



County of Calaveras

Department of Planning

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Initial Study / Negative Declaration

Review Period: April 26, 2022 – May 26, 2022

Initial Study

ENVIRONMENTAL

CHECKLIST

For: Whiskey Slide Farms, LLC

ZA 2021-055

Assessor's Parcel Nos. 016-027-043, 016-027-044, and
016-027-045

1. Project Title: 2021-055 Zoning Amendment for Whiskey Slide Farms
2. Lead Agency Name and Address: Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249
3. Contact Person and Phone Number: Madeleine Flandreau, Planner II
mflandreau@co.calaveras.ca.us
(209) 754-6394
4. Project Location: The subject parcels, APNs: 016-027-043, 016-027-044, and 016-027-045 are located at 15369, 15499 and 15469 Jesus Maria Road in Mokelumne Hill. The parcels are part of Section 12, T05N, R12E, MDM.
5. Project Sponsor's Name and Address: Whiskey Slide Farms, LLC
15150 Ponderosa Way
Mokelumne Hill, CA 95245
6. General Plan Designation: Working Lands
7. Zoning: Residential Agriculture-20 (RA-20)
8. Project Description: The application proposes to amend the zoning of three contiguous parcels totaling 41 acres from Residential Agriculture (RA) to General Agriculture (A1) for the purpose of allowing a second cannabis cultivation site to be permitted. APN 016-027-043 is 5.722 acres in size, APN 016-027-044 is 12.250 acres in size, and 016-027-045 is 22.627 acres in size. The parcels will be merged into one parcel to meet the 20 acre minimum requirement for the A1 zone.
9. Surrounding land uses and setting:

Location	General Plan Designation	Zoning	Land Use
North	Resource Production	General Agriculture	Single Family Residential/Agriculture
South	Working Lands, Resource Production, Resource Management	Residential Agriculture, General Agriculture	Single Family Residential, vacant land
East	Working Lands	Residential Agriculture	Vacant
West	Working Lands	Residential Agriculture	Single Family Residential

10. Other public agencies whose approval is required: Calaveras County Surveyor and Public Works Department
11. Have California Native American Tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code §21080.3.1? YES **NO**

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact", as indicated by the checklist on the following pages.

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION (To be completed by Lead Agency):

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment and a **NEGATIVE DECLARATION** will be prepared.
- I find that, although the original scope of the proposed project **COULD** have had a potentially significant effect on the environment, there **WILL NOT** be a significant effect because revisions/mitigations to the project have been made by or agreed to by the applicant. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a potentially significant effect on the environment and an **ENVIRONMENTAL IMPACT REPORT** or its functional equivalent will be prepared.
- I find that the proposed project **MAY** have a potentially significant impact on the environment. However, at least one impact has been adequately analyzed in an earlier document, pursuant to applicable legal standards, and has been addressed by mitigation measures based on the earlier analysis, as described in the report's attachments. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the impacts not sufficiently addressed in previous documents.
- I find that, although the proposed project could have had a significant effect on the environment, because all potentially significant effects have been adequately analyzed in an earlier EIR or Negative Declaration, pursuant to applicable standards, and have been avoided or mitigated, pursuant to an earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, all impacts have been avoided or mitigated to a less-than-significant level and no further action is required.



Madeleine Flandreau
Project Planner

4-25-2022

Date

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

Environmental Impact Analysis:

The applicant is requesting approval of a Zoning Amendment to change the zoning of three contiguous parcels (APNs 016-027-043, 016-027-044 and 016-027-045) from RA-20 (Residential Agriculture-20-acre minimum) to A1 (General Agriculture). The three parcels are currently being merged through a lot line adjustment application to create one 41 acre parcel. APNs 016-027-044 and 016-027-045 are currently being developed for an outdoor commercial cannabis cultivation site under Calaveras County Code Chapter 17.95 Regulation of Commercial and Non-Commercial Cannabis Cultivation, which was adopted by the Board of Supervisors on October 22, 2019. One cultivation permit for one acre of canopy has been conditionally approved by the County Division of Cannabis Control. The applicant is requesting the zoning amendment in order to collocate a second cannabis cultivation site, as co-location is only permitted in the A1 zone, with one permit allowed per 20 acres of land.

The parcels were severely burned during the 2015 Butte Fire, and many of the burned trees have been removed, with some oaks remaining. APN 016-027-044 previously contained a terraced vineyard which was also burned in the fire and has since been redeveloped into the commercial cannabis cultivation premises which extends south onto APN 016-027-045. The cultivation premises is approximately 610 feet by 510 feet with perimeter fencing, stormwater management features, three metal buildings for processing, an agricultural well and irrigation tanks for water storage. The parcels are also currently being grazed by livestock. The applicant has legal access to the cultivation premises via an easement through the adjacent parcel to the south which takes access from Jesus Maria Road. Extensive grading has already been completed to establish the cultivation premises. Although the grading was initially conducted without a grading permit, the applicant has hired a civil engineer and drafted grading plans to show all ground disturbance on the subject parcels for purposes of obtaining a grading permit from the County Public Works Department.

Other than the proposed establishment of the second cannabis cultivation site, no new development is being proposed with this application. The Calaveras County General Plan¹ land use designation for the subject parcel is Working Lands. This designation identifies lands suitable for agricultural and forestry practices on parcels smaller than those designated Resource Production to reflect existing development patterns and/or to recognize their location in or adjacent to existing communities. This category includes lands with a combination of residential and home-based businesses. This category also includes, but is not limited to, lands with conservation easements and critical habitat areas. These lands allow the continuation of small scale resource production and other rural home-based business operations that are compatible with rural residential development. Typical uses include small-scale agriculture, forestry, timber production and harvesting, mineral extraction, small scale commercial/industrial uses secondary to the principle residence, animal husbandry, livestock, orchard, gardens, public or quasi-public uses, and other similar or compatible uses. Generally these lands have limited access to services and infrastructure. Land use designations in the vicinity include Working Lands, Resource Production and Resource Management. Land uses surrounding the subject parcel includes a mix of residential and personal ranches on parcels ranging in size from 10-285 acres.

The uses permitted-by-right in the A1 zone that are not permitted-by-right in the RA zone are:

- Dairies: mature dairy cows, six to less than two hundred heads
- Fish farm/hatchery wholesale/retail
- Greenhouse and wholesale/retail nursery
- Hog farms: swine (less than fifty-five pounds), thirty to two thousand nine hundred ninety-nine heads
- Hog farms: swine (greater than fifty-five pounds), ten to seven hundred forty-nine heads
- Incidental agricultural support uses
- Livestock feed lot or feed yard: cattle, ten to two hundred ninety-nine heads
- Livestock feed lot or feed yard: sheep or lambs, fifty to two thousand nine hundred ninety-nine heads
- Poultry facilities: ducks, one hundred to one thousand four hundred ninety-nine
- Poultry facilities: laying hens or broilers, one hundred to eight thousand nine hundred ninety-nine
- Poultry facilities: turkeys, one hundred to sixteen thousand four hundred ninety-nine
- Rabbit facilities: rabbits, twenty-five to one thousand four hundred ninety-nine
- Processing and manufacturing:
 - Winery
- Residential uses:
 - Agricultural employee housing
 - Logging camp
 - Temporary farm labor camps
- Recreational and educational:
 - Equestrian facility, private over twenty acres (one to fifteen clients)
 - Hunting/gamebird club
 - Public visitor information or interpretive center
 - Rural recreation and camping
- General Services, business:
 - Lodging: agricultural homestay, up to five room
 - Medical services: rural home doctor office
- Transportation, communications, infrastructure:
 - Heliport,
 - Power generation (on-site residential or agricultural use)

The uses permitted in the A1 zone that are not permitted in the RA zone are larger, more intensive commercial agricultural uses – either requiring agricultural operations to be on site, or directly serving other agricultural operations – giving the property owner more flexibility to be able to utilize the land in the production and sale of food and fiber. In some cases, these uses allow for more consumer traffic to the parcel than would otherwise be allowed for uses permitted in the RA zone. All permitted-by-right uses are subject to standards, restrictions, and regulations in regards to parking, landscaping, grading, building, and other applicable site development and performance standards.

Ministerial cannabis cultivation permits under Chapter 17.95 of the County Code are subject to the standards, restrictions, and regulations described in that ordinance. While the applicant is proposing to use the parcel for commercial cannabis cultivation, the rezone results in the potential for any of the above uses on the parcel. Therefore, all environmental impacts on the subject parcel will be evaluated with regards to these standards, and in relation to the permitted uses in the RA zone. As discussed below, to the extent the cannabis-related potential impacts of the project are within the scope of the EIR and addendum prepared for Chapter 17.95, this study will refer to and rely on the analysis in those documents.

Potential for Commercial Cannabis Cultivation in the Proposed Zone

Chapter 17.95 of the Zoning Code allows outdoor commercial cannabis cultivation and processing in the A1, AP, GF and RA zones, and indoor commercial cannabis cultivation in the M1, M2, M4, and (in conjunction with a retail operation) CP zones, by qualified applicants who also receive a state license. A commercial cannabis cultivation permit under Chapter 17.95 is a ministerial approval process for premises in all of these zones for indoor cannabis cultivation and, if on parcels of at least twenty acres, for outdoor and mixed light cannabis cultivation and processing. Calaveras County Code 17.95.010.B expressly allows qualified cannabis cultivation permit applicants “to either apply for compatible zoning designations for their parcels, relocate to available parcels with compatible zoning, or transfer their permit or right to apply for their permit to another qualified person or entity with an eligible and compliant site”.

A program EIR and Addendum were prepared for the aforementioned amendment to Chapter 17.95, and they were adopted and approved by the Board of Supervisors on October 22, 2019 in conjunction with the ordinance amendment. These documents are available for review at: <https://cannabis.calaverasgov.us/CEQA/Cannabis-Ord-DEIR> and at the Planning Department located at 891 Mountain Ranch Road, San Andreas, CA, 95249, and are incorporated by reference. The potentially significant impacts of commercial cannabis cultivation identified and studied in the EIR and Addendum were either 1) fully mitigated through the inclusion of various regulatory requirements in the ordinance amendment, or 2) found to be significant and unavoidable. The potential impacts deemed to be significant and unavoidable were:

- Air Quality- Exposure of people to objectionable odors; and
- Transportation and Circulation- Long-term increase in traffic.

Other than impacts associated with odors and traffic, all impacts analyzed in the EIR and Addendum were found to be less than significant. Pursuant to CEQA, the County made findings of overriding consideration when the Cannabis Ordinance was adopted, finding that those impacts would be acceptable in light of the benefits of the project.

Section 15168(c)(2) of the CEQA Guidelines states that 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. The Cannabis Ordinance anticipated rezones and limited the total number of commercial cannabis cultivation sites within the county without identifying specific locations on which they may occur, and it specifically authorized the

potential rezoning of parcels to accommodate the relocation or reactivation of cultivation sites. Therefore, the Initial Study/Negative Declaration (IS/ND) appropriately relied on the analysis in the EIR and Addendum for the Cannabis Ordinance for consideration of impacts associated with cannabis cultivation that would be permitted as a result of this zoning amendment.

The CEQA Guidelines suggest that when a site-specific later action is taken that relies on the program EIR, a checklist or similar device should be used to document that the environmental effects are within the scope of the EIR. Staff therefore modeled the below discussion on the checklist contained in the Initial Study. The applicant has indicated that the purpose of the zoning amendment is to co-locate a second cultivation site by transferring a prior cannabis cultivation operation that was permitted under the provisions of the urgency ordinance in effect from 2016 to 2018 to the subject parcel. The mitigation measures identified in the EIR and Addendum were incorporated into the operating restrictions and other provisions of Chapter 17.95. Any new or reactivated cultivation must comply with those provisions. The following discussion addresses compliance with the mitigation measures identified in the EIR and Addendum. No further discussion is provided where the EIR and Addendum found that there would be no impact or less than significant impact from adoption of the ordinance. When a box is checked this mark represents the preparer's analysis of all potential project impacts—both cannabis-related *and* non-cannabis-related—that fall outside the scope of what was already analyzed in the Chapter 17.95 EIR and addendum.

Figure 1: Project Location

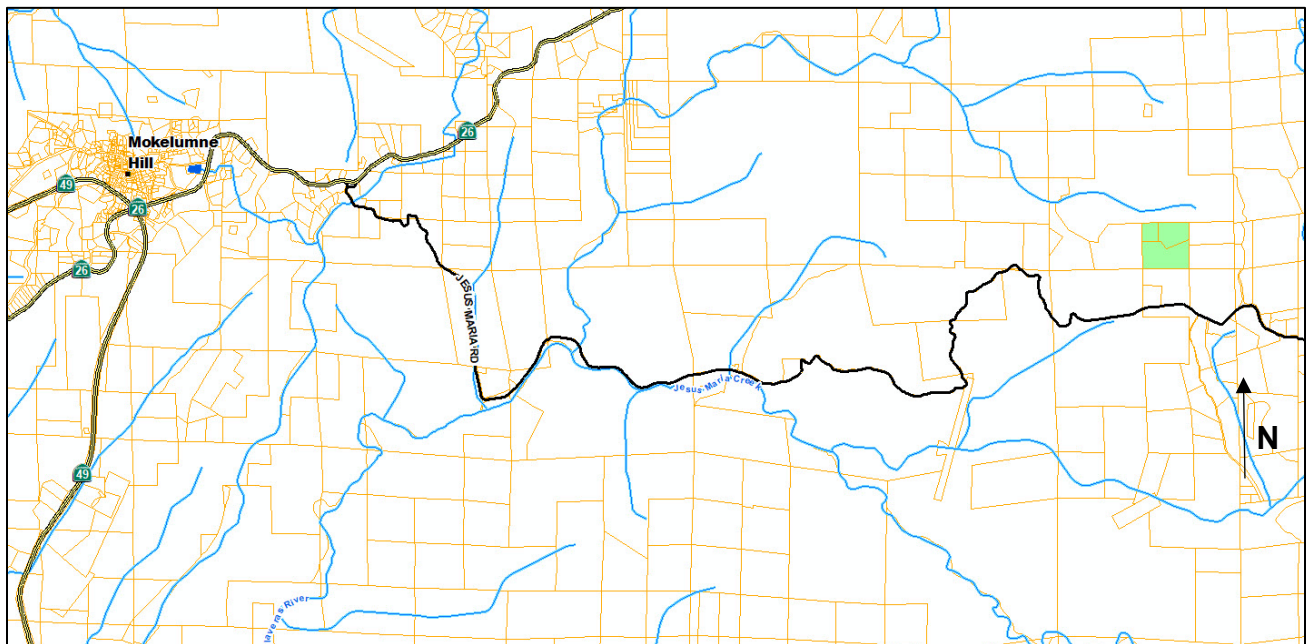


Figure 2: County Aerial Image (June 2020)

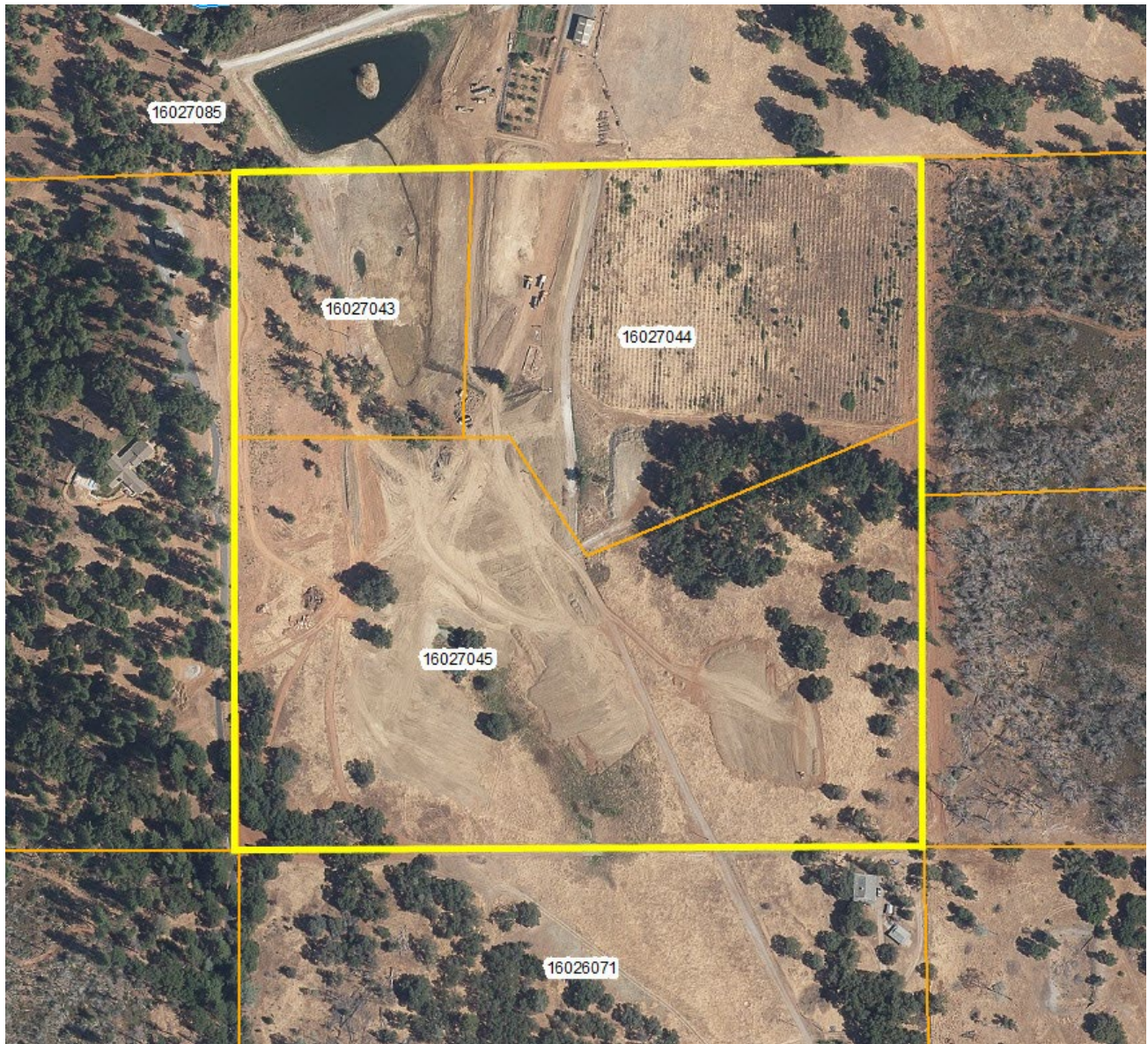


Figure 3: Google Earth Image (June 4, 2021)



Figure 4: View of site from northwestern portion of APN 16-027-043 looking southeast (from Strange Aquatic Resources 2021 Biological Site Assessment)



Figure 5: View of cultivation premises on APN 16-027-044 looking north



Figure 6: View of spring on APN 16-027-044 with erosion/sediment controls



Figure 7: View of stream channel and seasonal pond in the southern portion of 16-027-045 (from Strange Aquatic Resources 2021 Biological Site Assessment)



I. AESTHETICS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Except as provided in Public Resources Code §21099, would the project:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publically accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

Program EIR and Addendum for Chapter 17.95

Impacts to aesthetics analyzed in the EIR and Addendum for Chapter 17.95 were found to be less than significant with mitigation. The subject parcel is located off of Jesus Maria Road between the communities of Mokelumne Hill and Mountain Ranch and is not within 1000 feet of a state scenic highway (Mitigation Measure (MM) #3.1-1). The proposed cultivation site must comply with lighting standards of 17.95.090.M (Mitigation Measure #3.1-3).

Analysis regarding additional A1 uses

- a) **Less Than Significant Impact** – The Conservation and Open Space element of the Calaveras County General Plan considers scenic vistas to include forests, rolling hills, ranches, agricultural land, historic landscapes, oak woodlands, rock formations and other unique topographical features, river corridors, lakes, and streams. The existing visual character of the subject parcel and surrounding areas is annual grassland with mixed oak/pine forest, and there is an intermittent stream that is spring fed in the southwestern portion. A reservoir which begins on the adjacent parcel to the north (APN 016-027-085) which also owned by the applicant, was recently expanded and

now backs up onto APN 016-027-043. The parcels were severely burned during the 2015 Butte Fire, which destroyed the residence and accessory structures, and many of the burned trees have been removed, with only sparse oaks remaining. The total acreage of the three parcels is 41 acres in area and previously contained a terraced vineyard which was also burned in the fire, and has since been redeveloped for a commercial cannabis cultivation. The cultivation premises is approximately 610 feet by 510 feet with perimeter fencing and stormwater management features, three metal buildings for processing, and an agricultural well and irrigation tanks. The aesthetic qualities of the parcels have been significantly impacted by the Butte Fire, therefore, any development that may occur in the A1 zone beyond what is currently allowed in the RA zone will have a less than significant impact on any scenic vista.

- b) **No Impact** – The project site is located approximately 5 miles away from the nearest state highway, Hwy 26, and therefore will have no impact on scenic resources within a state scenic highway.
- c) **Less Than Significant Impact** – The ability to view the majority of the parcel is limited due to the local topography and vegetation. Future development is likely to occur on areas adjacent to currently developed portions of the parcel which is not visible from the road or other publicly accessible areas, resulting in a less than significant impact to the visual character and public views.
- d) **Less Than Significant Impact** – Any lighting that may be established on the parcel due to future development of the property will be consistent with agricultural and residential activities, as outlined by the permitted uses of the A1 zone, and will be subject to all applicable lighting standards.

II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
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Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION

Program EIR and Addendum for Chapter 17.95

Impacts to agriculture and forestry resources were analyzed in the EIR and Addendum for Chapter 17.95 and were found to be less than significant. Potential cannabis cultivation on the parcel is within the scope of the EIR/Addendum prepared for Chapter 17.95; no unique impacts would arise through the use of this particular parcel for cannabis cultivation.

Analysis regarding additional A1 uses

- a) **No Impact** – According to preliminary mapping release by the California Department of Conservation, the project area is not on any Prime Farmland, Unique Farmland, or Farmland of Statewide importance. The parcels are mapped by the DOC as Grazing Land which is described as land on which the existing vegetation is suited to the

grazing of livestock. A rezone from RA to A1 will enable the use of the land for agriculture, not convert agricultural land to non-agricultural uses.

- b) **No Impact** – The subject parcels are not under a Williamson Act contract. The nearest parcels zoned Agricultural Preserve (AP) are approximately ½ mile to the west. The AP parcels are not adjacent to the subject parcel, nor do they share an access road. Therefore, the rezoning of the parcel will not conflict with lands in the Williamson Act.
- c-e) **No Impact** – The subject parcel is not classified as high capability Timberland in the General Plan, nor has it been utilized for the production of timber in the past. The land has historically been utilized for residence and small scale agricultural use; therefore, zoning and continuing to utilize the property for agriculture, does not constitute a conversion.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

Program EIR and Addendum for Chapter 17.95

The potential for cannabis cultivation to create objectionable odors is discussed in the EIR and Addendum. The cultivation and processing of cannabis generates odors associated with the plant itself, which during maturation can produce substantial odors. Setbacks are provided as part of the Chapter 17.95; however, they do not preclude the generation of odorous emissions in such quantities as to cause detriment, nuisance, or annoyance to a

substantial number of people. This was determined to be a significant impact. Findings of overriding consideration were made by the Board of Supervisors when it certified the EIR, approved the Addendum, and adopted the ordinance.

The occurrence and severity of odor impacts from cultivation permitted under the proposed zoning amendment would depend on numerous factors, including wind speed and direction, the proximity to off-site receptors and the sensitivity of exposed receptors. The topography of the Sierra Nevada Foothills region is primarily responsible for the localized winds. As the terrain of the foothills rises to the east, the topography is characterized by deep ravines and steep ridges. Temperature variations have a significant influence on wind flow, and particularly the upslope and downslope diurnal changes in local temperatures. Mokelumne Hill lies in a transitional zone between the Sierra Nevada and the San Joaquin Valley. According to the wind models at Windy.com, northwesterly and northeasterly winds converge in this eastern area of Mokelumne Hill, and become northerly winds. Windy.com uses the Global Forecast System and the NOAA Environmental Monitoring System, which are models produced by the National Centers for Environmental Prediction (a division of the National Oceanic and Atmospheric Administration).

While the setback mitigation identified above would reduce some outdoor cultivation and processing odors by increasing the distance between potential sources and receptors, it would not preclude the potential for people to perceive objectionable odors attributable to commercial cannabis operations. As a result, while this impact would be reduced, it would remain significant and unavoidable.

Setback, separation, and parcel size standards of various provisions of the ordinance have been or will be met in order to authorize a cultivation permit on the site (Mitigation Measures #3.2-4a, 3.2-4b, and 3.2-4c). Burning of cannabis waste is prohibited (MM 3.2-2). In addition, Section 17.95.090.1.2 of the Cannabis Cultivation and Commerce Ordinance requires that all cultivation sites located on A1, AP, GF, U and RA zoned land have a setback to the cultivation site of one hundred fifty (150) feet for parcels adjacent to parcels of less than twenty (20) acres zoned RR. The subject parcel is not located adjacent to parcels less than 20 acres in size that are zoned RR; therefore, the applicants will not be required to comply with this setback. There are residences located on all of the adjacent parcels; the nearest one to the cultivation premises is approximately 400 feet to the north, and is owned by the applicant. There is also a residence (different landowner) in the adjacent parcel to the west, which is located approximately 800 feet to the west of the cultivation premises, and another is 900 feet to the south.

The effects of pollutants and similar emissions such as greenhouse gasses (GHGs) generated by cannabis activities that could impact air quality were also analyzed in the EIR and addendum. These impacts were found to be less than significant due to Chapter 17.95 limiting the number of cultivation sites in the County and the requiring GHG offsets. This project is within the scope of that analysis.

Analysis regarding additional A1 uses

Calaveras County is part of the Mountain Counties Air Basin (MCAB). The MCAB lies along the northern Sierra Nevada, close to or contiguous with the Nevada border, and covers an area of roughly 11,000 square miles. Air quality within the County is under the jurisdiction of the Calaveras County Air Pollution Control District (CCAPCD). Calaveras County consists of hilly and mountainous terrain that affects airflow patterns throughout the county, directing surface air flows, cause shallow vertical mixing, and create areas of high pollutant concentrations by hindering dispersion. While there are minimal sources that impact air quality within the District, Calaveras County is prone to receiving pollutant transport from the more populated and traffic-heavy areas because of its proximity to the Central Valley.

The County has been classified as a non-attainment area for the State and Federal ozone standards (1-hour and 8-hour) and suspended particulate matter standards (PM₁₀) and unclassified for fine particulate matter standards (PM_{2.5}). To become designated as a non-attainment area for the State and Federal standards, there must be at least one monitored violation of the ambient pollutant standards within the area's boundaries. An area is designated in attainment of the State standard if concentrations for the specified pollutant are not exceeded. An area is designated in attainment for the Federal standards if concentration for the specified pollutant is not exceeded on average more than once per year.

- a) **No Impact** – There is no air quality plan for CCAPCD, therefore the project would not conflict with such a plan.
- b) **Less Than Significant Impact** – In order to evaluate air pollutant emissions from development projects, the CCAPCD established project-level significance thresholds for emissions of ROG, NOX, and PM₁₀. The significance thresholds, expressed in pounds per day (lbs/day), serve as air quality standards in the evaluation of air quality impacts associated with proposed development projects. Thus, if a proposed project's emissions exceed the CCAPCD thresholds, the projects could have a significant effect on regional air quality and attainment of federal and State AAQS. The significance thresholds, expressed in pounds per day (lbs/day), listed in Table 1 are the CCAPCD's recommended thresholds of significance for use in the evaluation of air quality impacts associated with proposed development projects. Table 1, below, represents the County-established thresholds for any proposed project. Table 2 represents a project that proposed 150 vehicle trips per day in addition to the project's construction and operational emissions. Proposed emissions were calculated using URBEMIS 2007 Version 9.2.4.

Table 1 – County Established Thresholds

Thresholds of Significance (lbs/day)			
	ROG	NOx	PM10
Construction Emissions	150	150	150
Operational Emissions	150	150	150

Table 2 – Proposed Project Emissions

Proposed Project Emissions (lbs/day)			
	ROG	NOx	PM10
Construction Emissions	2.4	17.6	10.8
Operational Emissions	5	5	6

As depicted above in Table 2, the project did not exceed the thresholds of significance identified for these air pollutants. The proposal to amend the zoning of three parcels totaling 41 acres from RA (Residential Agriculture) to A1 (General Agriculture) does not include a plan for development beyond the proposed collocation of the second commercial cannabis premises. The A1 zone will permit a wide range of agricultural uses on the land; however, typical agricultural uses do not generate a significant amount of traffic. Considering the analyzed project at 150 vehicle trips per day fell so far below the thresholds, it is estimated that the uses in the A1 zone on 41 acres which is already developed with cannabis cultivation premises, processing structures, and access roads, will not come close to exceeding the established thresholds. Without a specified project outlining the operation, the County does not have the data necessary to enter into the model to receive actual construction and operational emissions; thus the comparison with another approved project. As proposed, the zoning amendment will have a less than significant impact.

- c) **Less Than Significant Impact** – The proposed project will not typically expose sensitive receptors (i.e. schools, residential neighborhoods, etc.) to substantial pollutant concentrations. The subject parcels are large, totaling 41 acres, and are located in a rural area with large parcels and no schools are nearby. Therefore, the proposed project will have a less than significant impact.
- d) **Less Than Significant Impact** – Any proposed non-cannabis related uses as a result of the project would not create any objectionable odors near a substantial amount of people, and would be on a temporary and intermittent basis, including farming activities, and activities associated with diesel or gasoline exhaust fumes.

IV. BIOLOGICAL RESOURCES

<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
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Would the project:

- 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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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California Department of Fish and Game or U.S. Fish and Wildlife Service?

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

DISCUSSION

Program EIR and Addendum for Chapter 17.95

The potential for cannabis cultivation to impact biological resources is discussed in the EIR and Addendum, and was found to be less than significant with mitigation. All permittees are required to enroll in waste discharge requirements with the State Water Resources Control Board under General Order No. WQ 2019-0001-DWQ (MM #3.3-1). The review by the Water Board ensures compliance with standards for protection of wildlife and other biological resources. Cannabis cultivation on the subject parcel would be subject to the Water Board requirements and is therefore within the scope of the project described in the 17.95 EIR/Addendum.

Although implementation of the Cannabis Ordinance would require the provision of fencing for security purposes, which could restrict wildlife movement in the area, fencing at the subject parcel is restricted to the cultivation areas. The EIR and Addendum determined that impacts to wildlife corridors and wildlife movement from placement of fencing around cultivation sites were less than significant, with implementation of MM 3.3-1. Under the Cannabis Ordinance, the applicants have the ability to grow up to 2 acres. As the subject

parcels total 41 acres in size, there is sufficient corridor area outside of the potential two 1-acre of cultivation sites to allow for wildlife movement.

Analysis regarding additional A1 uses

a-d) Less Than Significant Impact – A Biological Site Assessment (BSA) was completed by Strange Resource Management on December 2, 2021, to evaluate potential impacts to biological resources, sensitive species and related habitats, and water resources of the state. Strange Resource Management staff conducted a reconnaissance-level field survey on November 13, 2021, and reviewed the California Natural Diversity Database was conducted as well as other relevant sources.

The study area burned completely during the Butte Fire in September 2015, and as a result of the devastation from the fire, much of the vegetation including the trunks and canopies of trees and shrubs were killed. Many burned trees have been felled and processed to reduce the hazard of trees falling onto personal property and/or injuring people or livestock. Herbaceous vegetation and annual grass species have regrown on the study area since. The landowner has redeveloped much of parcel APN 016-027-044 and a portion of APN 16-027-045 into a commercial cannabis cultivation facility after the grape vineyard that was planted in 2005 was severely impacted by the fire. The cultivation facility includes a fenced area approximately 610 feet by 510 feet (7.1 acres) to enclose future cultivation areas, 3 processing/storage structures, irrigation tanks, a well, and stormwater management features. Extensive grading has been completed to establish the cultivation premises. Although the grading was conducted without a grading permit, the applicant has hired a civil engineer to draft grading plans and has submitted an application for a grading permit to show all ground disturbance on the subject parcels.

According to the BSA, four regulated species are documented to occur in or within 3 miles of the subject parcels: foothill yellow-legged frog, Parry's horkelia, Red Hills soaproot, and dubious pea. In addition, the database search indicated that two federally listed species or habitat have been observed on or near the subject parcels: valley elderberry longhorn beetle (VELB) and Chinese Camp brodiaea, both of which are listed as threatened. Elderberry shrubs that are protected for the VELB commonly occur in the area, but no VELB sightings have been documented. There is one blue elderberry shrub present on APN 16-027-043 just to the west of the reservoir; however no bore holes in the stem of the plants made by VELB were observed during the survey. The current range for Chinese Camp brodiaea is in southwestern Calaveras County near the town of Copperopolis, on Sawmill, Black, and Littlejohns Creeks. Due to the lack of suitable habitat, the project will not have an effect on federal or state listed species, and no effect to federally designated critical habitat.

There are two unnamed, spring-fed streams on the subject property, one beginning in the southern portion of APN 16-027-045, which flows from south to north into the reservoir. The southern portion of this stream lacks distinctive stream channel characteristics, and flows in open grassland into a seasonal pond before flowing into the reservoir. The pond was created through excavation and fill and used as a water source for stock on the property. The second stream is located within a stormwater conveyance structure located

just west of the cultivation site, which also flows into the reservoir. The stream channels lack suitable habitat and flow to support foothill yellow-legged frogs. The cannabis cultivation areas have developed stormwater management structures to intercept stormwater and deliver it to the reservoir via installed stormwater channels.

No federal- or state-listed wildlife species were observed on the Project site during the field survey conducted on November 13, 2021. Potential suitable or marginal habitat for regulated species listed within the CNDDDB for the area was observed in and adjacent to the Project site during the survey for the following species: valley elderberry longhorn beetle, western pond turtle, Parry's horkelia, dubious pea, and Red Hills soaproot.

No new non-cannabis related development is proposed. Any future non-cannabis permitted uses allowed in the A1 zone which are not currently permitted in the RA zone (such as intensive commercial agricultural operations) will not substantially interfere 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 due to the limited area of disturbance of those potential uses and the size of the parcel.

The 2021 BSA recommended that any future activities that have the potential to result in direct or indirect impacts to regulated species habitat or individuals should implement protection/minimization measures during all construction activities. Suggested measures were included to reduce potential direct impacts to regulated species during project construction including avoidance of elderberry shrubs, wetlands and ponds, restriction of construction to the summer months, construction monitoring within the stream and pond areas by a qualified biologist, and adoption of a species-specific relocation plan in the event of species presence. However, as the site has already been developed with the cannabis cultivation area large enough for two 1-acre premises, three processing/storage structures, access roads, parking, water tanks, and stormwater management structures, and no non-cannabis development plans have been submitted, staff deemed that the project would have a less than significant impact and that no mitigation was required.

- e) **No Impact** – No non-cannabis development plans have been submitted. Any future plans must be in accordance with applicable County standards at that time. The proposed project would not create a conflict with local policies or ordinances protecting biological resources because there are none within the area of the project.
- f) **No Impact** – Calaveras County has not adopted a Habitat Conservation Plan or a Natural Community Conservation Plan. This area of the County is not regulated by any regional or state habitat conservation plans.

V. CULTURAL RESOURCES

POTENTIALLY
SIGNIFICANT
IMPACT

LESS THAN
SIGNIFICANT
IMPACT

LESS THAN
SIGNIFICANT
IMPACT

NO
IMPACT

WITH
MITIGATION

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Disturb any human remains, including those interred outside of dedicated cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

DISCUSSION

Program EIR and Addendum for Chapter 17.95

The potential for cannabis cultivation to impact cultural resources is discussed in the EIR and Addendum. Potential impacts to cultural resources are addressed through compliance with the Water Board under General Order No. WQ 2019-0001-DWQ. (MM #3.3-1). The review by the Water Board ensures compliance with standards for protection of cultural resources. Any cannabis cultivation on the subject property will be subject to the General Order, causing any impacts to be less than significant. This project is subject to these Water Board requirements and therefore within the scope of the project described in the 17.95 EIR/Addendum.

Analysis regarding additional A1 uses

a-c) **Less Than Significant Impact** – A Cultural Resources Survey (CRS) was completed on December 28, 2021 by InContext Cultural Resources Solutions. The study consisted of a records search of the subject parcels and a ¼-mile radius, outreach to Tribal entities, and an intensive pedestrian survey. InContext initiated outreach with Native American Heritage Commission (NAHC) for a search of their Sacred Lands Files and contacted local Tribes. Although a good faith effort was made to contact representatives from local Tribes to determine if they have any concerns regarding the presence or impacts to Tribal Cultural Resources or other cultural resources as a result of the project, a response was not received. A pedestrian survey was carried out on December 17, 2021. Ground visibility was poor on APNs 016-027-043 and 016-027-045 due to overgrown vegetation, however visibility was 100% on APN 016-027-044. No cultural resources were identified as a result of the field survey. The records search did not identify any cultural resources on the subject property; however, there were two resources which were previously recorded within a ¼ mile radius. The CRS determined that the proposed project will have no impact on the two recorded cultural resources.

According to the CRS, the western portion of the APNs 016-027-043 and 016-027-045 are similar in natural setting to the location of one of the recorded resources, and is

therefore considered moderately sensitive for the presence of buried archaeological resources; although, it is likely that hydraulic mining activities associated with the historic Rindge Mine No. 1 on-site would have destroyed any archaeological site if one had existed.

Although no cultural resources were identified as a result of the cultural resources survey, ground-disturbing activities have the potential to disturb previously unidentified buried or otherwise obscured archaeological deposits. Such disturbance may result in the loss of integrity of archaeological deposits and the loss of information if these deposits and the loss of information if these deposits do exist. If such a deposit is determined to be a historical resource as defined by CEQA (CEQA Guidelines 15064.5), its disturbance would result in a significant impact (CEQA Guidelines 15064.5, Pub. Res. Code section 21083.2). The proposed project will be subject to State laws and regulations should any cultural resources or human remains be encountered during future excavation activities on the property, which will serve to assure that impacts associated with human remains and other cultural resources are insignificant.

VI. ENERGY

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Program EIR and Addendum for Chapter 17.95

Impacts related to energy use were analyzed in the EIR and Addendum for Chapter 17.95 were found to be less than significant. Potential cannabis cultivation on the parcel is within the scope of the EIR/Addendum prepared for 17.95; no unique impacts would arise through the use of this particular parcel for cannabis cultivation.

Analysis regarding additional A1 uses

a-b) **No Impact** – The project does not include new or expanded sources of energy consumption onsite, and will not conflict with any state or local renewable energy or efficiency plan. The proposed project is to rezone the subject parcel from RA to A1, and no specific development is proposed aside from the cannabis cultivation discussed above. Any potential permitted-by-right use – in the absence of a development plan that states otherwise – is expected to comply with all applicable energy codes and other regulations regarding the wasteful, inefficient, or unnecessary consumption of energy resources, and is expected to comply with any state or local plan for renewable energy or energy efficiency.

VII. GEOLOGY AND SOILS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION

Program EIR and Addendum for Chapter 17.95

The potential for cannabis cultivation to impact geology and soils is discussed in the EIR and Addendum. Although not identified as a significant impact, any septic system must meet the standards of the County for installation of a septic system and securing any appropriate grading permit (Section 17.95.090.H of the Cannabis Cultivation and Commerce Ordinance). Potential cannabis cultivation on the parcel is within the scope of the EIR/Addendum prepared for 17.95; no unique impacts would arise through the use of this parcel for cannabis cultivation.

Analysis regarding additional A1 uses

Elevations on the property range from approximately 2,230 feet to 2,320 feet above mean sea level.

- a) **No Impact** – According to the General Plan, Calaveras County lies within the Sierra Block of Seismic Risk Zone 3, an area of historically low seismicity. The County is not in, adjacent to, or crossed by an Alquist-Priolo Earthquake Fault Zone. Although the County has felt ground shaking from earthquakes with epicenters located elsewhere, no major earthquakes have been recorded within the County. The closest known source of large earthquakes is the Sierra Frontal Fault System along the eastern margin of the Sierra Nevada, which includes the Carson Valley Fault. This fault is located east of the County, and has been evaluated as capable of generating earthquakes of up to the magnitude 7.0. However, the risk of surface rupture is not considered sufficient to restrict the development found in the County.

- b-c) **Less Than Significant Impact** – The areas of particular landslide concern are those that include high elevations with steep ravines and gulches associated with river and stream channels. Located between 2,230 feet to 2,320 feet in elevation, the parcels exhibit gentle topographic relief with a total elevational difference of approximately 90 feet throughout the 41.5-acre Project site. The topography of the Project site includes sloped terrain from both east and west to the center of the Project site. According to the USDA Natural Resources Conservation Service soils maps⁵, the subject parcel contains soil classified as Nedsgulch-Wallyhill complex, and Nedsgulch-Wallyhill-Arpatutu complex. These soils are typically gravelly to clay loam that are well-drained with bedrock from approximately 31 to 41 inches of depth. The parent material is

colluvium over residuum derived from metasedimentary rock. This soil type is classified as being well drained with a moderate potential for erosion, with the erosion potential increasing as the slope increases. The change from the RA zone to A1 zone will not increase the residential development potential of the parcel, however it will increase the potential agricultural development of the parcel. In fact, as the applicant is required to merge the three parcels into one, the project will reduce the residential development potential. Utilization of Best Management Practices to reduce the risk of erosion is a requirement of all grading and building in the County. With the application of Best Management Practices, and all applicable County and State laws regarding grading and erosion control, the susceptibility of erosion remains less than significant. If erosion of soils were to occur, the risk of loss, injury or death is low because the development potential is limited due to the location and terrain. Sites in Calaveras County with liquefaction potential would be those on alluvial deposits having groundwater and sand or silt layers of uniform grain sizes within about 30 feet of the surface, and such conditions are not found on the subject parcel and are generally not present in the County.

- d-e) **No Impact** – The soil types on site are not considered expansive as they have adequate drainage and low-clay composition. There is no additional non-cannabis development proposed with this application; however, during the plan check process, building plans are examined for compliance with the uniform building code. This process requires a soils report be submitted with all construction plans to ensure the proposed structure will not be compromised do to unstable soil conditions. The standards vary depending on the location and type of structure proposed. Given the size of the subject parcels, it is unlikely that a suitable site cannot be found for the future construction of residential, agricultural structures or septic systems if desired.

- f) **No Impact** – According to the 2021 Cultural Resources Survey there are no known unique paleontological resources or sites or unique geologic features on or near the subject parcel.

VIII. GREENHOUSE GAS EMISSIONS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

Program EIR and Addendum for Chapter 17.95

The potential for cannabis cultivation to impact greenhouse gas emissions is discussed in the EIR and Addendum and was found to be less than significant with mitigation. The cultivator must design the project to be carbon neutral or pay carbon offsets as provided in Mitigation Measure #3.2-3 (Section 17.95.060.B.11) Potential cannabis cultivation on the parcel is within the scope of the EIR/Addendum prepared for 17.95; no unique impacts would arise through the use of this particular parcel for cannabis cultivation.

Analysis regarding additional A1 uses

a-b) **Less Than Significant Impact** – The County has not yet adopted a plan or program to reduce GHGs, therefore, the proposed project would not conflict with any such plan. The State of California has adopted legislation to reduce GHGs and charge local jurisdictions to develop plans for such reductions. While the County has not yet developed such a plan, potential future agricultural operations on the subject parcels would have an insignificant impact by itself.

IX. HAZARDS AND HAZARDOUS MATERIALS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

DISCUSSION

Program EIR and Addendum for Chapter 17.95

Impacts related to hazards and hazardous materials were analyzed in the EIR and Addendum for Chapter 17.95 were found to be less than significant. Any commercial cannabis operations will require a Waste Discharge Permit from the Central Valley Regional Water Quality Control Board. Potential cannabis cultivation on the parcel is within the scope of the EIR/Addendum prepared for 17.95; no unique impacts would arise through the use of this particular parcel for cannabis cultivation.

Analysis regarding additional A1 uses

- a-b) **Less than Significant Impact** – Hazardous materials associated with potential future agricultural operations may include (but are not limited to) diesel fuel, gasoline and engine oils for equipment. The Calaveras County Environmental Health Department is certified by Cal/EPA to implement the state’s Unified Program as a Certified Unified Program Agency (CUPA) for Calaveras County with responsibility for regulating hazardous material handlers, hazardous waste generators, underground storage tank facilities, above ground storage tanks, and stationary sources handling regulated substances. Local businesses handling hazardous materials must prepare a business plan that provides emergency response guidelines for the release of hazardous materials. Materials such as pesticides and fertilizers may be routinely used in general farming activities. Pesticide use is regulated by permit through the County Agriculture Commissioner’s office to ensure safe handling of the materials. Any agricultural operations permitted by the rezone from RA to A1 would not include the routine transport or disposal of hazardous materials and would not create a significant hazard to the public or the environment through the release of hazardous materials into the environment.
- c) **No Impact** – There are no existing or proposed schools within one quarter mile of the subject parcel.

- d) **No Impact** – There are no hazardous materials sites located on or near any of the subject parcel.
- e) **No Impact** – The subject parcel is not within an airport land use plan or within 2 miles of a public airport, public use airport, or private airstrip.
- f) **No Impact** – The proposal to re-zone the subject parcel to General Agriculture will not physically interfere with an adopted emergency response plan or an approved evacuation plan.
- g) **Less Than Significant Impact** – The subject parcels were severely burned during the 2015 Butte Fire, and has since been cleared of burned trees. Although this area of the County is designated as a very high fire hazard, the introduction of agricultural operations whether it be the production of livestock or farming activities, would decrease the flammable vegetation on site, thus decreasing the probability of a wildfire. The residential development potential will not increase by amending the zoning to General Agriculture. Therefore, amending the zoning of the subject parcel will not increase the risk to loss, injury or death from wildfire.

X. HYDROLOGY AND WATER QUALITY

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (iv) impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

DISCUSSION

Program EIR and Addendum for Chapter 17.95

The potential for cannabis cultivation to impact hydrology and water quality is discussed in the EIR and Addendum. Under 17.95, each permittee relying on groundwater must conduct well production tests and annual monitoring to ensure that well pumping does not decrease the groundwater supply. Mitigation Measure 3.5-3 of the EIR and Addendum requires applicants with a permitted well water supply source to prepare and implement a well-monitoring program. Code sections 17.95.070.I, 17.95.090.EE, and 17.95.140.C of the Cannabis Ordinance require that the applicant submit an annual well report estimating the average daily water use from July through September and results from a pumping test conducted in September for the first five years after receiving the initial permit. While the provisions of the final Cannabis Ordinance approved by the Board differed from the mitigation measures in the EIR and Addendum, the Board found that those provisions provided comparable mitigation, and the impact was mitigated to a less-than-significant level. Potential cannabis cultivation on the parcel is within the scope of the EIR/Addendum prepared for 17.95; no unique impacts would arise through the use of this particular parcel for cannabis cultivation.

Analysis regarding additional A1 uses

The Project site is located entirely in the headwaters of the North Fork of the Calaveras River watershed. A spring or seep is located just west of the cultivation premises and adjacent to the access road. This spring has been protected with erosion and sediment controls, and flows through a culvert under the road and to the west, connecting to the intermittent stream. The intermittent stream flows north into the larger reservoir which then flows off the ranch to the west and joins the North Fork Calaveras River approximately 1.6 miles to the northwest.

- a) **Less Than Significant Impact** – Any future non-cannabis agricultural operations will require a Waste Discharge Permit from the Central Valley Regional Water Quality Control Board’s Irrigated Lands Regulatory Program to prevent agricultural discharges from

impairing the waters that receive these discharges. Therefore, the project will not violate any water quality standards or waste discharge requirements.

- b) **Less Than Significant Impact** – The parcel is located in an area of the County known for having moderate to high groundwater potential. Groundwater in this area is drawn from fractured rock, faults and changes in stratigraphy. Yield from hard rock wells therefore varies greatly from one site to another as water availability is largely based on geologic formations. Land uses in the general area are residential and agricultural. Residential development in the general vicinity consists of single family dwellings on large parcels (40-200 acres in size). Therefore, impacts to residential development will be minimal.
- c) **Less Than Significant Impact** –The applicant has expressed the desire to use the land for cannabis cultivation under the regulatory ordinance adopted by the Board of Supervisors on October 22, 2019. As-built grading plans are in process for the cultivation site as well as expansion of the reservoir. Much of the cannabis cultivation area and related features have developed stormwater management structures to intercept stormwater and deliver it to the reservoir in the subject parcels via artificial stormwater channels. County ordinances will ensure that proper erosion control measures are in place as needed to control run off and/or erosion. The subject parcel is located in a rural part of the County where storm water drainage systems currently do not exist. Any potential runoff created by agricultural operations will be subject to applicable waste discharge permits, preventing the impacts from being significant.

On February 16, 2022, Dave LaBrie with the State Water Resources Control Board Water Rights Division inspected the ponds/reservoirs on the subject parcels, and the adjacent parcel to the north (016-027-085 also owned by the applicant) and interviewed the owner about the unauthorized diversion and collection of water to storage, as well as the use of water and the potential bases of right for such. Mr. LaBrie was joined by staff of Region 5 Central Valley Regional Water Quality Control Board (CVRWQCB) who were conducting a compliance inspection of the conditionally approved cannabis cultivation site. Mr. LaBrie observed three of the points of water diversion of the unnamed stream located on the adjacent parcel to the north, APN 016-027-085, which created three ponds/reservoirs. The larger reservoir of the three was recently expanded and now backs up onto APN 016-027-043. According to the applicant, the reservoirs are used for recreation, fish and wildlife enhancement, and fire protection purposes. A fourth point of diversion located on APN 016-027-045. The applicant discussed with Mr. LaBrie his potential desire to irrigate a downstream pasture with water collected in this impoundment. Another small impoundment is located on APN 016-027-045, a few hundred feet south of the southern extent of the enlarged reservoir. According to Mr. LaBrie it appears that the pond was created either by scooping out a basin or by grading the land across the swale above the large reservoir. The channel leading into the small pond appears to be fed by a spring. The water level in the small pond is controlled by an outlet pipe that conveys the overflow down to the large reservoir. The purpose of use appears to be for livestock watering. CVRWQCB Region 5 staff confirmed that water from these impoundments is not used for cannabis production.

Mr. LaBrie was unable to determine a valid basis of right for the collection of water to seasonal storage in any of the impoundments. He discussed with the applicant the need for an appropriative water right to authorize the collection of water to seasonal storage and covered the various options for obtaining such an appropriative right. The applicant was receptive to the idea of submitting applications to the State Water Board for water rights and promised to provide the information (measurements) necessary to determine the appropriate type of water right for which to apply.

- d) **Less Than Significant Impact** – The subject parcel does not contain any flood zones, is not located in a dam inundation area, and there are no levees in the vicinity of the property. There are no enclosed or partially enclosed large bodies of water or oceans near the subject property; therefore, there is no danger of a seiche or tsunami occurring. There is no visual evidence of mudflows occurring on the subject property. The proposed project would not substantially degrade water quality by introducing pollutants that may be released by inundation or altered drainage patterns. In addition, measures implemented to control potential erosion would minimize risk of effects to surface water quality in local waterways.
- e) **Less Than Significant Impact** – The proposal will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The proposed project will not substantially degrade water quality. No non-cannabis use or construction is being proposed; any future construction activities resulting in a land disturbance of greater than one acre must be permitted by the Central Valley Regional Water Quality Control Board.

XI. LAND USE AND PLANNING

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Program EIR and Addendum for Chapter 17.95

Impacts related to land use and planning were analyzed in the EIR and Addendum for Chapter 17.95 were found to be less than significant. Potential cannabis cultivation on the

parcel is within the scope of the EIR/Addendum prepared for 17.95; no unique impacts would arise through the use of this particular parcel for cannabis cultivation.

Analysis regarding additional A1 uses

- a) **No Impact** – The parcel is located in the rural outskirts of the Mokelumne Hill Community. Re-zoning the land to General Agriculture will not divide the established community.
- b) **No Impact** – The General Plan land use designation is Working Lands. The proposed General Agriculture zone district is a resource zone, and is consistent in the Working Lands designations. The zoning amendment is consistent with the Calaveras County General Plan land use goals and policies which encourages large parcels to have agricultural uses allowing more opportunity to use and maintain the land.

XII. MINERAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Program EIR and Addendum for Chapter 17.95

Impacts related to mineral resources were analyzed in the EIR and Addendum for Chapter 17.95 were found to be less than significant. Potential cannabis cultivation on the parcel is within the scope of the EIR/Addendum prepared for 17.95; no unique impacts would arise through the use of this particular parcel for cannabis cultivation.

Analysis regarding additional A1 uses

- a-b) **No Impact** – According to the General Plan, the subject parcels are not designated to be located within a mineral resource zone. The USGS Topographic Maps show the historic Rindge Mine No. 1 located in the on APN 016-027-043. According to the Cultural Resources Survey, this mine included a shaft, and was later hydraulically mined. The

mine is now located under the larger expanded reservoir. However, the project parcel is currently zoned RA and does not include the mineral extraction (ME) zoning combining district, nor is it proposed to be added with this zoning amendment; therefore, surface and subsurface mining operations are not permitted, and would not be permitted in the proposed A1 zone.

XIII. NOISE

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project result in:				
a) Generation of a substantial, temporary, or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

Program EIR and Addendum for Chapter 17.95

Commercial cultivation of cannabis, as stated in Section 17.95.030D, is not defined as an “agricultural operation” for the purposes of Title 14 and Title 15 of the Calaveras County Code or a “legally existing agricultural land use”, and it would therefore be subject to the County’s Noise Ordinance. The Cannabis Ordinance requires separation from sensitive uses, prohibits the use of generators except in an emergency, and prohibits the delivery of water by truck (sections 17.95.090.Q, 17.95.090.N, and 17.95.090.FF). Potential cannabis cultivation on the parcel is within the scope of the EIR/Addendum prepared for 17.95; no unique impacts would arise through the use of this particular parcel for cannabis cultivation.

Analysis regarding additional A1 uses

a-c) **Less Than Significant Impact** – Sound from any non-cannabis agricultural operations subject to Chapter 14.02 of County Code is exempt from the County’s noise ordinance. Potentially, groundborne vibrations and/or noise could occur during preparation of land

for agricultural use; however, preparation of the land is temporary. Noise generated from agricultural operations is minor and when located in a rural portion of the County such as the subject parcel, will cause a less than significant impact. The subject property is not located in the airport land use plan, nor is there a public or private airstrip within 2 miles.

XIV. POPULATION AND HOUSING

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Program EIR and Addendum for Chapter 17.95

Impacts related to population and housing were analyzed in the EIR and Addendum for Chapter 17.95 were found to be less than significant. Potential cannabis cultivation on the parcel is within the scope of the EIR/Addendum prepared for 17.95; no unique impacts would arise through the use of this particular parcel for cannabis cultivation.

Analysis regarding additional A1 uses

a-b) **No Impact** – The re-zoning of the land to General Agriculture will not increase the allowable density of the property, displace existing housing or displace people in any way.

XV. PUBLIC SERVICES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or				

physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Program EIR and Addendum for Chapter 17.95

Impacts to public services were analyzed in the EIR and Addendum for Chapter 17.95 and were found to be less than significant. Potential cannabis cultivation on the parcel is within the scope of the EIR/Addendum prepared for 17.95; no unique impacts would arise through the use of this particular parcel for cannabis cultivation.

Analysis regarding additional A1 uses

No Impact – The re-zoning of the land from RA to A1 will have no effect on public services. The change in zoning will not alter the ability for emergency personnel to respond to or access the parcel in question, and the allowed residential density will not change, causing no additional impacts to schools, parks, and similar public facilities.

XVI. RECREATION

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Program EIR and Addendum for Chapter 17.95

Impacts related to parks and recreational facilities were analyzed in the EIR and Addendum for Chapter 17.95 and were found to be less than significant. Potential cannabis cultivation on the parcel is within the scope of the EIR/Addendum prepared for 17.95; no unique impacts would arise through the use of this particular parcel for cannabis cultivation.

Analysis regarding additional RA uses

a-b) **No Impact** – There are no parks or recreational facilities in the vicinity of the project. Agricultural operations in a rural portion of the County will have no effect on parks or other recreational facilities as they do not create an increased demand for these facilities, nor do they prevent access to them.

XVII. TRANSPORTATION & TRAFFIC

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Program EIR and Addendum for Chapter 17.95

Impacts to transportation infrastructure from commercial cannabis cultivation would be mitigated to a degree by the payment of the RIM fee (MM #3.9-2). However, the EIR and Addendum found that there would be a cumulative significant effect on the environment since the fee reduced the impact, but did not completely alleviate it. Findings of overriding consideration were made by the Board of Supervisors when it certified the EIR, approved the

Addendum, and adopted the ordinance. Potential cannabis cultivation on the parcel is within the scope of the EIR/Addendum prepared for 17.95; no unique impacts would arise through the use of this particular parcel for cannabis cultivation.

Analysis regarding additional A1 uses

- a) **No Impact** – Any additional agricultural operations allowed in the A1 zone which are not allowed currently under the RA zoning will not conflict with a program, plan, ordinance or policy addressing the circulation system in Calaveras County.
- b) **Less than Significant Impact** - The subject parcel is in a rural portion of Calaveras County off of Jesus Maria Road, which is a county maintained road of hilly terrain with no pedestrian or bicycle paths and no public transit. Agricultural operations may generate a slight increase in vehicles miles traveled due to seasonal employees. Depending on the operations, traffic may be generated by truck and trailer traffic shipping livestock to market and/or temporary farm workers during pruning and harvest seasons, both increases being temporary in nature. Additional traffic may also be generated by the establishment of an agriculture service or retail use. Due to the location of the subject property – far from a state highway or population center – this possible additional traffic will be locally generated and will not bring an outsized number of customers from outside the area.
- c) **No Impact** – Re-zoning the subject parcel to A1 would not substantially increase traffic hazards due to geometric design feature or incompatible uses, and does not include potentially hazardous design features such as sharp curves or dangerous intersections. The County Public Works Department has reviewed this project and has no concerns with regards to the ability of the local infrastructure to serve the property in question.
- d) **No Impact** – The applicant is working with the Public Works Department to apply for legal access to the parcels. The proposed rezone would not result in inadequate emergency access. Emergency services agencies reviewed this project application and had no objections to the proposed rezone.

XVIII. TRIBAL CULTURAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
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Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DISCUSSION

Program EIR and Addendum for Chapter 17.95

Impacts related to tribal cultural resources were analyzed in the EIR and Addendum for Chapter 17.95 were found to be less than significant. Potential cannabis cultivation on the parcel is within the scope of the EIR/Addendum prepared for 17.95; no unique impacts would arise through the use of this particular parcel for cannabis cultivation.

Analysis regarding additional A1 uses

a-b) **No Impact** – In accordance with AB 52, County staff initiated consultation with tribes that have requested formal notification of proposed projects within their geographic area of traditional and cultural affiliation per AB 52 Notification Request, Public Resources Code Section 21080.3(b). Both the Calaveras Band of Miwuk Indians and the California Valley Miwok Tribe have been notified of this project. No responses were received from either tribe.

InContext initiated outreach on December 15, 2021, with a request to the Native American Heritage Commission (NAHC) to: 1) provide a search of their Sacred Lands Files for the presence of Native American resources that could be impacted by project, and; 2) provide a Tribal Consultation List of local Tribes with an interest in and knowledge of the project region. On January 26 and February 15, 2022, InContext followed up via email with the NAHC requesting the status of the results. As of the date of their updated survey report on February 24, 2022, there has been no reply from the NAHC.

Ms. Debra Grimes of the Calaveras Band of Mi-Wuk Indians has requested to be informed by InContext of any surveys that InContext intends to perform within Calaveras County. To honor this request, InContext contacted her via email on December 19, 2021, to inform her that InContext staff would be performing the cultural resources survey on December 15, 2021. Because of a series of postponements just prior to the

survey, Ms. Grimes' representative, Mr. Adam Lewis misunderstood the day and time of survey. Subsequently, Ms. Grimes gave permission for InContext to proceed with the survey without a Tribal Representative present. On December 23, 2021, InContext was provided a summary of the records search results via email. Five days later InContext followed up to ensure Ms. Grimes received the information, and inquire if she had any concerns. InContext has received no response from Ms. Grimes regarding the records search results.

XIX. UTILITIES AND SERVICE SYSTEMS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Program EIR and Addendum for Chapter 17.95

Impacts related to utilities and service systems were analyzed in the EIR and Addendum for Chapter 17.95 were found to be less than significant. Potential cannabis cultivation on the

parcel is within the scope of the EIR/Addendum prepared for 17.95; no unique impacts would arise through the use of this particular parcel for cannabis cultivation.

Analysis regarding additional A1 uses

- a) **No Impact** – The subject parcel is located in a rural part of Calaveras County where district water and wastewater services are not available and storm water drainage facilities do not exist. The subject parcel has an agricultural well for the cultivation site, and there is no residence on site. Therefore, the proposed rezone would not require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities.
- b) **Less Than Significant Impact** – The subject parcel is located in an area of Calaveras County known for having moderate to high groundwater potential. There is a well located on the subject parcel that is currently sufficient to provide for the parcel’s needs, whether for cannabis cultivation or any other use allowed in the A1 zone.
- c-e) **No Impact** – The subject parcel is located in a rural part of Calaveras County which is not served by a sanitary district or utility district. The residence which was located on APN 16-027-044 was destroyed during the Butte Fire and there are no plans to rebuild. Re-zoning of the subject parcel will have no effect on wastewater treatment facilities. Re-zoning the subject parcel will not increase the density of said parcel as the three parcels are being merged; therefore, any solid waste generated by future agricultural operations will be adequately handled on site and will have no impact upon any landfill.

XX. WILDFIRE

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation of maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

may result in temporary or ongoing impacts to the environment?

- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

DISCUSSION

Program EIR and Addendum for Chapter 17.95

Impacts related to wildfire were analyzed in the EIR and Addendum for Chapter 17.95 and were found to be less than significant. Potential cannabis cultivation on the parcel is within the scope of the EIR/Addendum prepared for 17.95; no unique impacts would arise through the use of this particular parcel for cannabis cultivation.

Analysis regarding additional RA uses

- a-d) **No Impact** – The proposed zoning amendment does not impair any countywide emergency plans. This area of the County is designated as a very high fire hazard. The use of the parcel for agricultural operations will further decrease the flammable vegetation on site, thus decreasing the probability of a wildfire. There are no proposed infrastructure plans, and all existing and/or future improvements shall adhere to all Federal, State and local agency requirements. There are no residences or structures downslope or immediately downstream from the subject parcel. As discussed in the Geology and Soils section of this checklist, the property in question does not have a significant risk of erosion or runoff. Notified fire agencies had no concerns in this regard. Any flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes occurring on the subject parcel, however unlikely, would not expose people or structures to any significant risk. The change in zoning will not significantly alter any risk that may or may not currently exist on the subject parcel in regards to wildfires.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
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- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the

number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

DISCUSSION

- a) **Less Than Significant Impact** – Through the use of best management practices and compliance with established County code and state requirements, the project does not have the potential to significantly degrade the quality of the environment, significantly reduce habitat, or threaten or eliminate plant and/or animal communities, except as identified in the Program EIR and or which findings of overriding considerations were made. Amending the zoning of the parcel from RA to A1 increases the emphasis on additional agricultural uses and preserves open space necessary for plants and animals to thrive.
- b) **Less Than Significant Impact** – The subject parcel is designated as Working Lands, and is located in a rural portion of the County. Amending the zoning to A1 would not create a cumulative impact to any of the items discussed in this checklist. The project is consistent with the General Plan and Zoning Code. The impacts associated with this project are minor in nature or in compliance with County standards, and do not trip established thresholds or create significant and unavoidable impacts, except as identified in the Chapter 17.95 Program EIR and for which findings of overriding considerations were made.
- c) **Less Than Significant Impact** – The analysis of environmental issues contained in this Initial Study indicate that the project is not expected to have substantial adverse effects on human beings, either directly or indirectly, except as identified in the Chapter 17.95 Program EIR and for which findings of overriding considerations were made. Best management practices and compliance with standard regulations will reduce any impacts to a level of less than significant.

REFERENCES

1. Calaveras County General Plan, adopted November 12, 2019.
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