



County of Calaveras

Department of Planning

Phone (209) 754-6394

Fax (209) 754-6540

www.planning.calaverasgov.us

Initial Study / Mitigated Negative Declaration
Review Period: 07-19-2024 to 08-19-2024

INITIAL STUDY ENVIRONMENTAL CHECKLIST

For: Onezime Biagas Jr.

Administrative Use Permit for Cannabis Distribution

PLNG2024-00006

Assessor's Parcel No. 044-006-040

1. **Project Title:** PLNG2024-00006 – Administrative Use Permit for Onezime Biagas Jr.
2. **Lead Agency Name and Address:** Calaveras County Planning Department
891 Mountain Ranch Road
San Andreas, CA 95249
3. **Contact Person and Phone Number:** Ben Diamond 209-754-6394
4. **Project Location:** 130 Truck Road, San Andreas, CA 95249. APN 044-006-040 is 1.14 acres in the SW ¼ of the NE ¼ of Section 20, T04N, R12E, MDM.
5. **Project Sponsor's Name and Address:** N/A
6. **General Plan Designation:** Community Center (CC)
7. **Zoning:** Business Park (M4)
8. **Project Description:** The applicant is requesting an Administrative Use Permit (AUP) to construct and operate a cannabis distribution facility. The applicant is proposing to place a 40' x 60' prefabricated warehouse on the project site with a small parking area around the building and a short driveway that takes access from Truck Road. The building will be used to hold cannabis while it is undergoing regulatory testing, and to package cannabis products to be delivered to cannabis retail businesses. The projected hours of operation are from 9 am to 5 pm Monday through Friday. The applicant will be utilizing two minivans for the business. These vehicles will be stored on the property when not in use. One of the distribution vehicles will typically be stored inside of the building, and all employees will park on site. The business will not be open to the public.

9. Surrounding land uses and setting:

Location	General Plan Designation	Zoning	Land Use
North	Community Center (CC)	Business Park (M4)	Community Center (CC)
South	Community Center (CC)	General Commercial / Light Industrial (C2-PD/M1-DR)	Community Center (CC)
East	Community Center (CC)	General Commercial (C2)	Community Center (CC)
West	Community Center (CC)	Business Park (M4)	Community Center (CC)

10. Other public agencies whose approval is required: Calaveras County Building Department, Calaveras County Public Works, The Calaveras County Division of Cannabis Control, California Department of Cannabis Control

11. Have California Native American Tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code §21080.3.1?

NO

If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? N/A

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.

- | | | |
|--|--|---|
| ☐ Aesthetics | ☐ Agricultural and Forestry Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Energy |
| ☐ Geology/Soils | ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials |
| ☐ Hydrology/Water Quality | ☐ Land Use / Planning | ☐ Mineral Resources |
| ☐ Noise | ☐ Population / Housing | ☐ Public Services |
| ☐ Recreation | ☐ Transportation | ☐ Tribal Cultural Resources |
| ☐ Utilities/Service Systems | ☐ Wildfire | ☐ 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.



Ben Diamond
Department Analyst

7-18-24
Date

Environmental Impact Analysis:

Proposed Project

The applicant, Onezime Biagas Jr., is requesting approval of an AUP to construct and operate a cannabis distribution facility pursuant to 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. The project site is 1.14 acres and is currently undeveloped except for a well and windmill. The applicant intends to keep the windmill but cover the well. The project parcel takes access off of Truck Road, a private road, which connects to Angels Road, a County maintained road, which connects to State Route 49 at its northern and southern ends. The project site has a land use designation of Community Center (CC) and is zoned Business Park (M4). The M4 zone is intended to provide a zone for a comprehensive employment-generating development. The M4 zone is designed to accommodate a master-planned, or development-agreement-based business park that centers around basic employment-generating businesses and accessory and support services. The M4 zone is intended to provide area for commerce and industry in community centers, community and special plan areas, and the prime industrial corridor. Warehouses are allowed in the M4 zone by right, however pursuant to Calaveras County Code §17.95.050(F)(1) general cannabis distribution is only permitted in the M4 zone with an AUP.

The proposed cannabis distribution facility includes installing a 40' x 60' prefabricated warehouse on the project site with a small parking area around the building and a short driveway that takes access from Truck Road. The warehouse will be used to hold cannabis while it is undergoing regulatory testing, and to package cannabis to be delivered to cannabis retail businesses. The applicant intends to focus specifically on distribution of cannabis flower, and therefore will not engage in distribution of products from cannabis manufacturers such as vape cartridges, or the distribution of other cannabis products, accessories, merchandise, or promotional materials. The projected hours of operation are from 9 am to 5 pm Monday through Friday. The applicant will be utilizing two minivans for the business. These vehicles will be stored on the property when not in use. One of the distribution vehicles will typically be stored inside of the building, and all employees will park on site. The business will not be open to the public. Water will be provided by the Calaveras public Utility District (CPUD), and wastewater services will be provided by the San Andreas Sanitary District. Power will be provided by Pacific Gas and electric (PG&E).

Regulations Under Chapter 17.95

In addition to the AUP, the applicant will also be required to acquire and maintain a General Cannabis Distributor Permit through the Calaveras County Division of Cannabis Control as well as a Type 11 Cannabis Distributor License from the California Department of Cannabis Control pursuant to Chapter 17.95 of the Calaveras County Code. Ministerial cannabis distribution permits are subject to the standards, restrictions, and regulations described in that ordinance. As discussed below, to the extent the cannabis related potential impacts off the project are within the scope of the EIR and fourth addendum prepared for Chapter 17.95, this study will refer to and rely on the analysis in those documents.

Chapter 17.95 of the Zoning Code allows three types of cannabis distribution, cannabis distribution (transport only) in the M1, M2, and M4 zones with a ministerial cannabis distribution permit –

distribution (general) in the M1 zone with a conditional use permit (CUP) and ministerial cannabis distribution permit and the M2, and M4 zones with an AUP and a ministerial cannabis distribution permit – and distribution (limited to own cannabis in conjunction with a commercial cannabis cultivation permit) with a ministerial cannabis activity permit (i.e., a cultivation permit), by qualified applicants who also receive either a type 13 or type 11 state cannabis distribution license. A commercial cannabis distribution permit under chapter 17.95 is a ministerial approval process for premises in all of these zones.

On January 10, 2018, the Board of Supervisors certified the programmatic EIR and adopted an ordinance banning all commercial cannabis activities (except for medical cannabis dispensaries regulated under Chapter 17.91 of the County Code). An addendum to the programmatic EIR was prepared, and on October 22, 2019, the Board of Supervisors adopted an amendment to Ch. 17.95 regulating commercial cannabis cultivation. Subsequently, a fourth addendum to the programmatic EIR was prepared, and on June 22, 2021, the Board of Supervisors adopted an amendment to Ch. 17.95 to allow commercial cannabis testing laboratories and commercial cannabis distribution businesses. These documents are available for review at: <https://cannabis.calaverasgov.us/CEQA/Cannabis-Ord-FEIR> and <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 potential impacts of commercial cannabis activity identified and studied in the EIR and subsequent addenda were either 1) mitigated through the inclusion of various regulatory requirements in the ordinance amendment, or 2) found to be significant and unavoidable. The impacts identified in the EIR as significant and unavoidable are:

- Air Quality/Greenhouse Gas Emissions – Exposure of people to objectionable odors
- Biological Resources – Degradation or Removal of Sensitive Natural Communities
- Transportation and Circulation – Long-term Increase in Traffic

Other than the impacts listed above, all impacts analyzed in the EIR and subsequent addenda were found to be less than significant or less than significant with mitigation. Pursuant to CEQA, the County made findings of overriding consideration when the regulatory cannabis ordinance amendment was adopted, finding that those impacts would be acceptable in light of the project's benefits.

Section 1518(c)(2) of the CEQA guidelines states that if the agency finds that pursuant to §15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the programmatic EIR, and no new environmental document would be required. The Cannabis Ordinance anticipated CUP's and AUP's and limited the total number of general cannabis distribution permits to five (5), and further limited general distribution to the M1, M2, and M4 zones. Therefore, this initial study appropriately relies on the analysis in the EIR and Fourth Addendum for the Cannabis Ordinance for consideration of impacts associated with cannabis cultivation that would be permitted as a result of this AUP.

The CEQA Guidelines suggest that when a site-specific later action is taken that relies on the program EIR, a checklist or similar vehicle should be used to document that the environmental effects are within the scope of the EIR. Therefore, the below discussion of the potential impacts of this project has been modeled on the environmental checklist form in Appendix G of the CEQA Guidelines. The applicant has indicated that the purpose of the AUP is to be able to construct and

operate a general cannabis distribution business as required by §17.95.050(F)(1) of the County Code. The mitigation measures identified in the EIR, and subsequent addenda were incorporated into the operating restrictions and other provisions of Chapter 17.95. Any cannabis distribution business must comply with those provisions. The following discussion addresses compliance with the mitigation measures identified in the EIR and subsequent addenda. No further discussion is provided where the EIR and subsequent addenda found that there would be no impact or less than significant impact from adoption of the ordinance.

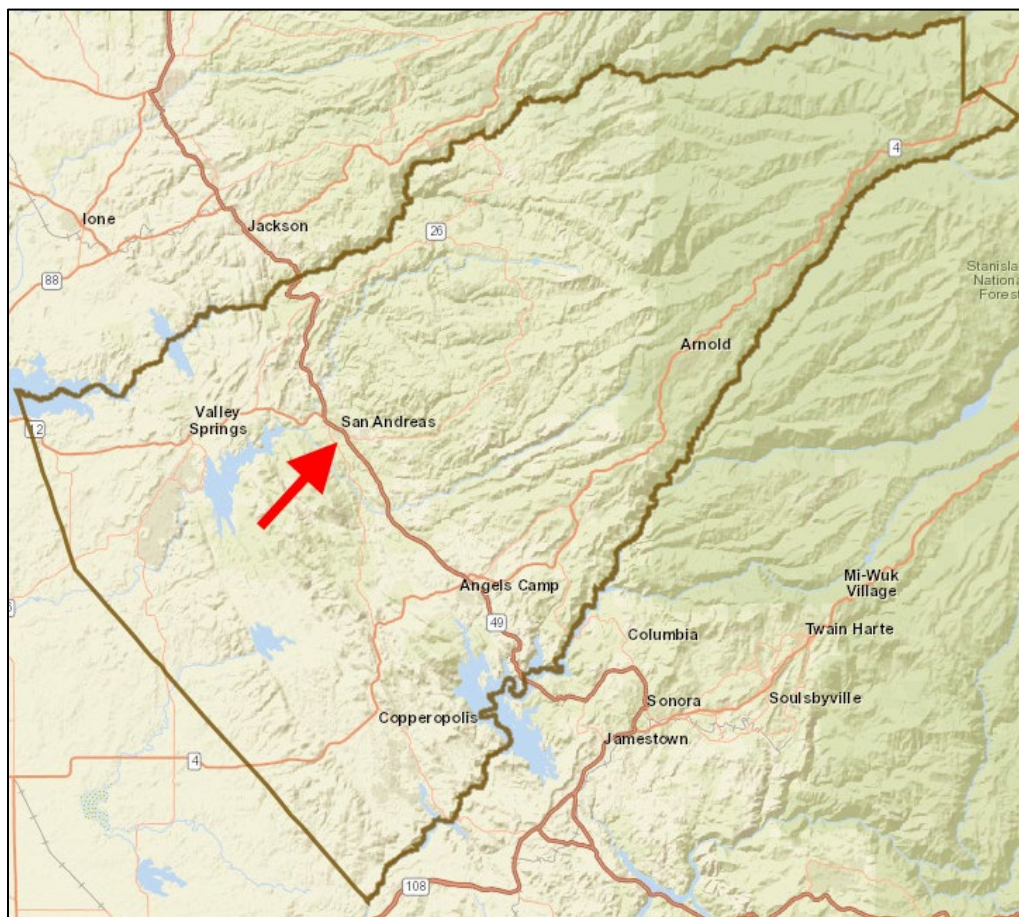


Figure 1: Project Location in Calaveras County

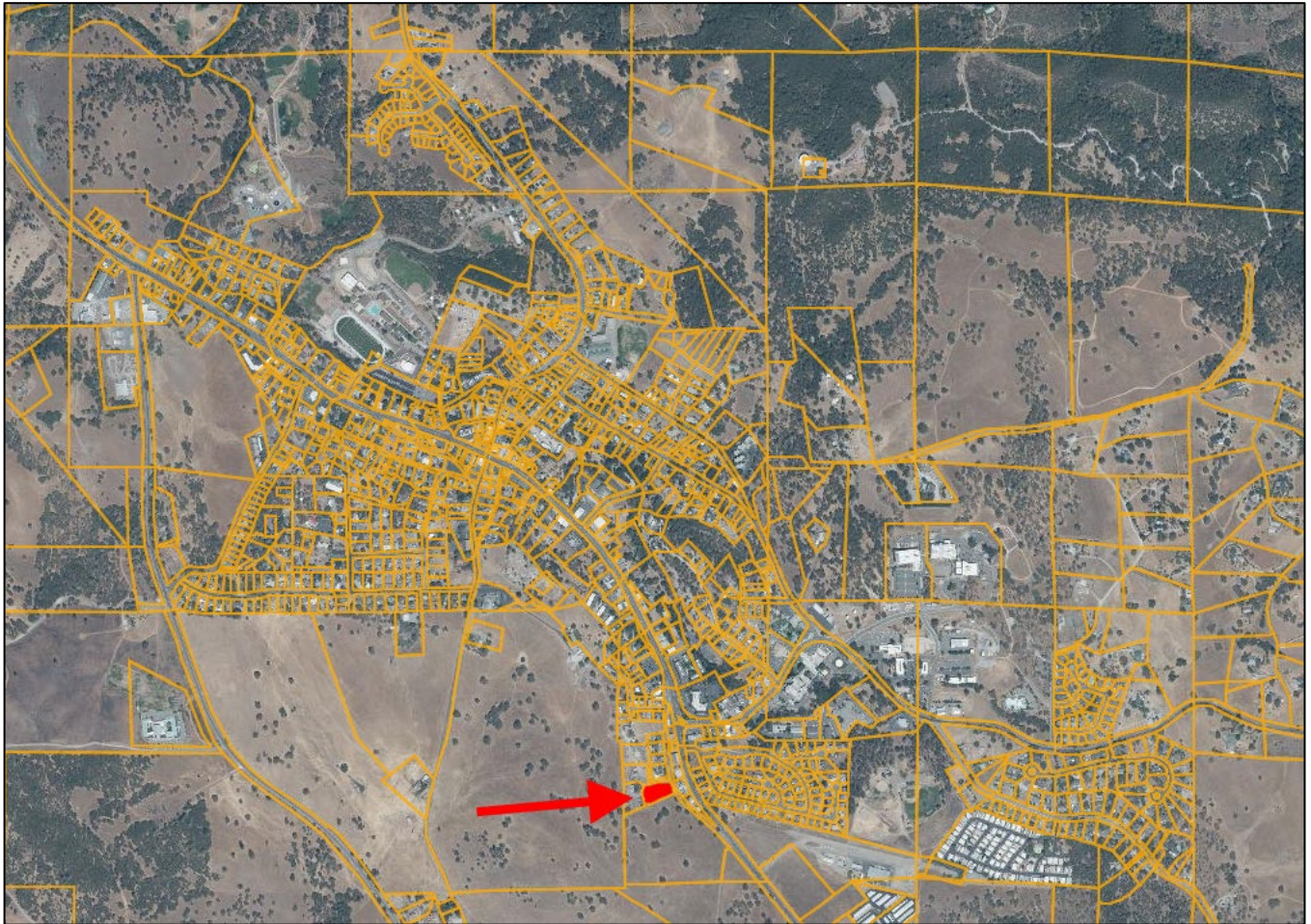
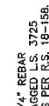


Figure 2: Project Location in San Andreas (Parcel boundaries Shown are approximate)

PREPARED BY: JEFFRIES ENGINEERS, INC.
146 WEST SAINT CHARLES ST.
SAN ANDREAS, CA. 95249

5.00

NOTARY PUBLIC
BY COMMISSION N°

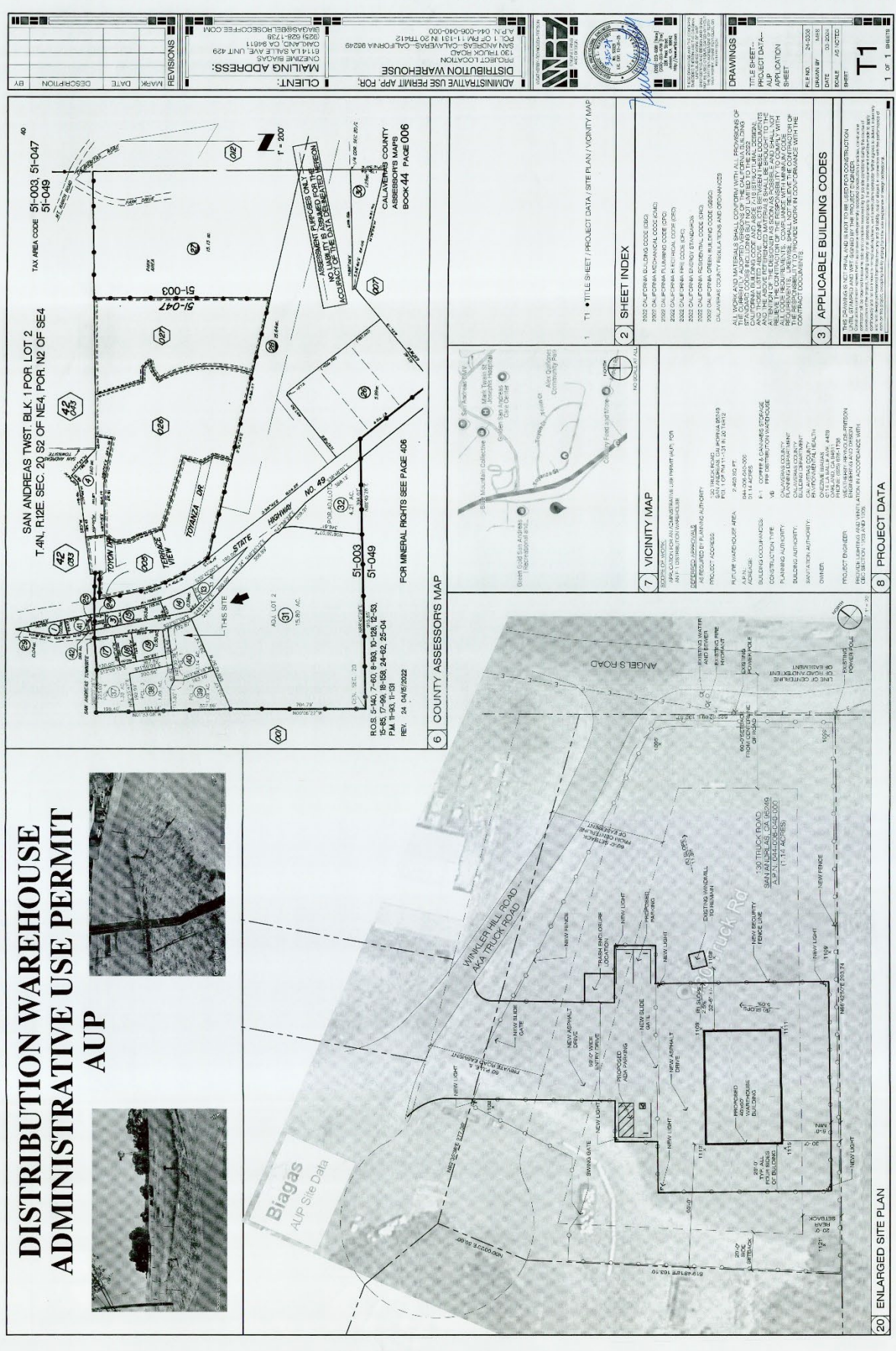


Figure 4: Development Plan for AUP 2024-00006



Figure 5: 2021 street view photograph of the project parcel via Google Earth

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:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
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 publicly accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Impacts to aesthetics analyzed in the EIR and Fourth Addendum for Chapter 17.95 were found to be less than significant with mitigation. The subject parcel is located off of Angels Road on the edge of the San Andreas community. It is not within 1,000 feet of a State Designated Scenic Highway (Mitigation Measure (MM) 3.1-1). The County monitors this by reviewing applications

against a GIS layer that identifies this setback. This information is also available through the California Scenic Highway Mapping System. Furthermore, the distribution site is being proposed on a parcel zoned M4 and industrial areas are not considered scenic resources. The proposed distribution site must also comply with the lighting standards of §17.95.080(M) (MM 3.1-1), which requires “all lighting provided in conjunction with facility security or other lighting not associated with the cultivation of live plants shall be installed, directed downward and away from nearby property lines, and shielded to confine all direct rays of light within the boundaries of such facilities.” This Project is subject to these requirements and therefore is within the scope of the project described in the EIR and Fourth Addendum. No unique aesthetic impacts would arise through the use of this particular parcel for general cannabis distribution.

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 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:	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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))?	☐	☐	☐	☒

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

Impacts to agricultural and forestry resources were analyzed in the EIR and Addendum for Chapter 17.95 and were found not to be significant. The project site is zoned Business Park and has a land use designation of Community Center, therefore neither the County General Plan nor the Zoning Ordinance consider the project site to be high capability timberland or a timber production zone. Likewise, the project site is not restricted by a Williamson Act Contract, there are no agricultural activities occurring on the parcel, and the only tree on the parcel is a single blue oak in the southwest corner of the parcel. The California Department of Conservation Farmland Mapping and Monitoring Program, through the California Important Farmland Finder tool which incorporates mapping data for Calaveras County, shows the project area as "Urban and Built-Up Land." Therefore, the proposed project will not result in the loss or conversion of forest land, or the loss or conversion of prime or unique farmland or farmland of statewide or local importance. As a result, no unique agricultural or forestry resource impacts would arise from potential cannabis distribution on the parcel, and the proposed project is within the scope of the EIR and Addenda prepared for Ch. 17.95.

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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

The potential for cannabis commerce and processing to create objectionable odors is discussed in the EIR and Addendum. The processing of cannabis has potential to generate odors associated with the plant itself. The EIR found that even with mitigation, it would 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 and unavoidable impact. Findings of overriding consideration were made by the Board of Supervisors when it certified the EIR, approved the Addendum, and adopted the ordinance.

To mitigate potential odors resulting from a cannabis distribution site MM 3.2-4b from the EIR was incorporated into the adopted operating restrictions for general cannabis distribution in §17.95.080(N) which requires storage facilities for cannabis distribution activities in CP, C2, M1, M2 and M4 zones to use a filtered ventilation system that relies on activated carbon filtration, negative ion generation, and/or other odor control mechanism demonstrated to be effective in reducing cannabis odors, and which is installed and maintained so that cannabis odors cannot be detected by a person of average sensitivity outside the structure in which cannabis is stored. This same mitigation measure is required for indoor cultivation sites, and to-date no complaints regarding odors have been received for any of the permitted indoor cultivation sites in the County. This project is subject to these requirements and therefore within the scope of the project described in the 17.95 EIR/Addenda. By employing a filtration system, as contemplated by the Ch. 17.95 EIR and Addenda, and required by the adopted ordinance, no unique air quality impacts would arise through the use of this particular parcel for cannabis distribution.

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>
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 California Department of Fish and Wildlife 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 Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒
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?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources,				

such as a tree preservation policy or ordinance?

☐☐☐☒

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

☐☐☐☒

The EIR and addendum found that there could be potential impacts to special status species as a result of vegetation removal from new cannabis projects, impacts to streamside habitat, and disturbance of natural habitat. However, these impacts were found to be less than significant after mitigation. To reduce potential impacts to biological resources the EIR and Addendum limited distribution facilities to industrial zones, which are developed through a prior permitting process that includes an analysis at the time of the industrial park approval.

The mitigation measures incorporated into the cannabis ordinance largely rely on enrollment as a waste discharger with the State Water Resources Control Board to mitigate potential impacts to biological resources (MM #3.3-1). Cannabis Distributors are not required to enroll with the Water Board as waste dischargers, therefore the requirement that cannabis distributor applicants obtain either an AUP or CUP, as discussed in the EIR and Addendum, was incorporated into the Cannabis Ordinance. The requirement that a general distributor obtain a discretionary permit subject to CEQA was incorporated into the adopted ordinance to ensure that site specific potential impacts would be addressed. To accommodate for this the applicant hired Monk and Associates, Inc. to conduct a Biological Resources Analysis for the project site. Below are the potential impacts and proposed mitigation measures discussed in their analysis in the context of the CEQA Guidelines Appendix G – Checklist Items for impacts to biological resources.

The Biological Resources Analysis found that there could be potential to impact nesting birds, as common songbirds (passerine birds) could nest on the project site. All of these birds are protected under the migratory Bird Treaty Act (50 CFR 10.13) and their eggs and young are protected under California Fish and Game Code §§3503 and 3503.5. Any project-related impacts to these species would be considered a significant adverse impact. Potential impacts to these species from the proposed project include disturbance to nesting birds and possibly death of adults and/or young. In the absence of Survey Results, it must be concluded that impacts to nesting raptors and songbirds from the proposed project would be potentially significant pursuant to CEQA. This impact could be mitigated to a level considered less than significant.

To avoid impacts to nesting birds, a nesting survey should be conducted within 7 days of commencing work on the project site if this work would commence between February 1st and August 31st. The nesting survey should include an examination of the blue oak tree, poison oak bush, and ground vegetation on the project site and within 200 feet of the entire project site (i.e., within a zone of influence of nesting birds). The zone of influence includes those areas outside the project site where birds could be disturbed by earth-moving vibrations and/or other construction-related noise.

If birds are identified nesting on or within the zone of influence of the construction project a qualified biologist should establish a temporary protective nest buffer around the nest(s). the nest buffer should be staked with orange construction fencing. The buffer must be of sufficient size to protect the nesting site from construction-related disturbance and should be established

by a qualified ornithologist or biologist with experience working with nesting birds near and on construction sites. Typically, adequate nesting buffers are 50 feet from the nest site or nest tree dripline for small birds and up to 300 feet for sensitive nesting birds that include several raptor species known from the region of the project site but are not expected to occur on the project site. Upon completion of nesting surveys, if nesting birds are identified on or within the zone of influence of the project site, a qualified ornithologist/biologist that frequently works with nesting birds should prescribe adequate nesting buffers to protect the nesting birds from harm while the project is constructed.

No construction or earth-moving activity should occur within any established nest protection buffer prior to September 1st unless it is determined by a qualified ornithologist/biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, or that the nesting cycle is otherwise completed. At the end of the nesting cycle, and fledging from nests by its occupants, as determined by a qualified ornithologist/biologist, nesting buffers may be removed, and construction may commence in established nesting buffers without further regard for the nest site. Implementation of these mitigation measures would reduce the impacts to nesting birds to a level regarded as less than significant pursuant to CEQA.

The analysis found that the project would have no impact on the remaining Appendix G – Check List Items for impacts to biological resources for the following reasons. There is no riparian habitat or sensitive natural community on the project site that has been identified in local or regional plans, policies, regulations, or by the CDFW of USFWS. Therefore, the proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. There are no jurisdictional waters, which includes wetlands, located on the project site that could be impacted by the proposed development. The proposed project would not adversely impact or interfere with wildlife movement corridors as no wildlife movement corridors were identified on the project site. Furthermore, there are no local policies or ordinances with which this project would conflict, and there are no Habitat Conservation Plans or Natural Community Conservation Plans in force in this region of Calaveras County.

As discussed in the Ch. 17.95 EIR and subsequent addenda, general distributors are required to obtain a discretionary permit subject to CEQA to ensure that site specific impacts are addressed. The analysis commissioned by the applicant and the subsequent mitigation measures discussed above address the potential impacts to biological resources specific to this parcel, and by complying with these mitigation measures the potential impacts are reduced to a level considered to be less than significant. Therefore, by addressing the potential impacts to biological resources specific to this parcel the proposed project is within the scope of the project discussed in the Ch. 17.95 EIR and subsequent addenda.

V. 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>
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	☐	☐	☐	☒

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? | ☐ | ☐ | ☐ | ☒ |
| c) Disturb any human remains, including those interred outside of dedicated cemeteries? | ☐ | ☐ | ☐ | ☒ |

The potential for cannabis commerce to impact cultural resources is discussed in the EIR and addendum for Ch. 17.95. Cannabis distributors aren't required to enroll with the Water Board, therefore potential impacts to cultural resources cannot be mitigated by MM #3.3-1. So, the EIR and addendum recommended that cannabis distribution be located on industrially zoned properties that were developed through prior permitting processes that include cultural analysis at the time of the industrial park's approval in addition to requiring an entitlement process separate from the ministerial cannabis activity permit. The adopted ordinance incorporated these as requirements. General distributors must be located on Light Industrial (M1), General Industrial (M2), or Business Park (M4) zoned properties and must also obtain either an AUP or CUP. The project parcel is zoned M4. The applicant conducted a non-confidential extended records search for this project through the Central California Information Center. This search found that a cultural resource survey was previously conducted for the project area in 2005 for a rezoning application, and the project area was subject to a surface field investigation for that survey. The survey identified two resources within the project area, a windmill and a well; however, the study found that these resources did not meet the criteria necessary for eligibility to be listed on California Register of Historical Resources and that no additional work was required for approval of the rezoning application. The project area has remained undeveloped since this study was conducted. The well and windmill are still on the parcel, and the applicant intends to cover the well and keep the windmill. Therefore, no unique impacts to cultural resources would arise through the use of this particular parcel for cannabis distributions, and the project is within the scope of the project described in the 17.95 EIR and subsequent addenda.

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? | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | ☐ | ☐ | ☐ | ☒ |

The Impacts related to energy use analyzed in the EIR and addendum for Chapter 17.95 were found to be less than significant. Energy used during project construction and operation would be expended in the form of electricity, gasoline, and diesel fuel, which would primarily be used by construction equipment and haul trucks during project construction and operation. During operation electricity would be used for lighting, air conditioning, security cameras, and operating

any other equipment necessary for the day-to-day operations of the site such as computers, scales, and machines used in the packaging process. Gasoline would be used for the distribution vehicles and for employee's personal vehicles to get them to the site. While this would represent an increase in energy consumption in the County, there is no reason to expect energy to be used unwisely and inefficiently during project construction and operation. Therefore, the project, while it would increase energy demand/use as a result of project construction and operation, would not result in the inefficient or wasteful use of energy, and it would not conflict with or obstruct any state or local plans for renewable energy or energy efficiency. No unique energy impacts would arise through the use of this particular parcel for cannabis distribution; therefore, the project is within the scope of the project described in the Ch. 17.95 EIR and subsequent addenda.

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.	☐	☐	☐	☒
ii. Strong seismic ground shaking?	☐	☐	☐	☒
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv. Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

☐
☐
☐
☒

The potential for cannabis commerce activities to impact geology and soils is discussed in the EIR for the cannabis ordinance. The EIR found that the ordinance would have no impacts related to geology and soils, and any development under the adopted ordinance would be subject to County grading and erosion control standards (pursuant to Calaveras County Code Title 13, Chapter 13.01 and Title 15, Chapter 15.05) and the Calaveras County Grading, Drainage, and Erosion Control Manual. These regulations require implementation of best management practices (BMPs) on-site. There are no unique geological features on the parcel. Furthermore, the Cultural Resource Survey previously conducted on the project parcel found no evidence of paleontological resources or sites on the project parcel. This project is subject to the above-mentioned requirements and therefore within the scope of the project described in the 17.95 EIR and addenda. No unique geology or soil impacts would arise through the use of the parcel for cannabis distribution.

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?	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

The potential for cannabis distribution activities to cause impacts related to greenhouse gas (GHG) emissions was discussed in the EIR and subsequent addenda. The EIR did not identify cannabis commerce activities, such as distribution, to be significant sources of GHG's. Additionally, the ordinance analyzed by the EIR contemplated an unlimited number of cannabis distributors, and the adopted ordinance, subsequent to the Fourth Addendum to the EIR, only allows for a total of 5 general distribution permits to be issued in the county. This limitation further reduces the potential for GHG emissions associated with cannabis distribution below what was analyzed by the 17.95 EIR.

Additionally, testing and distribution is required for all cannabis and cannabis products. There are currently only eight type-11 distribution licenses active in Calaveras County which are all held by local cultivators under a limited distribution permit. This permit allows the cultivator to engage in distribution activities, however that is limited to only cannabis produced by that cultivator. In the absence of local general distribution facilities cannabis and cannabis products produced in the county must employ out-of-county distributors in order to move their product. The closest distribution licenses to the county are located in El Dorado, Merced, Sacramento, San Joaquin, and Stanislaus counties. The fourth addendum to the 17.95 EIR determined that by permitting local general distribution facilities the number and length of trips would either

remain the same or be reduced by reducing the need for local cultivators and retailers to engage with out-of-county distributors. The Fourth Addendum to the EIR found that this would reduce the VMT's to a lower rate than what was analyzed in the EIR. Additionally, the applicant is only projecting to have one to two deliveries a week. Therefore, the project is within the scope of the project described in the 17.95 EIR and subsequent addenda, and no unique impacts related to greenhouse gas emissions would arise through the use of the subject parcel for cannabis distribution.

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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

Impacts related to hazards and hazardous material were analyzed in the EIR for Chapter 17.95 and were found not to be significant. Although the EIR found that there would be no impact

associated with hazardous materials, cannabis distributors must still comply with all Federal, State, and local laws related to hazardous materials. The project does not propose activities that involve using or storing hazardous materials or generating and storing hazardous wastes. Additionally, the County Environmental Management Agency is responsible, as a Certified Unified Program Agency (CUPA) for inspection of all facilities that store hazardous materials or wastes, and the project will be subject to their review through the Division of Cannabis Control's permitting process. Therefore, no unique impacts related to hazards and hazardous materials are expected to arise through the use of the parcel for cannabis distribution, the project is within the scope of the project described in the 17.95 EIR.

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?	☐	☐	☐	☒
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
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:	☐	☐	☐	☒
(i) result in substantial erosion or siltation on- or off-site;	☐	☐	☐	☒
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	☐	☐	☐	☒
(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	☐	☐	☐	☒
(iv) impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

The potential for cannabis distribution to impact hydrology and water quality was analyzed by the EIR and Fourth Addendum. The addendum found that distribution would not result in new or more significant impacts related to hydrology and water quality. Cannabis distribution does not require significant amounts of water, and the adopted ordinance limits general distribution to industrial zones which usually have access to public water supplies and wastewater services. Likewise, the number of distribution facilities allowed under the adopted ordinance, a total of 5 in the county, is significantly less than the unlimited number contemplated in the 17.95 EIR. Water will be provided to the project by the Calaveras Public Utilities District, and wastewater services will be provided by the San Andreas Sanitary District. Therefore, the project would not result in new or unique impacts related to hydrology or water quality and is within the scope of the project described in the 17.95 EIR and subsequent addenda.

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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Potential impacts related to land use and planning were analyzed in the EIR and Addenda for Chapter 17.95 and were found to be less than significant. The EIR determined that commercial cannabis activities under the ordinance would not physically divide an established community or conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. This is due to limiting the zones in which distribution would be permitted, and adopting a permitting process that provides the County a mechanism to review applications for potential land use conflicts. Additionally, the adopted ordinance further limited distribution activities in the county so that only a total of 5 general distribution permits maybe issued in the county which further reduced the potential for land use conflicts. The project is located on a parcel zoned M4 in the southwest of the San Andreas Community Area and is subject to the requirements of Chapter 17.95. Therefore, the project is within the scope of the EIR and Addenda prepared for Chapter 17.95 and no unique impacts related to land use and planning would arise through the use of the parcel for cannabis distribution.

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?	☐	☐	☐	☒

- 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?

☐
☐
☐
☒

Impacts related to mineral resources were analyzed in the EIR for Chapter 17.95 and were found to be less than significant. Distribution is limited to areas that have already been developed or are identified for future commercial or industrial uses. The project is located on a parcel that is zoned M4. As a result, the project is not anticipated to result in the loss of availability of or preclude the recovery of mineral resources within the county. Therefore, the project is within the scope of the EIR and addenda prepared for chapter 17.95, and no unique impacts related to mineral resources would arise through the use of this particular parcel for cannabis distribution.

XII. 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?	☐	☐	☐	☒
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
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?	☐	☐	☐	☒

The EIR and subsequent addenda determined impacts associated with noise to be less than significant. They determined that allowing distribution in commercial and industrial zones would not increase noise levels, as distribution activities occur indoors, and industrial and commercial zones are generally located away from residential uses. Additionally, as discussed above, trips to and from cultivation sites to a separate distribution facility would be reduced or eliminated, and the other activities related to distribution involve only storage, labeling, sampling, and paperwork. The project is located on an M4 zoned property away from residential properties, and the proposed hours of operation are from 9 am to 5 pm Monday through Friday with deliveries possibly leaving or returning later or earlier depending on the distance of the delivery. Furthermore, the applicant is anticipating one to two deliveries per week. The project is also subject to the noise limits set in the County's noise ordinance. Therefore, no unique impacts related to noise would arise through the use of this particular parcel for cannabis distribution, and the project is within the scope of the project described in the Chapter 17.95 EIR and subsequent addenda.

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)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Impacts related to population and housing analyzed in the EIR were found to be less than significant, and the Fourth Addendum determined that distribution would have no effect on population and housing. The project will not induce substantial unplanned population growth directly or indirectly, and it will not displace substantial numbers of existing people or housing. Therefore, the project is within the scope of the EIR and subsequent addenda prepared for chapter 17.95, and no unique impacts related to population and housing would arise through the use of this particular parcel for cannabis distribution.

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?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

Impacts to public services were analyzed in the EIR for Chapter 17.95 and were found to be less than significant. It determined that impacts to public services would be offset by increases in property valuation and sales taxes provided by distribution activities. No unique impacts to public services would arise through the use of this particular parcel for cannabis distribution, therefore the project is within the scope of the EIR prepared for 17.95.

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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Impacts to parks and recreational facilities analyzed in the EIR for Chapter 17.95 were found to be less than significant. The project would not directly result in increased usage of recreational facilities or result in a substantial increase in countywide population such that indirect impacts to recreational facilities could occur. Furthermore, the adopted ordinance requires distribution facilities to provide separation of one thousand feet from the facility or six hundred feet from the property line, whichever is greater, from sensitive uses. This includes recreational facilities such as parks, youth centers – as defined by state law, and the county central library and its branches. The project site is over one thousand feet from any sensitive use or recreational facility. Therefore, the project is within the scope of the 17.95 EIR, and no unique impacts to recreation would arise through the use of this parcel for cannabis distribution.

XVII. TRANSPORTATION

	<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?	☐	☐	☐	☒
b) Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☐	☒

Impacts to transportation infrastructure from commercial cannabis activities 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.

Additionally, the project was routed to the County Public Works Department which did not express concerns regarding the local transportation infrastructure’s ability to serve the property. In fact, the project is required to improve Angels Road (county-maintained) and Truck Road as outlined in the conditions of approval for Resolution No. 01-52, which was adopted to approve Parcel Map No. 11-131, which created the project parcel. These Improvements include improving Angels Road, half width frontage to the Calaveras County Road ordinance Standards for a through road – Improving the unnamed on-site road (Truck Road) from Angels Road to the turnaround bulb per the Calaveras County Road Ordinance standards for an industrial road – Obtaining an encroachment permit from the Calaveras County Department of Public Works and constructing a Community Connector Road Approach for the on-site road (Truck Road) – creating a road maintenance agreement signed by all owners for the private road serving the project site from Angels Road – and provide road name signs, traffic control signs and “NOT A COUNTY MAINTAINED ROAD” signs. These improvements will serve to further reduce potential impacts to local transportation infrastructure.

Emergency service agencies also reviewed the application and had no objections to the project. Furthermore, as discussed above under Air Quality, vehicle miles traveled are expected to be reduced or remain the same because the majority of cannabis product is currently being transported out of county in order to be distributed. Therefore, the project is within the scope of the EIR, and addenda prepared for chapter 17.95; no unique impacts related to transportation would arise through the use of this particular parcel for cannabis distribution.

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>
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	☐	☐	☐	☒
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.

Impacts related to tribal cultural resources were analyzed in the EIR and addenda for Chapter 17.95 and were found to be less than significant. As discussed above in Biological Resources as well as Cultural Resources, general distributor permits require a separate entitlement process that is subject to CEQA in order to address any site-specific potential impacts. Moreover, those facilities are required to be located in existing industrially zoned areas that were developed through prior permitting processes, which include cultural analysis at the time of the industrial park approval. The cultural resources survey previously performed on the project parcel did not identify any tribal cultural resources. Furthermore, the project was routed for review to the Calaveras Band of Miwuk Indians, the California valley Miwok Tribe, the Lone Band of Miwok Indians, the Buena Vista Rancheria, the Washo Tribe of Nevada and California, and the Native American Heritage Commission and no comments were received. Likewise, if human remains are discovered California Health and Safety Code §7050.5 requires the applicant to protect the discovery and notify the County Coroner to determine if the find is Native American. Therefore, no unique impacts related to tribal cultural resources would arise through the use of this parcel for cannabis distribution, and the project is within the scope of the project described in the 17.95 EIR and subsequent addenda.

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?	☐	☐	☐	☒
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

Impacts related to utilities and service systems were analyzed in the 17.95 EIR and were found to be less than significant. Distribution facilities do not require significant amounts of water or power (no more than other office or warehousing uses). The project will be served by PG&E, San Andreas Sanitary District, and the Calaveras public Utility District. These utility and service providers reviewed the project application and had no objection to the proposed project. Additionally, each residence and business in Calaveras County is charged a solid waste parcel fee on their property tax bill. This project is subject to this requirement further reducing the project's potential to impact local solid waste infrastructure. Therefore, unique impacts to utilities and service systems would not arise through the use of this parcel for cannabis distribution, and the project is within the scope of the 17.95 EIR and subsequent addenda.

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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that 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?	☐	☐	☐	☒

Impacts related to wildfire were analyzed in the EIR and were found to be less than significant. The project was reviewed by the San Andreas Fire District, the County Fire Marshal, and Cal Fire, and no comments in opposition of the project were received. Therefore, no unique impacts related to wildfire would arise through the use of this parcel for cannabis distribution, and the project is within the scope of the project described in the 17.95 EIR and subsequent addenda.

XXI. MANDATORY
FINDINGS OF
SIGNIFICANCE

<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
---	---	---	----------------------

WITH
MITIGATION

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to Substantially 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, substantially 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? | ☐ | ☐ | ☐ | ☒ |

As discussed in the above sections, the cannabis ordinance could result in significant impacts. To the degree feasible, impacts are mitigated through implementation of the provisions of the ordinance. Exposure of people to objectionable odors, degradation or removal of sensitive natural communities, and a long-term increase in traffic were found to be significant and unavoidable, even after mitigation measures are applied.

Through the use of best management practices and compliance with county 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 or Biological Resources Analysis for which findings of overriding consideration or mitigation measures were made.

The cumulative impacts analysis contained in the EIR identified that impacts would be less than significant for all impacts except biological resources and transportation. Mitigation measures discussed in the Biological Resources Analysis and the number deliveries proposed by the project have reduced the impacts to biological resources and transportation to less than significant.

The subject parcel is designated as Community Center and is located on the edge of the San Andreas Community Area within a previously approved industrial park. Approving the Administrative Use Permit and allowing the applicant to construct a warehouse and to engage in cannabis distribution 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 Program EIR and for which findings of overriding considerations were made.

Environmental impacts to humans are the same as those identified in the EIR and subsequent addenda. No additional mitigation measures are applicable.

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 Planning Department, Land Use Application completed by Onezime Biagas, January 19, 2024
2. Monk & Associates, Biological Resources Analysis prepared for Onezime Biagas, January 4, 2024
3. Calaveras County Municipal Code
4. Calaveras County General Plan, Adopted November 12, 2019
5. Program EIR and First addendum prepared for Calaveras County Code Chapter 17.95, Adopted by the Board of Supervisors on October 22, 2019
6. Fourth addendum to the Program EIR prepared for Calaveras County Code Chapter 17.95, Adopted by the Board of Supervisors on June 22, 2021
7. "California Scenic Highway Mapping System." California Department of Transportation. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>
8. "California Important Farmland Finder." California Department of Conservation <https://maps.conservation.ca.gov/DLRP/CIFF/>
9. "Important Farmland Categories." California Department of Conservation <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx>