of California (CNPS 2020b), “*California Bird Species of Special Concern*” (Shuford and Gardali 2008), “*Amphibian and Reptile Species of Special Concern in California*” (Jennings and Hayes 1994), and “*Terrestrial Mammal Species of Special Concern in California*” (CDFG 1998).

Ten (10) special-status plant species, eleven (11) special-status wildlife species, and three (3) special-status community are documented (i.e., are tracked by the CNDDDB) within a 5-mile radius

of the parcel. The likelihood for special-status plant and wildlife species to occur within the Survey Area was evaluated as part of this Revised Assessment.

Species or communities dependent on coastal habitats (e.g., seaside bird's-beak, dune larkspur, southern curly-leaved monardella) or perennial water sources (e.g., unarmored threespine stickleback, southern California steelhead, southern California steelhead stream) are excluded from consideration in Table 3 due to the lack of suitable aquatic habitat in the Survey Area. The remaining two special-status communities, southern cottonwood willow riparian forest and southern willow scrub, are also excluded from consideration in Table 3 due to a lack of developed riparian habitat associated with the drainage.

Table 3 lists special status plants and animals that have a reasonable possibility to occur in the Survey Area or were observed during field surveys. The assessment is based on habitat suitability, elevation and geographic range, soils, topography, surrounding land uses, and proximity of known occurrences in the CNDDDB database to the Survey Area. The likelihood for special-status species to occur within the Survey Area was assessed using information from the various listed sources and wildlife and botanical surveys. Narratives are provided for species for which there are land use planning and regulatory implications.

Table 3. Special-status Plant and Wildlife Species Occurrences Documented within a 5-mile Radius

Common Name Scientific Name (Arranged alphabetically by scientific name)	Listing Status*	Habitat Requirements/Habitat Affinity	Suitable Habitat Present in Survey Area (Y/N)	Likelihood for Occurrence within Survey Area
Plants				
Santa Ynez groundstar <i>Ancistrocarphus keilii</i>	CRPR 1B.1 G1, S1	Sandy soils in chaparral bordering oak woodland, under shrubs. Elevation range: 100 – 450 feet. Blooming period: March – April.	Yes	Sandy soils and oak woodland habitat are present in the Survey Area; however, Santa Ynez groundstar was not observed during April 2019 and May 2020 field surveys. The only documented occurrence of this species is from 1925 the Santa Ynez River drainage, somewhere between Buellton and Lompoc in the vicinity of Highway 246 (CNDDDB 2020). Santa Ynez groundstar is not expected to occur in the Survey Area.
La Purisima manzanita <i>Arctostaphylos purissima</i>	CRPR 1B.1 G2, S2	Sandstone outcrops, sandy soils, and chaparral. Elevation range: 0 –1,000 feet. Blooming period: January – March.	No	Although sandy soils are present in the Survey Area, chaparral habitat is not. La Purissima and sand mesa manzanita are evergreen shrubs that would have been identifiable during the field surveys – no manzanita were observed during field surveys. Manzanita species are not expected to occur in the Survey Area.
sand mesa manzanita <i>Arctostaphylos rudis</i>	CRPR 1B.2 G2, S2	Sandy soils and chaparral. Elevation range: 0 –1,300 feet. Blooming period: November – February.	No	
Miles' milk-vetch <i>Astragalus didymocarpus</i> var. <i>milesianus</i>	CRPR 1B.2 G5, S2	Grassy areas in coastal scrub and clay soils. Elevation range: 0 –1,350 feet. Blooming period: March – May.	No	Although California sagebrush scrub is present throughout the Survey Area, the soils are sandy and not suitable for Miles' milk vetch. This species was not observed during April 2019 and May 2020 field surveys. Miles' milk vetch is not expected to occur in the Survey Area.
Vandenberg monkeyflower <i>Diplacus vandenbergensis</i>	FE CRPR 1B.1 G1, S1	Open, sandy sites among shrubs. Often in disturbed areas in chaparral, cismontane woodland, and coastal dunes. Elevation range: 200 – 400 feet. Blooming period: April – June.	Yes	Suitable habitat for Vandenberg monkeyflower is present in the Survey Area. Open areas in scrub habitat in the vicinity of cultivation areas were searched, and this species was not observed during April 2019 and May 2020 field surveys. Vandenberg monkeyflower is not expected to occur in the Survey Area.

Table 3. Special-status Plant and Wildlife Species Occurrences Documented within a 5-mile Radius

Common Name Scientific Name (Arranged alphabetically by scientific name)	Listing Status*	Habitat Requirements/Habitat Affinity	Suitable Habitat Present in Survey Area (Y/N)	Likelihood for Occurrence within Survey Area
mesa horkelia <i>Horkelia cuneata</i> var. <i>puberula</i>	CRPR 1B.1 G4, S1	Dry, sandy coastal chaparral. Elevation range: 200 – 2,900 feet. Blooming period: March – July.	Yes	Although sandy soils are present in the Survey Area, chaparral habitat is not. Mesa horkelia was not observed in the Survey Area. A more common variety, wedge leaf horkelia (<i>Horkelia cuneata</i> var. <i>cuneata</i>) was observed on the road edge, south of Santa Rita Road during the May 2020 field survey. Mesa horkelia is not expected to occur in the Survey Area.
black-flowered figwort <i>Scrophularia atrata</i>	CRPR 1B.2 G2, S2	Calcium and diatom-rich soils in chaparral, coastal dunes, coastal scrub, and riparian woodland. Elevation range: 0 – 1,300 feet. Blooming period: April – July.	Yes	Scrub habitat in the Survey Area has the potential to support black-flowered figwort; however, this species was not observed during April 2019 and May 2020 field surveys. Black-flowered figwort is not expected to occur in the Survey Area.
Amphibians				
California tiger salamander <i>Ambystoma californiense</i>	FE, ST, WL G2, S2	Inhabits valley foothills and grasslands, savannas, and open woodlands near vernal pools or other seasonal sources of water for breeding. Require upland, underground refuges, often California ground squirrel and Botta's pocket gopher burrows.	Yes	There is a "Known CTS Breeding Pond", LOAL-40, in the Survey Area that was confirmed to have larval CTS present during the aquatic survey of the pond performed on April 2019 survey (SES 2019b; USFWS 2010). Additionally, there are three "Potential CTS Breeding Ponds" within the maximum distance the species is known to migrate or disperse (1.37 miles) from the Survey Area (USFWS 2010). Thus, all suitable upland habitat outside of existing agricultural areas within the parcel is considered potentially occupied by CTS.

Table 3. Special-status Plant and Wildlife Species Occurrences Documented within a 5-mile Radius

Common Name Scientific Name (Arranged alphabetically by scientific name)	Listing Status*	Habitat Requirements/Habitat Affinity	Suitable Habitat Present in Survey Area (Y/N)	Likelihood for Occurrence within Survey Area
California red-legged frog (CRLF) <i>Rana draytonii</i>	FT, SSC G2, S2	Found primarily in coastal drainages of central California, from Marin County, California, to northern Baja California, Mexico. Uses a variety of aquatic, riparian, and upland habitats. Requires a pond, slow-flowing stream reach, or deep pool within a stream with vegetation or other material to which egg masses may be attached. Uses both riparian and upland habitats for foraging, shelter, cover. Will also use small mammal burrows and moist leaf litter as refugia.	Yes	CRLF could occur in the stock pond in the northeast corner of the property (LOAL-40). Upland habitat is present in the Survey Area, but is degraded in active cultivation areas. The closest documented occurrence is approximately 1.5 miles south of the Survey Area in “Known CTS Breeding Pond” LOAL-2w (CNDDDB 2020; USFWS 2010).
western spadefoot <i>Spea hammondi</i>	SSC G3, S3	Prefers open areas with sandy or gravelly soils, in a variety of habitats including grasslands, mixed woodlands, coastal sage scrub, chaparral, sandy washes, and river floodplains. Vernal pools or other ephemeral water sources are essential for breeding and egg-laying.	Yes	Western spadefoot could use LOAL-40 for breeding and suitable upland habitat is present in the Survey Area as well. The closest documented occurrence is approximately 1.5 miles south of the Survey Area at the intersection of Campbell Road and Highway 246 adjacent to “Known CTS Breeding Ponds” LOAL-2w and LOAL-2e (CNDDDB 2020; USFWS 2010).
Reptiles				
northern California legless lizard <i>Anniella pulchra</i>	SSC G3, S3	Inhabits moist soil in sparsely vegetated areas of beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks. Leaf litter under trees and shrubs in sunny areas and dunes stabilized with bush lupine and mock heather often indicate suitable habitat. Can also be found under surface objects such as rocks, boards, driftwood, and logs.	Yes	There is suitable habitat for northern California legless lizard in the coast live oak woodland and California sagebrush scrub habitat. However, legless lizard would not inhabit cultivated fields and would be unlikely to be found in and around areas of development.

Table 3. Special-status Plant and Wildlife Species Occurrences Documented within a 5-mile Radius

Common Name Scientific Name (Arranged alphabetically by scientific name)	Listing Status*	Habitat Requirements/Habitat Affinity	Suitable Habitat Present in Survey Area (Y/N)	Likelihood for Occurrence within Survey Area
coast patch-nosed snake <i>Salvadora hexalepis virgultea</i>	SSC G5, S2	Inhabits semi-arid brushy areas and chaparral in canyons, rocky hillsides, and plains.	Yes	The California sagebrush scrub offers suitable habitat for the coast patch nosed snake. The closest documented occurrence is 4.6 miles northwest of the property in open coastal sage scrub near the Burton Mesa Ecological Reserve in May 2004 (CNDDDB 2020). The likelihood of occurrence of this species in the Survey Area is considered low, due to its regional scarcity. It is considered uncommon along the south coast area due to land changes from heavy grazing, development and loss of former habitat, and loss of prey.
Birds				
tricolored blackbird <i>Agelaius tricolor</i>	ST, MBTA G2, S2	Found in areas near water including marshes, grasslands, and wetlands. Utilize grasslands and agricultural areas for foraging.	No	Suitable nesting habitat for tricolored blackbird is not present in the Survey Area. The tri-colored blackbird typically forages in suitable areas nearby nesting sites year-round (Lehman 2020) and there is limited foraging habitat within and adjacent to the Survey Area. Therefore, it is unlikely that cultivation would impact foraging habitat. The closest documented occurrence is approximately 4 miles to the northeast near Los Alamos. This nesting record is from 1936 and the nesting colony was presumed extirpated in 1991 (CNDDDB 2020). This species is not expected to occur except as a transient.
southern California rufous-crowned sparrow <i>Aimophila ruficeps canescens</i>	WL, MBTA G5, S3	Inhabits rocky areas of foothills and lower canyons, in understory of pine-oak woods, or in chaparral or coastal scrub.	Yes	One southern California rufous-crowned sparrow, was observed singing from a perch near the stock pond during the April 2019 survey. The species would most likely be found in rocky areas of sparse or moderately dense scrub.

Table 3. Special-status Plant and Wildlife Species Occurrences Documented within a 5-mile Radius

Common Name Scientific Name (Arranged alphabetically by scientific name)	Listing Status*	Habitat Requirements/Habitat Affinity	Suitable Habitat Present in Survey Area (Y/N)	Likelihood for Occurrence within Survey Area
prairie falcon <i>Falco mexicanus</i>	WL, MBTA G5, S4	Frequent open country such as grasslands, agricultural areas, ponds, sloughs, river mouths, seacoasts, and offshore for hunting. Nests are typically located on cliffs.	No	Prairie falcon is considered an uncommon winter visitor and rare breeding resident in the interior lowlands of Santa Barbara County (Lehman 2020). The closest documented occurrence of this species is from 1916, 4.75 miles southeast of the Survey Area (CNDDDB 2020). The prairie falcon would occur only as a rare transient to the Survey Area.
American peregrine falcon <i>Falco peregrinus anatum</i>	FP, BCC, MTBA G4, S3	Uses a variety of open habitats for foraging, often near rivers or lakes, including tundra, marshes, seacoasts, savannahs, grasslands, meadows, open woodlands, and agricultural areas. Riparian areas, as well as coastal and inland wetlands, are important year-round habitats. Requires cliffs or suitable surrogates for breeding that are close to preferred foraging areas.	No	There is limited suitable foraging habitat for American peregrine falcon within the Survey Area. The American peregrine falcon is a wide-ranging species that could occur in the Survey Area as an occasional transient, but is considered unlikely to occur due to the distance from suitable breeding habitat.
Mammals				
American badger <i>Taxidea taxus</i>	SSC G5, S3	Most abundant in drier open stages of shrub, forest, and grassland habitats, with friable soils that facilitate burrowing. Needs sufficient food and open, uncultivated ground. Preys mainly on burrowing rodents.	Yes	There is suitable foraging and denning habitat for American badger in the grassland and scrub habitats within the parcel. The closest documented occurrence is a roadkill specimen observed in 1990, 1 mile southwest of the Survey Area near Campbell Road and Highway 246 (CNDDDB 2020).

*Listing Status/ Rarity Ranking Notes:

Federal: FE – Federally listed Endangered

FT – Federally listed Threatened

FC – Federal Candidate Species

WL – USFWS Watch list

BCC – USFWS Bird of Conservation Concern

MTBA – Migratory Bird Treaty Act

State: SE – State listed Endangered

ST – State listed Threatened
SC – State Candidate Species
SR – State Rare Species
SA – State Special Animal
FP – CDFW Fully Protected Species
SSC – CDFW Species of Special Concern
WL – CDFW Watch List

CRPR: California Native Plant Society Rare Plant Rank

CBR – Considered but Rejected
1B – Rare, threatened, or endangered in CA and elsewhere
2 – Rare, threatened, or endangered in CA but common elsewhere
4 – Limited distribution (Watch-list)
CBR – Considered but Rejected

CRPR Extensions

0.1 – Seriously endangered in California
0.2 – Fairly endangered in California
0.3 – Not very endangered in California

CNDDDB Element Rankings

Global/State Rarity Ranking: G1/S1 – Critically imperiled. At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
G2/S2 – Imperiled. At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.
G3/S3 – Vulnerable. At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.
G4/S4 – Apparently Secure. Uncommon but not rare; some cause for long-term concern due to declines or other factors.
G5/S5 – Demonstrably Secure. Common; widespread and abundant.

¹ – Unless otherwise noted, habitat, elevation, and blooming period for special-status plant species is from *The Jepson eFlora* (2020) and CNPS 2020b.

5.4.1 Special-status Plant Species

The field surveys conducted in April 2019 and May 2020 were within the typical blooming season to detect/identify all of the special-status plant species that are known to occur in the Project vicinity. No special-status plant species were observed in the Survey Area during the field surveys, and none are expected to occur. Proposed cannabis cultivation will be limited to areas previously used for agricultural purposes and will avoid native habitat that has the potential to support rare plants.

5.4.2 Special-status Wildlife Species

Two special-status wildlife species were observed on the parcel during the April 2019 field survey: southern California rufous-crowned sparrow (SSC, G5, S3) and California tiger salamander Santa Barbara County DPS (FE, SE, G2G3 S2S3).

An additional five (5) special-status wildlife species have a moderate to high potential to utilize the Survey Area or adjacent habitat during dispersal or while foraging: California red-legged frog, western spadefoot, northern California legless lizard, coast patch-nosed snake, and American badger. Sensitive wildlife species that have the potential to occur are discussed in more detail in the following narratives.

The Operator is initiating consultation with CDFW and USFWS regarding appropriate measures to protect all special-status species that have the potential to occur in the property, particularly CTS and CRLF.

5.4.2.1 California Tiger Salamander (*Ambystoma californiense*)

The Santa Barbara County Distinct Population Segment (DPS) of CTS was emergency listed by the USFWS as endangered under the Federal Endangered Species Act in January of 2000 (USFWS 2000). Its distribution is limited to Santa Barbara County among six discrete regions: West Santa Maria/Orcutt; East Santa Maria; West Los Alamos; East Los Alamos; Purisima Hills, and Santa Rita Valley. The six associated metapopulations inhabit ponds and adjacent uplands.

The California Fish and Game Commission listed the Santa Barbara County DPS of the California tiger salamander as threatened under the California Endangered Species Act in August of 2010 (CDFW 2010).

CTS inhabit low elevation vernal pools and seasonal ponds and associated grassland, oak savanna, and coastal scrub plant communities of the Santa Maria, Los Alamos, and Santa Rita valleys in northwestern Santa Barbara County. CTS in the Purisima Hills occur at higher elevations. Historically, they bred primarily in natural vernal pools, but they have adapted to breeding in man-made stock ponds created for ranching and agricultural purposes. The aquatic larval stage lasts about 3-6 months.

CTS spend most of their life cycle in underground retreats in upland habitat. The most commonly used refugia are burrows of California ground squirrel and Botta's pocket gopher. CTS are known to travel long distances from breeding ponds into upland habitats. Maximum distances moved are difficult to establish for any species, but CTS have been recorded to disperse 1.37 miles (2.2 kilometers) from breeding ponds (Orloff 2011). Cultivated or regularly managed (i.e., tilled) fields

do not afford refuge habitat for CTS because regular manipulation of soil precludes establishment of small mammal burrows.

The stock pond in the northeast corner of the property, LOAL-40, is a USFWS “Known CTS Breeding Pond” (2010). Presence of larval CTS in this pond was confirmed by aquatic sampling during the April 2019 survey effort (SES 2019b) (Appendix A – Site Photographs). Additionally, there are three “Potential CTS Breeding Ponds” within the maximum distance the species is known to migrate or disperse (1.37 miles) from the Survey Area (USFWS 2010).

CTS are expected to use small mammal burrows in the surrounding grasslands, shrublands, and woodlands for harborage. Existing and proposed hardscape and structural development (e.g., residence, barn, nursery, storage sheds, parking) do not contain suitable upland habitat for CTS. The cultivation area proposed for hoops has been consistently tilled in the last 3 to 5 years. It is not considered viable upland refuge habitat because it does not support stable populations of small mammals. due to the regular manipulation of soil for planting and harvest. The proposed outdoor cultivation area was previously used for agricultural purposes, but is currently fallow. The outdoor cultivation area is considered possible dispersal habitat that can be navigated by CTS migrating between aquatic breeding and upland refuge habitats.

5.4.2.2 *California Red-legged Frog (Rana draytonii) (CRLF)*

The California red-legged frog (CRLF) typically occurs in ponds, slow-flowing stream reaches, or deep pools within a stream with riparian or emergent vegetation. CRLF could occur in LOAL-40. The ephemeral drainage does not hold water long enough to support breeding or long-term habitation by this species. Upland habitat is present in the wild oats and annual brome grassland and ruderal/disturbed habitat adjacent to the existing agricultural areas. The closest documented occurrence is approximately 1.5 miles south of the Survey Area in “Known CTS Breeding Pond” LOAL-2w (CNDDDB 2020; USFWS 2010).

LOAL-40 could potentially support CRLF breeding, but the animal has not been documented during aquatic surveys of LOAL-40. Areas proposed for cannabis cultivation and support facilities could be considered dispersal habitat if CRLF were to use LOAL-40 for breeding. Areas routinely in cultivation do not constitute viable upland habitat.

5.4.2.3 *Western Spadefoot (Spea hammondi)*

The western spadefoot prefers open areas with sandy or gravelly soils, in a variety of habitats including grasslands, mixed woodlands, coastal sage scrub, chaparral, sandy washes, and river floodplains. Vernal pools or other ephemeral water sources are essential for breeding and egg-laying.

Western spadefoot could use LOAL-40 for breeding habitat and suitable upland habitat is present in the Survey Area as well. The closest document occurrence is approximately 1.5 miles south of the Survey Area at the intersection of Campbell Road and Highway 246 adjacent to “Known CTS Breeding Ponds” LOAL-2w and LOAL-2e (CNDDDB 2020; USFWS 2010).

The western spadefoot is more likely to be found in the grassland immediately surrounding LOAL-40, but could occupy small mammal burrows in the grassland, woodland and scrub habitats in the

Survey Area. There is no suitable habitat for this species in the areas proposed for cannabis cultivation or support facilities.

5.4.2.4 Northern California Legless Lizard (*Anniella pulchra*)

The northern California legless lizard occurs in scrub and woodland habitats associated with loose, sandy substrates. The sandy, loamy soil in the scrub habitat and coast live oak woodland within the Survey Area is suitable for the northern California legless lizard. The areas proposed for cannabis cultivation are regularly manipulated and do not offer suitable habitat for this species.

5.4.2.5 Coast patch-nosed snake (*Salvadora hexalepis virgulata*)

The coast-patch nosed snake inhabits semi-arid brushy areas and chaparral in canyons, rocky hillsides, and plains. The closest documented occurrence is 4.6 miles northwest of the property in open coastal sage scrub near the Burton Mesa Ecological Reserve in May 2004 (CNDDDB 2020). The California sagebrush scrub offers suitable habitat for the coast patch nosed snake. However, the likelihood of occurrence of this species in the Survey Area is considered low due to its regional scarcity.

5.4.2.6 Southern California Rufous-crowned Sparrow (*Aimophila ruficeps canescens*)

Southern California rufous-crowned sparrow is considered uncommon to locally fairly common in the upper elevations of the interior lowlands of Santa Barbara County (Lehman 2020). A southern California rufous-crowned sparrow was observed singing from a perch near the stock pond during the April 2019 survey. The species inhabits dry, open and rocky chaparral and coastal sage scrub. Although this species utilizes the habitat in the property, southern California rufous-crowned sparrows would not be expected to nest in developed areas or proposed cultivation areas.

5.4.2.7 American Badger (*Taxidea taxus*)

The American badger is a California Species of Special Concern. Badgers are uncommon, but widespread in grassland and scrub habitats in northern Santa Barbara County. Habitat to support American badger is present in the Survey Area. No badger burrows or signs of this species were observed during the field surveys. This species should be considered a possible resident in the Survey Area based on presence of suitable habitat and prey base. Badgers may traverse cultivated fields, such as those proposed for conversion to cannabis production, but only on a transient basis due to the relative lack of prey.

5.5 ENVIRONMENTALLY SENSITIVE HABITAT

5.5.1 Sensitive Vegetation Communities & Native Trees

Coast live oak woodland and individual coast live oak trees are considered ESH by the County and native habitats, such as the California sagebrush scrub, are protected by the County's Cannabis Regulations (Figure 5 – Sensitive Biological Resources). All of the coast live oak trees in the Survey Area are considered sensitive and protected under County policies.

5.5.2 Jurisdictional Waters

The ephemeral drainage in the Survey Area is regulated by the County, CDFW, and RWQCB. The RWQCB prescribed setback for cannabis cultivation and support facilities for ephemeral watercourses is 50 feet. There is no riparian vegetation along the northern bank drainage, so the RWQCB/County prescribed setback (i.e., buffer area) from TOB is 50 feet for outdoor row crop cultivation and 100 feet for hoops (County 2019, SWRCB 2017). Encroachment within ESH or the buffer areas for streams/drainages may be considered significant by the County and state agencies.

6.0 IMPACT DISCUSSION

The following impact discussion is based on existing conditions within the Survey Area. The sections below describe the potential impacts of the proposed Project to biological resources. Consistent with the County's Environmental Thresholds and Guidelines Manual (County 2008) and the County-wide FEIR for the Cannabis Land Use Ordinance and Licensing Program (County 2017), the impacts on biological resources are considered significant if a proposed Project:

- Has a substantial adverse effect, either directly or through habitat modifications, on any on any sensitive natural community or plant or wildlife species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.
- Has a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- Interferes substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflicts with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

6.1 SUMMARY OF PROJECT IMPACTS

Temporary/indirect impacts (e.g., noise, dust) to native trees and habitat around the Survey Area, resulting from ongoing agricultural activities, are minimal and can be mitigated through implementation of the recommended avoidance and minimization measures outlined in Section 7.0.

Direct impacts from the Project are confined to areas already containing existing infrastructure, active agriculture, or ruderal/disturbed habitat. Project impacts are summarized in Table 4.

Table 4 – Summary of Project Impacts (Conversion of Existing Use)

Project Component	Habitat Impacted	Approximate Area	Approx. Area in TOB Setback	Type of Impact
Hoop Cultivation Area	Active Agriculture/Tilled	2.3 acres	0	Permanent
Outdoor Cultivation Area	Ruderal/Disturbed	0.5-acre	0	Permanent
Nursery	Ruderal/Disturbed	4,158 sq. ft.	0	Permanent
Water Tanks	Ruderal/Disturbed	1,000 sq. ft.	0	Permanent
Storage Sheds	Ruderal/Disturbed	240 sq. ft.	0	Permanent
Parking/Loading Areas	Ruderal/Disturbed	1,000 sq. ft.	0	Permanent
Existing Security Fencing	Ruderal/Disturbed	3,575 linear feet	943 linear feet	Permanent
Proposed Security Fencing	Ruderal/Disturbed	640 linear feet	0	Permanent

6.2 IMPACTS TO EPHEMERAL DRAINAGE AND PRESCRIBED SETBACK

No impacts to the ephemeral drainage are anticipated as a result of the Project. Stormwater runoff Best Management Practices (BMPs) (e.g., fiber rolls, etc.) will be implemented prior to the rainy season (i.e., November 15 through April 1), consistent with RWQCB guidelines and annual cannabis licensing requirements. Gravity-fed drip irrigation will be utilized in cultivation areas and will not result in runoff to the drainage. Plastic/poly hoop coverings will be removed as part of site ‘winterization’ techniques (metal frames will remain year-round), to reduce the velocity of stormwater runoff during large storms.

Impacts to the 50-foot setback from the ephemeral drainage are limited to the approximately 943 linear feet of existing deer fencing along the TOB of the drainage. The fence was installed following discussions/recommendations by County Staff during a site visit in summer 2019. Because the habitat along the TOB of the drainage was previously disturbed by cattle and ongoing agricultural operations, and there is no riparian vegetation present, installation of the fence did not impact sensitive habitat. In its current configuration, the fence line meets the County Sheriff security requirements and also prevents cattle from accessing and causing further erosion to the northern bank of the drainage. The portion of the fence within the prescribed 50-foot setback is not considered a significant impact to the drainage or surrounding habitat.

With implementation of the avoidance and minimization measures outlined below, potential impacts to the drainage and associated buffer area would be reduced to a less than significant level.

6.3 IMPACTS TO NATIVE TREES AND HABITAT

No impacts to native trees or habitat are anticipated as a result of the Project. The areas proposed for cultivation are previously disturbed or actively cultivated and do not contain native habitat. The existing and proposed fence lines serve to prevent human intrusion into adjacent coast live oak woodland and California sagebrush scrub habitat. Cultivation activities (e.g., tilling, irrigation, equipment storage) will not occur within 6 feet of the canopy of coast live oak trees that occur within the fence line. With implementation of the avoidance and minimization measures outlined below, potential impacts to coast live oak trees and native scrub habitat would be reduced to a less than significant level.

6.4 IMPACTS TO SPECIAL-STATUS PLANTS

No impacts to special-status plants will occur as a result of the Project. No special-status plant species were observed in the Survey Area during April 2019 and May 2020 field surveys, and none are expected to occur in the vicinity of proposed cannabis cultivation.

6.5 IMPACTS TO SPECIAL-STATUS WILDLIFE

As discussed above, two special-status wildlife species were observed on the parcel during the April 2019 field survey: southern California rufous-crowned sparrow and California tiger salamander. In addition, there are five special-status wildlife species that have the potential to occur in the Survey Area, and possibly use the Survey Area for dispersal or for foraging: California red-legged frog, western spadefoot, northern California legless lizard, coast patch-nosed snake, and American badger. None of these animals are likely to depend on, or permanently reside in areas of current or future cultivation.

Because the proposed outdoor cultivation area is fallow, it is recommended that a qualified biologist conduct a pre-construction survey of that area and adjacent California sagebrush scrub habitat for special-status wildlife, prior to installation of additional fence or planting. The Operator will initiate consultation with CDFW and USFWS regarding the agencies' requirements for avoidance of take of listed species (i.e., CTS and CRLF) and appropriate measures to reduce impacts to all special-status wildlife that have the potential to occur in the Survey Area.

Proposed lighting for the Project is 'dark sky' compliant (i.e., hooded, faced downward) and is motion activated to reduce impacts to wildlife using the ephemeral drainage and adjacent habitats. Cannabis waste will be stored in enclosed bins and removed from the site by a certified hauler, so as not to attract wildlife. There are no sediment basins or impoundments proposed as part of the Project.

6.6 NESTING BIRDS

Project activities related to structures (e.g., nursery, fencing) are temporary and are not expected to impact nesting birds that may occur in the adjacent coast live oak woodland or California sagebrush scrub habitats, including the southern California rufous-crowned sparrow. With implementation of recommended avoidance and minimization measures, potential impacts to nesting birds would be considered less than significant.

6.7 IMPACTS TO WILDLIFE MOVEMENT

No impacts to wildlife corridors are expected as a result of the Project. The existing and proposed fenced areas do not constitute a critical or essential wildlife corridor and because the land is disturbed or has been cultivated historically, there is no loss of native habitat associated with the Project.

There is an abundance of high quality woodland and scrub habitat that can be accessed by wildlife traversing the landscape, on all sides of the Project's fenced areas. The existing and proposed deer fence, made of 4-inch square wire mesh, exclude medium and large terrestrial wildlife that could damage the crops (e.g., deer, raccoon, brush rabbit, etc.), but the spacing is large enough to allow reptiles, amphibians, and small mammals (e.g., snake, lizard, salamander, frog, mice, gophers, etc.) to traverse through the fence without harm. There are no other fences or barriers within the property that would inhibit wildlife movement. Proposed hoops will not serve as a barrier to CTS or CRLF dispersal during the rainy season, when sensitive amphibians are more likely to be migrating, because the plastic/poly on the metal frames will be removed as part of site winterization measures. As mentioned previously, the Operator is initiating consultation with CDFW and USFWS regarding next steps to minimize potential impacts to CTS, CRLF, and other sensitive wildlife that may disperse/migrate through the Survey Area.

7.0 RECOMMENDED AVOIDANCE AND MINIMIZATION MEASURES

The following avoidance and minimization measures are intended to reduce the likelihood of impacts to biological resources that have the potential to result from the Project. Recommended species-specific and sensitive habitat protection measures are listed first, followed by general construction measures and standard Best Management Practices (BMPs).

7.1 SPECIES-SPECIFIC AND ESH AVOIDANCE AND MINIMIZATION MEASURES

- A minimum setback of 50 feet from the TOB of the ephemeral drainage shall be maintained for all outdoor cannabis cultivation and associated structures and a minimum setback of 100 feet shall be maintained for hoops.
- The Operator will initiate consultation with CDFW and USFWS regarding the appropriate course of action to prevent and/or mitigate for impacts to state and/or federally-listed special-status wildlife species (i.e., CTS and CRLF), as well as measures to protect other special-status wildlife species that have the potential to occur.
- A worker environmental awareness training pamphlet will be prepared and available on-site for all employees (including site supervisors, equipment operators, and laborers). The information will emphasize the presence of special-status species that have the potential to occur in the Survey Area (e.g., CTS, CRLF), identification of those species, their habitat requirements, applicable regulatory policies and provisions regarding their protection, measures being implemented to avoid and/or minimize impacts, and penalties for noncompliance. The pamphlet will also emphasize that if listed species are observed within or near the cultivation area, work will be suspended, the species are not be touched or moved, and the CDFW and USFWS should be notified immediately.

- If installation of additional fencing around the outdoor cultivation area is implemented during the bird nesting season (February 1 to August 31), a qualified biologist shall conduct a pre-construction survey of the adjacent California sagebrush scrub habitat and work areas within 7 days of construction commencement (i.e., mobilization, staging, or post hole excavation) to avoid impacts to nesting birds. Surveys shall be conducted in all areas within 500 feet of proposed disturbance areas, or a lesser distance if dense vegetation renders a 500-foot survey radius infeasible. If breeding birds with active nests are found prior to (or during) Project construction, a qualified biologist shall oversee the establishment of a buffer (prescriptively 300 feet for passerines and 500 feet for raptors) around the nest; no activities will be allowed within the buffer(s) until the young have fledged from the nest or the nest fails.
- Prior to installation of additional fencing around the outdoor cultivation area, a qualified biologist shall conduct a pre-construction survey for special-status wildlife species in the adjacent California sagebrush scrub habitat and work areas. The pre-construction survey shall occur no more than 7 days prior to the start of work.
- Coast live oak woodland, California sagebrush scrub, and individual coast live oak trees should be protected consistent with County policies and guidelines. No grading, tilling, or cultivation should occur within 6 feet of the dripline of native trees and no equipment or supplies should be stockpiled or stored under the canopy or within 6 feet of native trees or habitat.
- If incidental damage occurs to native trees (e.g., removal, broken limbs, damage to critical root zones) the trees should be examined by a County-approved arborist or biologist to determine whether compensatory measures are necessary.

7.2 GENERAL CONSTRUCTION AVOIDANCE AND MINIMIZATION MEASURES

- Precautions shall be taken to prevent sediment transport into the ephemeral drainage. Erosion control measures (e.g., jute netting, fiber rolls, gravel bags, etc.) shall be used (as necessary and in consultation the RWQCB) where sediment runoff from exposed areas could enter the drainage. All erosion control materials shall be free from plastic to prevent entanglement of wildlife.
- Dust generated by tilling and cultivation activities should be kept to a minimum with a goal of reducing impacts to adjacent native habitat. A water truck or sprinkler system should be used to prevent excessive dust.
- Fueling of equipment will not be done within 100 feet of the drainage. Stationary equipment and fluid storage vessels will be equipped with secondary containment. A spill containment and cleanup kit should be kept on-site in the event of an incidental spill.
- All agricultural chemicals and nutrients shall be stored in secondary containment within the storage sheds.
- All motorized equipment used shall be maintained in proper working condition and shall be free of drips and leaks of coolant, hydraulic, and petroleum products. No equipment shall be used for the Project unless such equipment is free of leaks and drips.
- Trash and food items will be kept in closed containers and removed daily.

- Cannabis waste shall be stored in an enclosed bin and removed from the site by a certified hauler.

8.0 CONCLUSIONS

Proposed cannabis cultivation in historically cultivated and disturbed fields will not result in significant impacts to special-status plants, native trees, native scrub/woodland habitat, or the ephemeral drainage. Pending consultation with CDFW and USFWS will help determine the appropriate course of action to prevent and/or mitigate for impacts to state and/or federally-listed special-status wildlife species (i.e., CTS and CRLF), as well as measures to protect other special-status wildlife species that have the potential to occur in the Survey Area.

All proposed outdoor ‘open sky’ cannabis cultivation will be planted a minimum of 50 feet from the TOB of the ephemeral drainage, and hoops will maintain the prescribed 100-foot setback.

RWQCB-required implementation, maintenance, and monitoring of BMPs and removal of plastic/poly hoop coverings during the rainy season is expected to reduce erosion/sedimentation/stormwater impacts to the ephemeral drainage to a less than significant level.

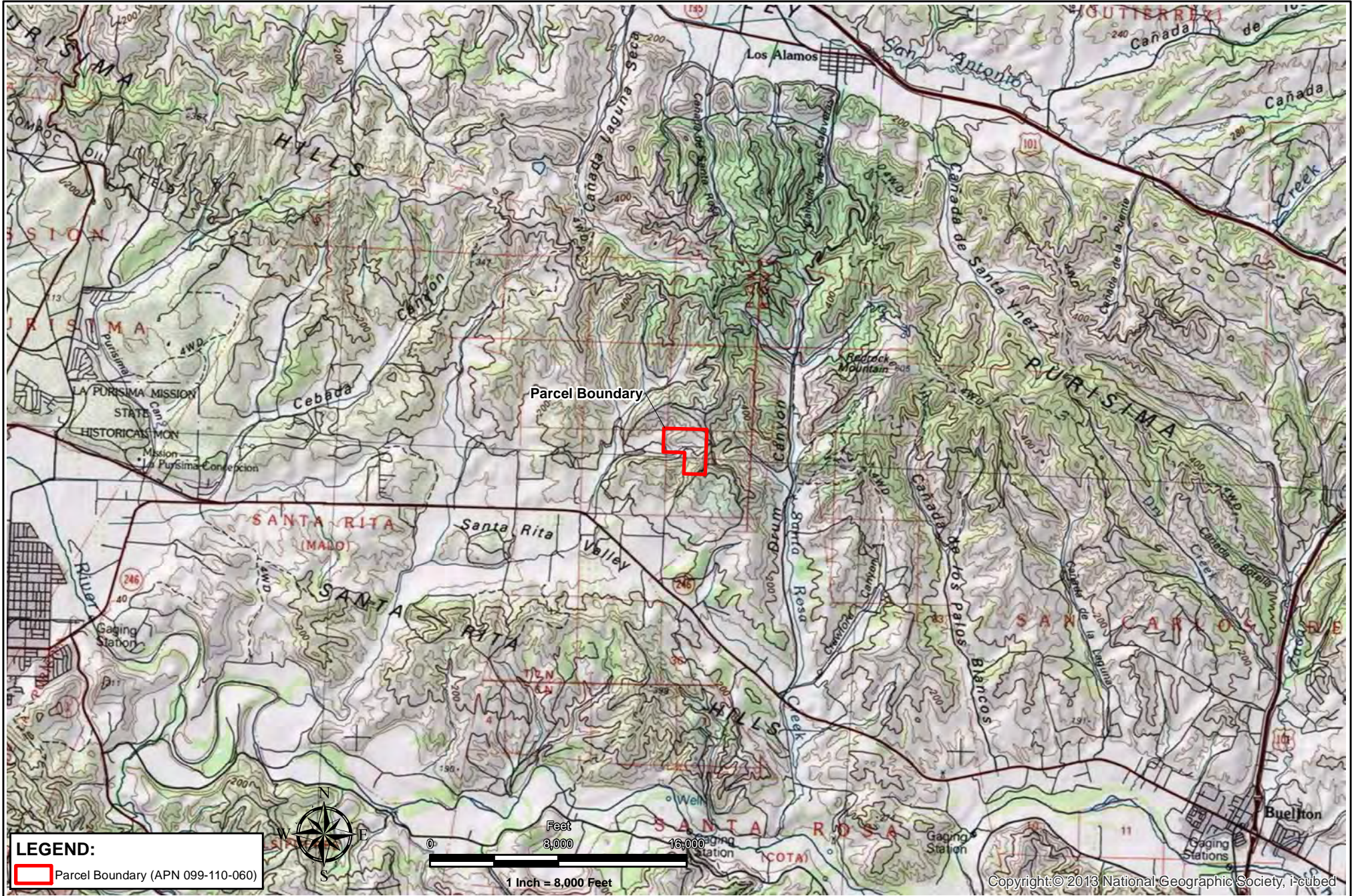
The existing and proposed fence lines do not impede wildlife movement across the landscape or block an essential wildlife corridor, therefore a Wildlife Movement Plan is not considered necessary. The Project does not include removal of trees or native vegetation, therefore a Tree Protection Plan and Habitat Protection Plan are not required pursuant to the County LUDC.

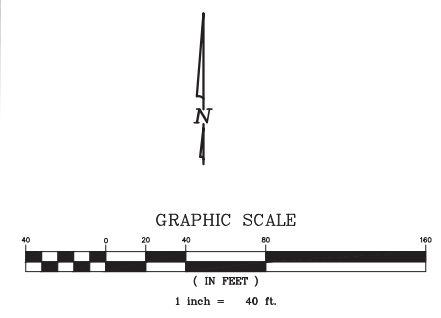
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FIGURES



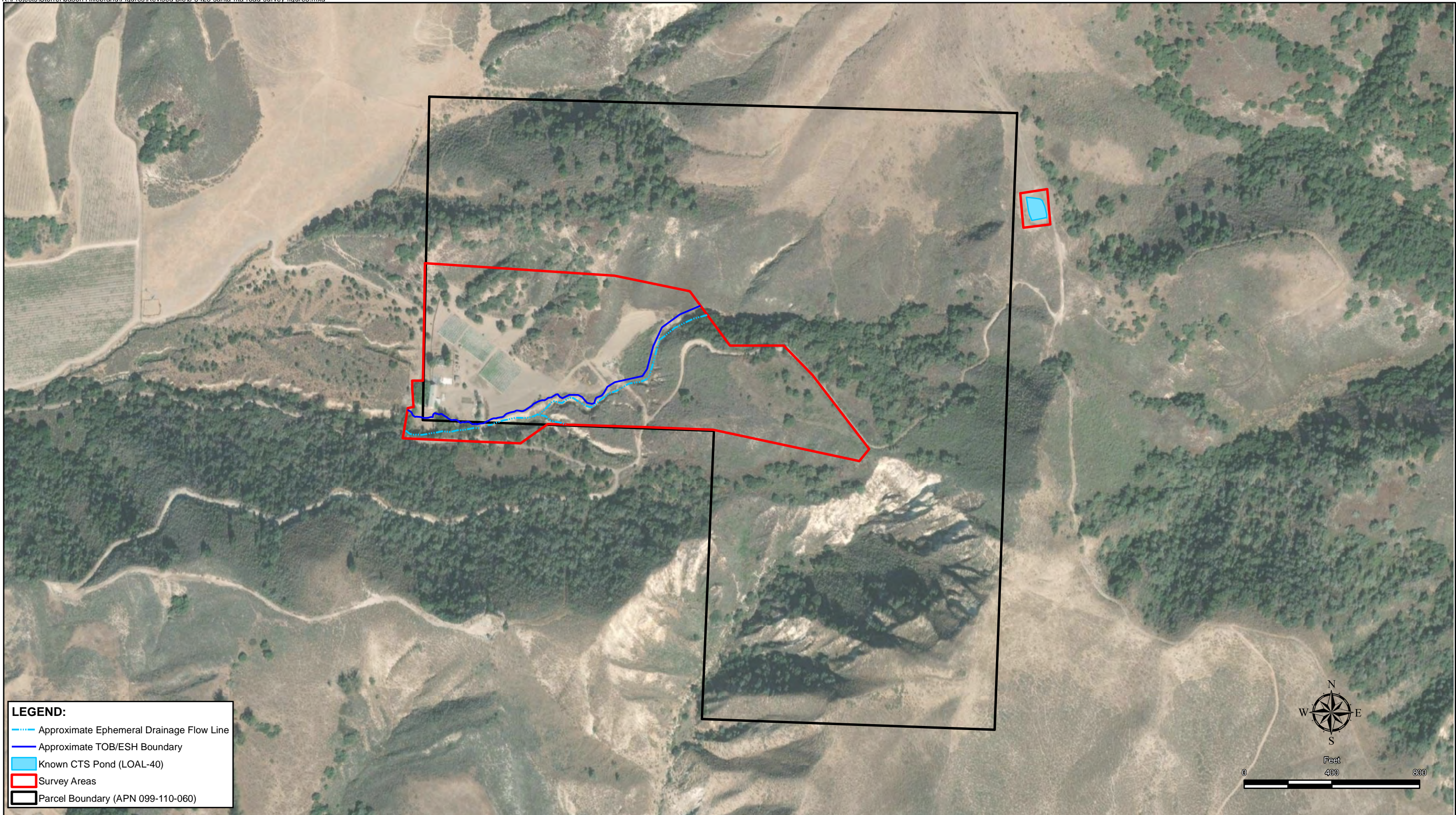


1974 Hillebrand Site-CTS Pond.dwg 8/11/2020

CTS POND EXHIBIT
 SANTA RITA PROJECT
 COUNTY OF SANTA BARBARA, CALIFORNIA

BETHEL
 engineering

2824 Appan Dr., Santa Maria,
 California 93450 (805) 924-5187



LEGEND:

- Approximate Ephemeral Drainage Flow Line
- Approximate TOB/ESH Boundary
- Known CTS Pond (LOAL-40)
- Survey Areas
- Parcel Boundary (APN 099-110-060)

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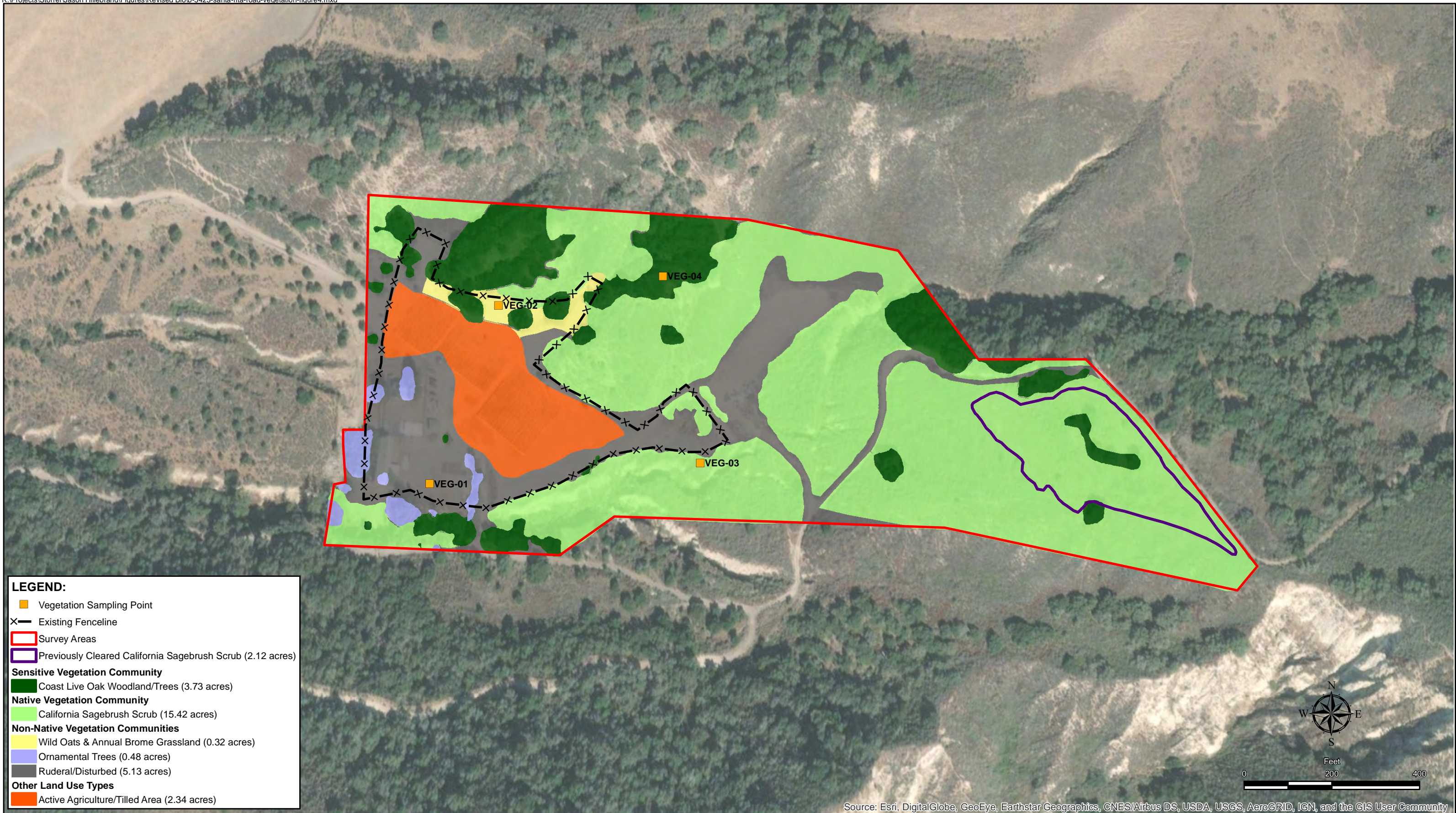
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Survey Area Map
Santa Rita Holdings, LLC Cannabis Cultivation Project
Revised Biological Resources Assessment
5423 Santa Rita Road, Lompoc, CA

Figure 3

August 12, 2020



LEGEND:

- Vegetation Sampling Point
- Existing Fenceline
- Survey Areas
- Previously Cleared California Sagebrush Scrub (2.12 acres)
- Sensitive Vegetation Community**
- Coast Live Oak Woodland/Trees (3.73 acres)
- Native Vegetation Community**
- California Sagebrush Scrub (15.42 acres)
- Non-Native Vegetation Communities**
- Wild Oats & Annual Brome Grassland (0.32 acres)
- Ornamental Trees (0.48 acres)
- Ruderal/Disturbed (5.13 acres)
- Other Land Use Types**
- Active Agriculture/Tilled Area (2.34 acres)

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



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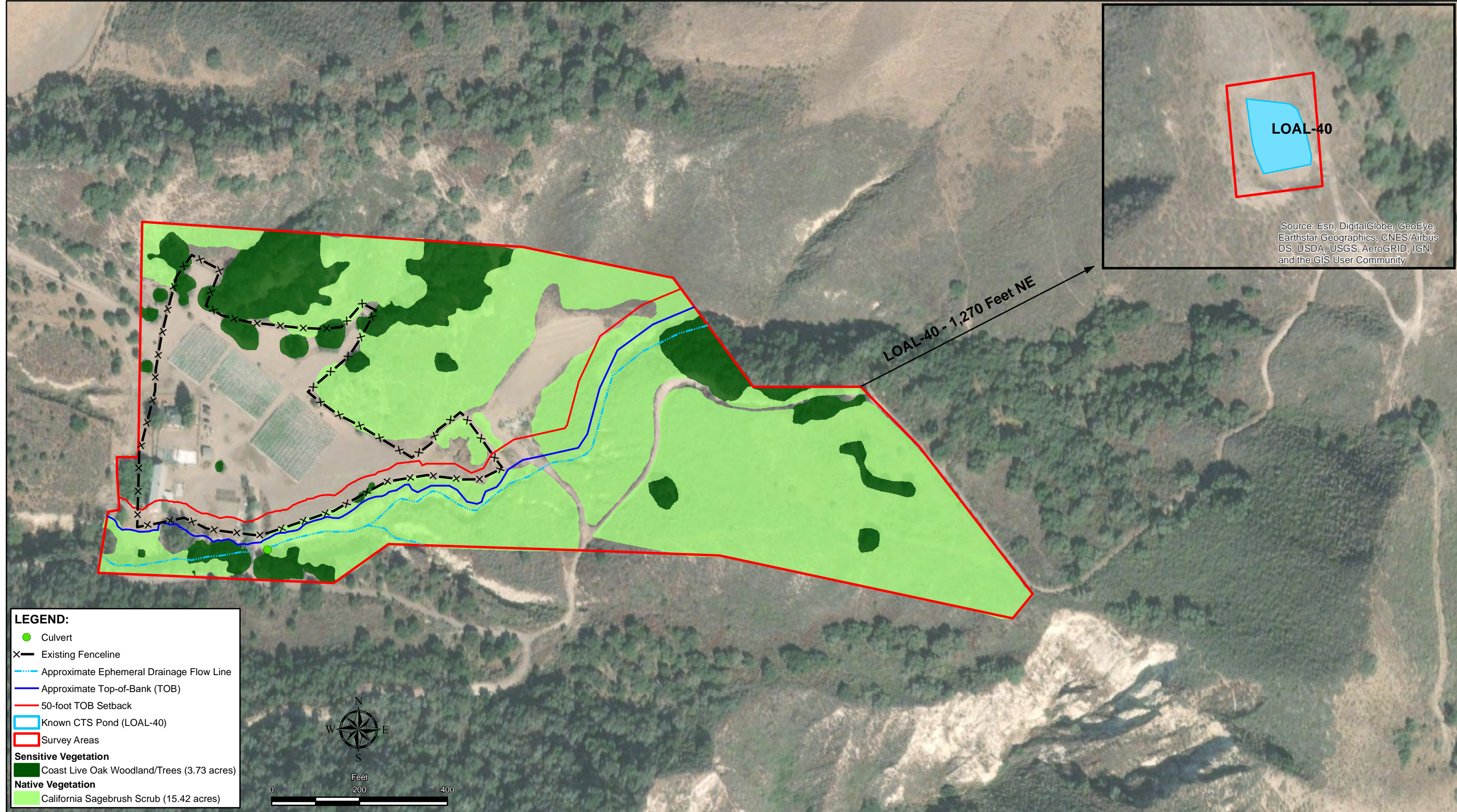


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Vegetation Communities and Land Use Types
Santa Rita Holdings, LLC Cannabis Cultivation Project
Revised Biological Resources Assessment
5423 Santa Rita Road, Lompoc, CA

Figure 4

August 12, 2020



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

LEGEND:

- Culvert
- Existing Fenceline
- Approximate Ephemeral Drainage Flow Line
- Approximate Top-of-Bank (TOB)
- 50-foot TOB Setback
- Known CTS Pond (LOAL-40)
- Survey Areas

Sensitive Vegetation

- Coast Live Oak Woodland/Trees (3.73 acres)
- Native Vegetation
- California Sagebrush Scrub (15.42 acres)



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Sensitive Biological Resources
Santa Rita Holdings, LLC Cannabis Cultivation Project
Revised Biological Resources Assessment
5423 Santa Rita Road, Lompoc, CA

Figure 5

August 12, 2020

APPENDIX A

SITE PHOTOGRAPHS

(All photographs taken May 28, 2020 unless otherwise noted)



Photo 1 – Ephemeral drainage, active agricultural/tilled area proposed for hoops, existing infrastructure (Aspect: Southwest).



Photo 2 – Disturbed/fallow area proposed for outdoor cultivation with perimeter deer fencing (Aspect: Southwest).



Photo 3 – Upper reach of the ephemeral drainage, outdoor cultivation area, and existing ranch road (Aspect: North).



Photo 4 – Lower reach of the ephemeral drainage and existing fence line along the TOB (Aspect: Southwest).



Photo 5 – Existing culvert at the entrance driveway (Aspect: South).



Photo 6 – Ruderal/disturbed habitat along the fence line in the prescribed 50-foot setback (Aspect: West).



Photo 7 – Active agricultural/tilled area proposed for hoops (Aspect: West).



Photo 8 – Ruderal/disturbed habitat proposed for the nursery area (Aspect: Southwest).



Photo 9 – Coast live oak woodland, California sagebrush scrub, and existing water tank on the slope above the proposed outdoor cultivation area (Aspect: West).



Photo 10 – Area of California sagebrush scrub habitat cleared in 2019 (Aspect: Southwest). Photo taken April 9, 2019.



Photo 11 – Previously cleared area naturally revegetated with bush lupine, mock heather, and other native shrubs.



Photo 12 – Known CTS Breeding Pond LOAL-40 and surrounding habitat (Aspect: South). Photo taken April 9, 2019.



Photo 13 – CTS Larvae Found in Stock Pond (LOAL-40). Photo taken April 9, 2019.

APPENDIX B
CNPS VEGETATION RAPID ASSESSMENT FORM

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised April 28, 2016)

For Office Use:	Final database #:	Final vegetation type:	Alliance Association
I. LOCATIONAL/ENVIRONMENTAL DESCRIPTION			circle: Relevé or RA
Database #: <u>VEG-01</u>	Date: <u>5/28/20</u>	Name of recorder: <u>Jessica Peak</u>	
		Other surveyors:	
Location Name: <u>5423 Santa Rita Road, Buxilton</u>			
GPS name: <u>ipad/ARMA 160 receiver</u> For Relevé only: Bearing°, left axis at ID point ___ of Long / Short side			
UTME _____ UTMN _____ Zone: 11 NAD83 GPS error: ft/ m/ PDOP <u>8.2</u> inches			
Decimal degrees: LAT <u>34.674877</u> LONG <u>-120.313283</u>			
GPS within stand? Yes / No If No, cite from GPS to stand: distance (m) ___ bearing° ___ inclination° ___			
and record: Base point ID _____ Projected UTM: UTME _____ UTMN _____			
Camera Name: <u>JP</u> Cardinal photos at ID point: _____			
Other photos: <u>photos representative of habitat type</u>			
Stand Size (acres): <1, 1-5 , >5 Plot Size (m²): 100 / _____ Plot Shape ___ x ___ m RA Radius <u>20</u> m			
Exposure, Actual°: ___ NE NW SE SW Flat Variable Steepness, Actual°: ___ 0° 1-5° >5-25° >25			
Topography: Macro: top upper mid lower bottom Micro: convex flat concave undulating			
Geology code: _____ Soil Texture code: _____ Upland or Wetland/Riparian (circle one)			
% Surface cover: (Incl. outcrops) (>60cm diam) (25-60cm) (7.5-25cm) (2mm-7.5cm) (Incl sand, mud)			
H ₂ O: <u>0</u> BA Stems: <u>2</u> Litter: <u>1</u> Bedrock: <u>0</u> Boulder: <u>0</u> Stone: <u>0</u> Cobble: <u>0</u> Gravel: <u>3</u> Fines: <u>95 = 100%</u>			
% Current year bioturbation <u>1</u> Past bioturbation present? Yes / No % Hoof punch <u>0</u>			
Fire evidence: Yes / No (circle one) If yes, describe in Site history section, including date of fire, if known.			
Site history, stand age, comments:			
<u>Ruderal habitat around existing barn & developed area, edges of active agricultural areas</u>			
Disturbance code / Intensity (L,M,H): <u>H101, 103, 104, 105, 1</u> "Other" _____			
II. HABITAT DESCRIPTION			
Tree DBH: T1 (<1" dbh), T2 (1-6" dbh), T3 (6-11" dbh), T4 (11-24" dbh), T5 (>24" dbh), T6 multi-layered (T3 or T4 layer under T5, >60% cover)			
Shrub: S1 seedling (<3 yr. old), S2 young (<1% dead), S3 mature (1-25% dead), S4 decadent (>25% dead)			
Herbaceous: H1 (<12" plant ht.), H2 (>12" ht.)			
Desert Riparian Tree/Shrub: 1 (<2ft. stem ht.), 2 (2-10ft. ht.), 3 (10-20ft. ht.), 4 (>20ft. ht.)			
Desert Palm/Joshua Tree: 1 (<1.5" base diameter), 2 (1.5-6" diam.), 3 (>6" diam.)			
III. INTERPRETATION OF STAND			
Field-assessed vegetation Alliance name: <u>Ruderal / disturbed</u>			
Field-assessed Association name (optional): <u>N/A</u>			
Adjacent Alliances/direction: <u>Active agriculture (N/W)</u>			
Confidence in Alliance identification: L M H Explain: _____			
Phenology (E,P,L): Herb <u>P</u> Shrub <u>E/P</u> Tree <u>P</u> Other identification or mapping information: _____			

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised April 28, 2016)

For Office Use:	Final database #:	Final vegetation type:	Alliance _____ Association _____
I. LOCATIONAL/ENVIRONMENTAL DESCRIPTION			circle: Relevé or (RA)
Database #: <u>VEK-02</u>	Date: <u>5/20/20</u>	Name of recorder: <u>Jessica Peak</u>	□ □ □
		Other surveyors:	
Location Name: <u>5423 Santa Rita Road, Buellton</u>			
GPS name: <u>ipad / Aperm 100 receiver</u> For Relevé only: Bearing°, left axis at ID point _____ of Long / Short side			
UTME _____		UTMN _____	Zone: <u>11 NAD83</u> GPS error: ft./ m./ PDOP <u>8.6 inches</u>
Decimal degrees: LAT <u>34.674005</u> LONG <u>-120.312791</u>			
GPS within stand? (Yes) No If No, cite from GPS to stand: distance (m) _____ bearing ° _____ inclination ° _____			
and record: Base point ID _____ Projected UTM: UTME _____ UTMN _____			
Camera Name: <u>JP</u> Cardinal photos at ID point: _____			
Other photos: <u>representative photos of habitat</u>			
Stand Size (acres): (<1) 1-5, >5 Plot Size (m ²): 100 / _____ Plot Shape _____ x _____ m RA Radius <u>10</u> m			
Exposure, Actual °: _____ NE NW SE (SW) Flat Variable Steepness, Actual °: _____ 0° (1-5°) > 5-25° > 25			
Topography: Macro: top (upper) (mid) lower bottom Micro: (convex) flat concave (undulating)			
Geology code: _____ Soil Texture code: _____ (Upland) or Wetland/Riparian (circle one)			
% Surface cover: (Incl. outcrops) (>60cm diam) (25-60cm) (7.5-25cm) (2mm-7.5cm) (Incl sand, mud)			
H ₂ O: <input checked="" type="checkbox"/> BA Stems: <u>2</u> Litter: <u>1</u> Bedrock: <input checked="" type="checkbox"/> Boulder: <input checked="" type="checkbox"/> Stone: <input checked="" type="checkbox"/> Cobble: <input checked="" type="checkbox"/> Gravel: <u>2</u> Fines: <u>95=100%</u>			
% Current year bioturbation <u>2</u> Past bioturbation present? (Yes) / No % Hoof punch <input checked="" type="checkbox"/>			
Fire evidence: Yes <input checked="" type="checkbox"/> / No (circle one) If yes, describe in Site history section, including date of fire, if known.			
Site history, stand age, comments:			
<p><u>wild oats/annual bromo grassland on slopes north of active agricultural area, beneath scattered coast live oak trees.</u></p>			
Disturbance code / Intensity (L,M,H): <u>M, O3, O5, 1, 1, 1, 1</u> "Other" _____			
II. HABITAT DESCRIPTION			
Tree DBH: T1 (<1" dbh), T2 (1-6" dbh), T3 (6-11" dbh), T4 (11-24" dbh), T5 (>24" dbh), T6 multi-layered (T3 or T4 layer under T5, >60% cover)			
Shrub: S1 seedling (<3 yr. old), S2 young (<1% dead), S3 mature (1-25% dead), S4 decadent (>25% dead)			
Herbaceous: H1 (<12" plant ht.), H2 (>12" ht.)			
Desert Riparian Tree/Shrub: 1 (<2ft. stem ht.), 2 (2-10ft. ht.), 3 (10-20ft. ht.), 4 (>20ft. ht.)			
Desert Palm/Joshua Tree: 1 (<1.5" base diameter), 2 (1.5-6" diam.), 3 (>6" diam.)			
III. INTERPRETATION OF STAND			
Field-assessed vegetation Alliance name: <u>wild oats & annual bromo grassland</u>			
Field-assessed Association name (optional): <u>Bromus diandrus & mixed herbs</u>			
Adjacent Alliances/direction: <u>active agriculture, 1, 1, 1, 1</u>			
Confidence in Alliance identification: L M (H) Explain: _____			
Phenology (E,P,L): Herb <input checked="" type="checkbox"/> Shrub <input checked="" type="checkbox"/> Tree <input checked="" type="checkbox"/> Other identification or mapping information: _____			

Combined Vegetation Rapid Assessment and Relevé Field Form
(Revised April 28, 2016)

For Office Use:	Final database #:	Final vegetation type:	Alliance Association
I. LOCATIONAL/ENVIRONMENTAL DESCRIPTION			circle: Relevé or (RA)
Database #: <u>VEG-03</u>	Date: <u>5/28/20</u>	Name of recorder: <u>Jessica Peak</u>	□ □ □ □
		Other surveyors:	
Location Name: <u>5423 Santa Rita Road, Buellton</u>			
GPS name: <u>ipad/APRON 100 RECEIVER</u>	For Relevé only: Bearing°, left axis at ID point _____ of Long / Short side		
UTME _____	UTMN _____	Zone: 11 (NAD83) OPS error: ft./ m./ PDOP <u>8.5 in 2005</u>	
Decimal degrees: LAT <u>34.675046</u> LONG <u>-120.311234</u>			
GPS within stand? (Yes) No If No, cite from GPS to stand: distance (m) _____ bearing ° _____ inclination ° _____			
and record: Base point ID _____ Projected UTM: UTME _____ UTMN _____			
Camera Name: <u>JP</u>	Cardinal photos at ID point:		
Other photos: <u>representative photos of habitat</u>			
Stand Size (acres): <u><1</u> , 1-5, >5 Plot Size (m ²): 100 / _____ Plot Shape _____ x _____ m RA Radius <u>20</u> m			
Exposure, Actual °: _____ NE NW SE (SW) Flat Variable Steepness, Actual °: _____ 0° (1-5°) >5-25° >25			
Topography: Macro: (top) upper mid lower bottom Micro: convex flat (concave) undulating			
Geology code: _____ Soil Texture code: _____ (Upland) or Wetland/Riparian (circle one)			
% Surface cover: (Incl. outcrops) (>60cm diam) (25-60cm) (7.5-25cm) (2mm-7.5cm) (Incl sand, mud)			
H ₂ O: <input checked="" type="checkbox"/> BA Stems: <u>3</u> Litter: <u>2</u> Bedrock: <input checked="" type="checkbox"/> Boulder: <input checked="" type="checkbox"/> Stone: <input checked="" type="checkbox"/> Cobble: <input checked="" type="checkbox"/> Gravel: <u>2</u> Fines: <u>93</u> =100%			
% Current year bioturbation <u>1</u> Past bioturbation present? (Yes) No % Hoof punch <input checked="" type="checkbox"/>			
Fire evidence: Yes (No) (circle one) If yes, describe in Site history section, including date of fire, if known.			
Site history, stand age, comments:			
<u>California sagebrush scrub is present in a small depression in the northeast portion of the Project Area, along the slopes outside/adjacent to the Project Area, & along the unnamed drainage.</u>			
Disturbance code / Intensity (L,M,H): <u>M→H 03, 04, 05, 23, 1</u> "Other" _____			
II. HABITAT DESCRIPTION			
Tree DBH: T1 (<1" dbh), T2 (1-6" dbh), T3 (6-11" dbh), T4 (11-24" dbh), T5 (>24" dbh), T6 multi-layered (T3 or T4 layer under T5, >60% cover)			
Shrub: S1 seedling (<3 yr. old), S2 young (<1% dead), S3 mature (1-25% dead), S4 decadent (>25% dead)			
Herbaceous: H1 (<12" plant ht.), H2 (>12" ht.)			
Desert Riparian Tree/Shrub: 1 (<2ft. stem ht.), 2 (2-10ft. ht.), 3 (10-20ft. ht.), 4 (>20ft. ht.)			
Desert Palm/Joshua Tree: 1 (<1.5" base diameter), 2 (1.5-6" diam.), 3 (>6" diam.)			
III. INTERPRETATION OF STAND			
Field-assessed vegetation Alliance name: <u>California sagebrush scrub</u>			
Field-assessed Association name (optional): <u>Artemisia californica - Acmispon glaber</u>			
Adjacent Alliances/direction: <u>endemic / disturbed, Active agriculture</u>			
Confidence in Alliance identification: L M (H) Explain: _____			
Phenology (E,P,L): Herb <u>P</u> Shrub <u>E/P</u> Tree <u>P</u> Other identification or mapping information: _____			

Combined Vegetation Rapid Assessment and Relevé Field Form

(Revised April 28, 2016)

Database #: VEG-03

SPECIES SHEET

□
□
□

IV. VEGETATION DESCRIPTION

% NonVasc cover: 10 Total % Vasc Veg cover: 90

% Cover - Conifer tree / Hardwood tree: 0, 10 Regenerating Tree: 1 Shrub: 35 Herbaceous: 5

Height Class - Conifer tree / Hardwood tree: 0, 1-6 Regenerating Tree: 1 Shrub: 3 Herbaceous: 1-2

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

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

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

Stratum	Species	% cover	C	Final species determination
S	Artemisia californica	45-50		
S	Acmispon glaber	15-25		
S	Erigeron californicus	5-15		
S	Salvia mellifera	5-15		
S	Toxicodendron diversilobum	15-25		
S	Diplopia aurantiaca	1-5		
H	Calystegia macrostegia	1-5		
H	Carduus pycnocephalus	1-5		
H	Stipa pulchra	1-5		
H	BRASSICA nigra	1-5		
S	Baccharis pilularis	5-15		
H	Conium maculatum	1-5		
H	Blanus madritensis	5-15		
H	Festuca myosu	1-5		
H	Blanus diandrus	1-5		
H	Avena fatua	+		
H	Silybum marianum	+		
H	Melica imperfecta	+		
S	Eriogonum fasciculatum	5-15		
H	Stipa lupida	1-5		
S	Sambucus nigra caerulea	1-5		
H	Pseudognaphalium californicum	1-5		
H	Dudleya lanceolata	+		
H	Elymus condensatus	1-5		
S	Heteromeles arbutifolia	1-5		
S	Rubus ursinus	1-5		
H	Logfia californica	v		
H	Choeisanthe	+		
S	Salix lasiolepis	1-5		in unnamed drainage
S	Baccharis salicifolia	1-5		" "
H	Aclepias californicus	+		
H	Clarkia unguiculata	+		
S	Eriogonum fasciculatum	1-5		
H	Pteridium aquilinum	1-5		
H	Phacelia cicutarium	+		

Unusual species: _____

**ATTACHMENT H: BIOLOGICAL RESOURCES ASSESSMENT ADDENDUM, TREE
PROTECTION PLAN, HABITAT PROTECTION PLAN, AND WILDLIFE MOVEMENT
PLAN DATED MARCH 2021**

**ATTACHMENT I: VISTA HILLS MUTUAL WATER COMPANY WATER SERVICE
LETTER DATED AUGUST 11, 2020**

August 11, 2020

Kim Hughes
5423 Santa Rita Rd
Lompoc, CA 93436

Re: Water Service

We have received recent communication from your tenant, Jason Hillenbrand, regarding a proposed project for an “*outdoor cannabis cultivation operation*” with a service address at your property, 5423 Rancho Santa Rita Road in Lompoc. One presumes he represents you in this matter and that our reply is properly directed to you as owner at that address.

In answer to his request, let me affirm that you do own 15 shares in the water company and are entitled to service at that address – as defined within our governing documents. The “*Proposed Project located at 5436 Santa Rita Road*” is not familiar to us and is not listed in our documents. Perhaps you can clarify this point. It would be helpful.

Moreover, some language within Jason’s request was not entirely acceptable to us. It is beyond our experience, for example, to determine if we have “*sufficient water supply available to serve the Proposed Project.*” Nor can we affirm in our limited role if “*the project parcel has adequate ‘water credit’ for the forecasted demand associated with the Proposed Project.*” We observe that your project description does not offer a forecasted demand. Again, it would be helpful.

Let me add that water delivery to your property is a variable quantity, an allotment determined annually and listed on your water bill. A decade of drought and other constraints compel us to maintain flexibility in the allotment we assign to each share of ownership. Beyond that, you share a common infrastructure with two dozen homes, and in the face of unforeseen problems, our focus must always remain on household and domestic use over agricultural interests.

So again, let me affirm that you are entitled to water service at your property consistent with our governing documents. We might hope your allotment at 15 shares is sufficient to the project you describe, but we cannot in good faith attest that it is. We simply don’t have the agricultural experience or savvy to make that call. Perhaps a more detailed survey would be useful to us all.

That said, you might consider that shareholders with agricultural interests can always drill their own ag well to additionally serve their property. And, of course, one can purchase additional shares to increase their allotment if they’re already close to meeting their goals. Just a thought.

Anyway, do keep us in the loop; we genuinely wish you all the best.



J. Edwin Fields (jedwinfields@gmail.com)
President, Vista Hills Mutual Water Co.
5423 Campbell Road, Lompoc, CA 93435

cc: Santa Barbara County Planning Department

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