



**COUNTY OF LAKE**  
COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division  
Courthouse - 255 N. Forbes Street  
Lakeport, California 95453  
Telephone 707/263-2221 FAX 707/263-2225

October 27, 2020

Jesse B. Chrisp  
15322 Lakeshore Dr., Suite 301  
Clearlake, CA 95422

Via Email: [jesse@chrisplaw.com](mailto:jesse@chrisplaw.com)

Subject: Mitigation Measures Agreement for Initial Study, IS 20-31 for [Minor Use Permit (MUP 20-07) and Design Review (DR 20-02)].

Pursuant to the California Environmental Quality Act (*CEQA*), Article 6, Section 15070 (*Decision to prepare a Negative or Mitigated Negative Declaration*), the applicant must review the revisions and/or the proposed mitigation measures of the Initial Study before the Initial Study is released for public review. In order to avoid any significant effects on the environment, the *Initial Study, IS 20-31 for [Minor Use Permit (MUP 20-07) and Design Review (DR 20-02)]*. However, based on the Initial Study, the Community Development is recommending following Mitigation Measures for the proposed Minor Use Permit. Please review this letter, including the enclosed initial study and check the appropriate box at the end with your response.

### **Aesthetic:**

- **Prior to the issuance of any permits, an Outdoor Lighting Plan in accordance with the Lake County Zoning Ordinance and meets the darkskies.org lighting recommendations shall be submitted to the Community Development Department for review and Approval.**

### **Air Quality:**

- **Any demolition or renovation is subject to the Federal National Emissions Standard for Hazardous Air Pollutants (NESHAP). Asbestos in buildings requires asbestos inspections by a Certified Asbestos Consultant for all major renovations and all demolition. An Asbestos Notification Form with the Asbestos inspection report must be submitted to Lake County Air Quality Management District (LCAQMD) at least 14 days prior to beginning any demolition work. The applicant must contact the District for more details and proper approvals. Regardless of asbestos content or reporting requirements all demolition and renovation activities should use adequate water/ amended water to prevent dust generation and nuisance conditions.**
- **Construction activities that involve pavement, masonry, sand, gravel, grading, and other activities that could produce airborne particulate should be conducted with adequate dust controls to minimize airborne emissions. A dust mitigation plan may be required should the applicant fail to maintain adequate dust controls.**

- Any stationary prime power or backup diesel generator requires an application submitted to LCAQMD. All engines must be notified to LCAQMD prior to beginning construction activities and prior to engine use. Mobile diesel equipment used for construction and/or maintenance must be in compliance with State registration requirements. All equipment units must meet Federal, State and local requirements. All equipment units must meet Reciprocating Internal Combustion Engine Rules (RICE) National Emissions Standard for Hazardous Air Pollutants (NESHAP)/New Source Performance Standard (NSPS) requirements including proper maintenance to minimize airborne emissions and proper record-keeping of all activities, all units must meet the State Air Toxic Control Measures for CI engines, and must meet local regulations.
- Site development, vegetation disposal, and site operation shall not create nuisance odors or dust. During the site preparation phase, any removed vegetation be chipped and spread for ground cover and erosion control. Burning is not allowed on commercial property, materials generated from the commercial operation, and waste material from construction debris, must not be burned as a means of disposal.

### **Biological Resources:**

- Prior to disturbance (clearing, construction, etc.) within 100 feet of the existing oak tree, a nesting raptor and passerine survey should be conducted by a qualified biologist if this disturbance is proposed between February 1 and August 31 of any year. In the event that nesting birds protected under the Migratory Bird Treaty Act or California Fish and Wildlife Code are identified within this time period, a suitable construction buffer should be established around the nest site until either the end of the nesting season, or upon determination by a qualified biologist that fledging has been completed or that the nest has been abandoned. Additionally, care should be taken to avoid parking vehicles or equipment, or placement of materials or permanent non-permeable surfaces within the dripline of the oak tree to avoid damage to the roots.

### **Cultural Resources and Tribal Cultural Resources:**

- The project Tribal Cultural Advisor and tribal monitor(s) may halt ground disturbance activities in the immediate area of discovery when known or suspected tribal cultural resources are identified until further evaluation can be made in determining their significance and appropriate treatment or disposition. There must be at minimum one tribal monitor for every separate area of ground disturbance activity that is at least 30 meters or 100 feet apart unless otherwise agreed upon in writing between the Tribe and applicant. Depending on the scope and schedule of ground disturbance activities of the Project (e.g., discoveries of cultural resources or simultaneous activities in multiple locations that requires multiple tribal monitors, etc.) additional tribal monitors may be required on-site. If additional tribal monitors are needed, the Tribe shall be provided with a minimum of three (3) business days advance notice unless otherwise agreed upon between the Tribe and applicant. The on-site tribal monitoring shall end when the ground disturbance activities are completed, or when the project Tribal Cultural Advisor have indicated that the site has a low potential for tribal cultural resources.
- Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the applicant shall notify the local overseeing Tribe, and a qualified archaeologist to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, the applicant shall notify the Sheriff's Department, the local overseeing Tribe, and a qualified archaeologist for

proper internment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.

**Hydrology/Water Quality:**

- The project design shall incorporate appropriate BMPs consistent with County and State Storm Water Drainage regulations to prevent or reduce discharge of all construction or post-construction pollutants and hazardous materials offsite or into the creek. The site shall be monitored during the rainy season (October 15-April 15) and erosion controls maintained.

**Noise:**

- All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.
- Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 7:00PM and 45 dBA between the hours of 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.

Please note. Additional Conditions of Approval will be required pursuant to County Code.



**I agree to the proposed Mitigation Measures**



**I am opposed to one or more of the proposed Mitigation Measures and have proposed the attached alternative mitigation(s) to reduce the potential impact(s) to a less than significant level.**

Owner/Applicant Signature: \_\_\_\_\_

Owner/Applicant Name: Jesse Chrisp

Date: 10/27/20

Please complete this form and return the original document to the Community Development Department. If you have any questions please contact me at (707) 263-2221 or [victoria.kim@lakecountycalifornia.gov](mailto:victoria.kim@lakecountycalifornia.gov).

Sincerely,

Victoria Kim  
Assistant Planner