



# **County of Calaveras Department of Planning**

---

Phone (209) 754-6394

Fax (209) 754-6540

[www.planning.calaverasgov.us](http://www.planning.calaverasgov.us)

Initial Study / Mitigated Negative Declaration  
Review Period: 9-13-2024 through 10-14-2024

# **Initial Study ENVIRONMENTAL CHECKLIST**

For: Shaman NorCal Properties Inc.  
Zoning Amendment 2023-00073  
Assessor's Parcel No. 014-010-041

1. Project Title: 2023-00073 – Zoning Amendment for Shaman Nor Cal Properties Inc.
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, Department Analyst  
[bdiamond@calaverascounty.gov](mailto:bdiamond@calaverascounty.gov)  
209-754-6394
4. Project Location: 626 Outback Way, Railroad Flat, CA 95248, APN: 014-010-041 is 40 acres in the SW ¼ of SE ¼ of Section 27 T6R13 of the MDB&M
5. Project Sponsor’s Name and Address: Val Tarasov  
484 Chippendale DR. #207  
Sacramento, CA 95841
6. General Plan Designation: Working Lands (WL)
7. Zoning: Residential Agriculture (RA)
8. Project Description: The applicant proposes to amend the zoning of a 40-acre parcel (APN: 014-010-041) in Railroad Flat from Residential Agriculture (RA) to General Agriculture (A1) for the purpose of collocating an additional cannabis cultivation site on the parcel.
9. Surrounding land uses and setting:

Location	General Plan Designation	Zoning	Land Use
North	Resource Production	Agriculture Preserve	Grazing Land
South	Rural Residential	Residential Agriculture	Residential
East	Resource Production	Agriculture Preserve	Grazing Land
	Working Lands	Rural Residential	Ranch
West	Working Lands	Rural Residential	Undeveloped Residential
			Residential

10. Other public agencies whose approval is required: 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?

YES or **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.?

**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.



Ben Diamond  
Department Analyst

9/10/24  
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 parcel 014-010-041 from RA-20 (Residential Agriculture 20 acre minimum) to A1 (General Agriculture). The parcel is currently developed with a single-family residence and a commercial cannabis cultivation site under Calaveras County Code Chapter 17.18 Regulation of Commercial and Non-Commercial Cannabis Cultivation, which was adopted by the Calaveras County Board of Supervisors on October 22, 2019. The Cannabis Ordinance was originally adopted as Ch. 17.95; however, this chapter was changed to 17.18 after the County adopted a comprehensive update to the zoning code on July 16, 2024. Therefore, the cannabis ordinance will be referred to by its new number throughout this document. One cultivation permit for 22,000 square feet of mixed-light canopy has been issued and validated on the parcel by the County Division of Cannabis Control. The applicant is requesting the zoning amendment in order to collocate a second cannabis cultivation site, as collocation is not permitted in the RA zone, however collocation is allowed in the A1 zone, with one permit per 20 acres of land.

The 41-acre parcel currently contains one 2,500 square foot single family residence and a 410 square foot domestic shed near the eastern border of the parcel, and an active commercial cannabis cultivation site. The cultivation site consists of a 34,000 square foot polycarbonate greenhouse, a 4,000 square foot production and storage building, a roughly 1,500 square foot storage building with a restroom, and a 2,295 square foot storage and utility building. The cultivation site and residence take access via a roughly 1,000-foot-long driveway off of Outback way which has been improved to meet the minimum wildfire protection standards pursuant to Public Resources Code Section 4290 (PRC §4290). The cultivation site is enclosed by a 6-foot-tall chain link fence, and the parcel is served by two septic systems and two commercial wells, with power provided by Pacific Gas and Electric. Extensive grading has already been completed in order to establish the current cultivation site, and the areas surrounding the existing facilities are surfaced with gravel. The remainder of the parcel, to the northwest of the existing residence and cultivation site is vacant forested land.

If the zoning is amended from RA-20 to A1, then the applicant intends to pursue an additional commercial cannabis cultivation permit to be collocated on the parcel. The second cultivation site is proposed to consist of one roughly 10,000 square foot polycarbonate greenhouse directly to the east of the existing greenhouse, and an additional, roughly 26,000 square foot, polycarbonate greenhouse to the northeast of the existing greenhouse. In addition to the greenhouses, the improvements proposed for the second cultivation site also include a new compost area between the existing greenhouse and processing building, five 3,000-gallon freshwater storage tanks, and roughly 900 feet of two-inch water line. These improvements will require grading and the removal of trees.

Other than the proposed establishment of a second commercial cannabis cultivation site, no new development is being proposed with this application.

Ministerial cannabis cultivation permits under Ch. 17.18 of the Calaveras 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 zoning amendment would result in the potential for any of the above mentioned 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 environmental impact report and subsequent addenda prepared for Ch. 17.18, this study will refer to and rely on the analysis in those documents.

### **Potential for Commercial Cannabis Activities in the Proposed Zone**

Ch. 17.18 of the Calaveras County Code allows for outdoor, mixed-light, and indoor cannabis cultivation and processing in the A1, AP, GF, U, and RA zones. Indoor cultivation is also permitted in the M1, M2, M4, and – in conjunction with a cannabis retail operation – CP zones. Ch. 17.18 also allows for cannabis testing laboratories in the M1, M2, and M4 zones, and distribution facilities in the M1, M2, M4 zones, and – when limited to one’s own cannabis in conjunction with a commercial cannabis cultivation permit – in the A1, AP, GF, U, RA, and CP zones. Cannabis distribution requires either a conditional use permit (CUP) or administrative use permit (AUP) when proposed in the M1 or M2 and M4 zones respectively; however, commercial cannabis cultivation permits under Ch. 17.18 are reviewed through a ministerial approval process for premises proposed in the A1, AP, GF, and U zones as long as the parcel is at least twenty acres in size. Premises proposed in those zones on parcels under twenty acres must obtain a CUP in addition to the ministerial cannabis cultivation permit. Additionally, Calaveras County Code Section 17.18.010.B 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 amendment to Ch. 17.18, and they were adopted and approved by the Board of Supervisors on October 22, 2019, in conjunction with the amendment to the ordinance. These documents as well as the subsequent addenda 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. Potentially significant impacts of commercial cannabis cultivation were identified and studied in the EIR and Addendum. These impacts were either fully mitigated through the inclusion of various regulatory requirements in the ordinance amendment or were found to be significant and unavoidable. Impacts deemed to be significant and unavoidable were:

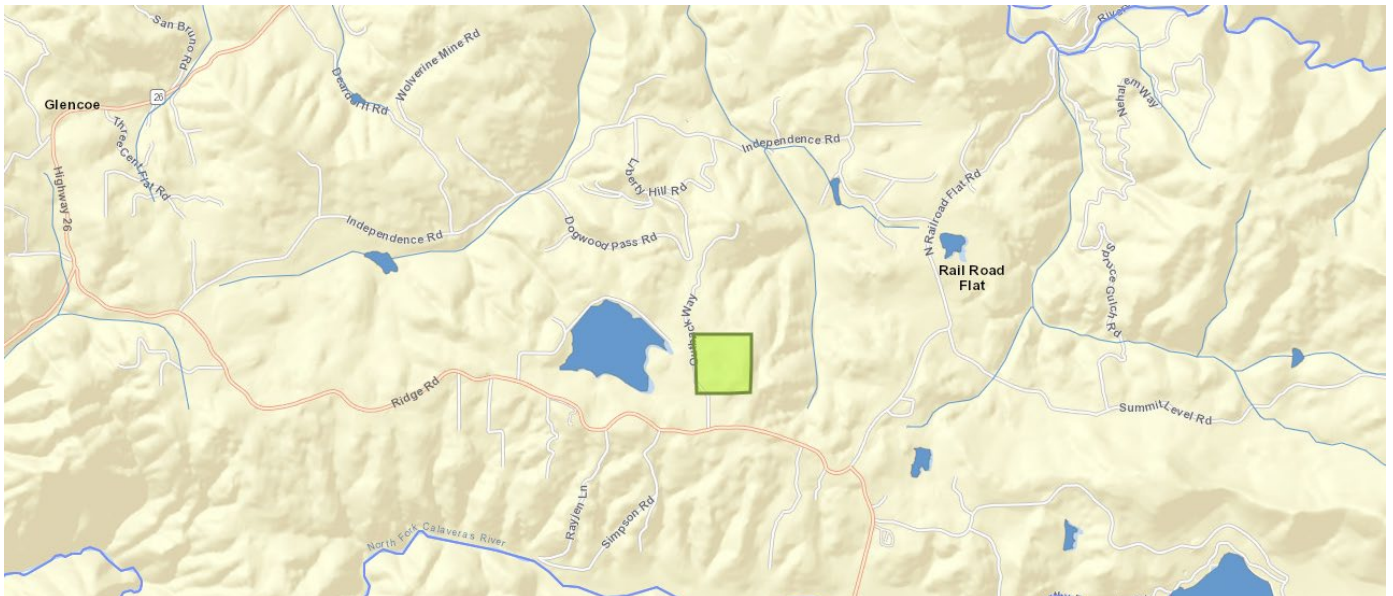
- Air Quality – Exposure of People to Objectionable Odors
- Biological – Degradation or Removal of Sensitive Natural Communities
- Transportation – Long-term Increase in Traffic

Other than the impacts above, 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 a 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 collocate an additional cannabis cultivation site on the subject parcel. The mitigation measures identified in the EIR and Addendum were incorporated into the operating restrictions and other provisions of Ch. 17.18. Any commercial cannabis cultivation in the County must comply with those restrictions and provisions. The following analysis 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 impacts – both cannabis-related and non-cannabis-related – that fall outside the scope of what was already analyzed in the Chapter 17.18 EIR and Addendum.



**Figure 1: Project Location**



**Figure 2: November 13, 2023, Aerial Image via Google Earth**



**Figure 3: Existing Cultivation Area, Photo via Pinecrest Research Corporation, Inc.**



**Figure 4: Drying Building, Photo via Pinecrest Research Corporation, Inc.**

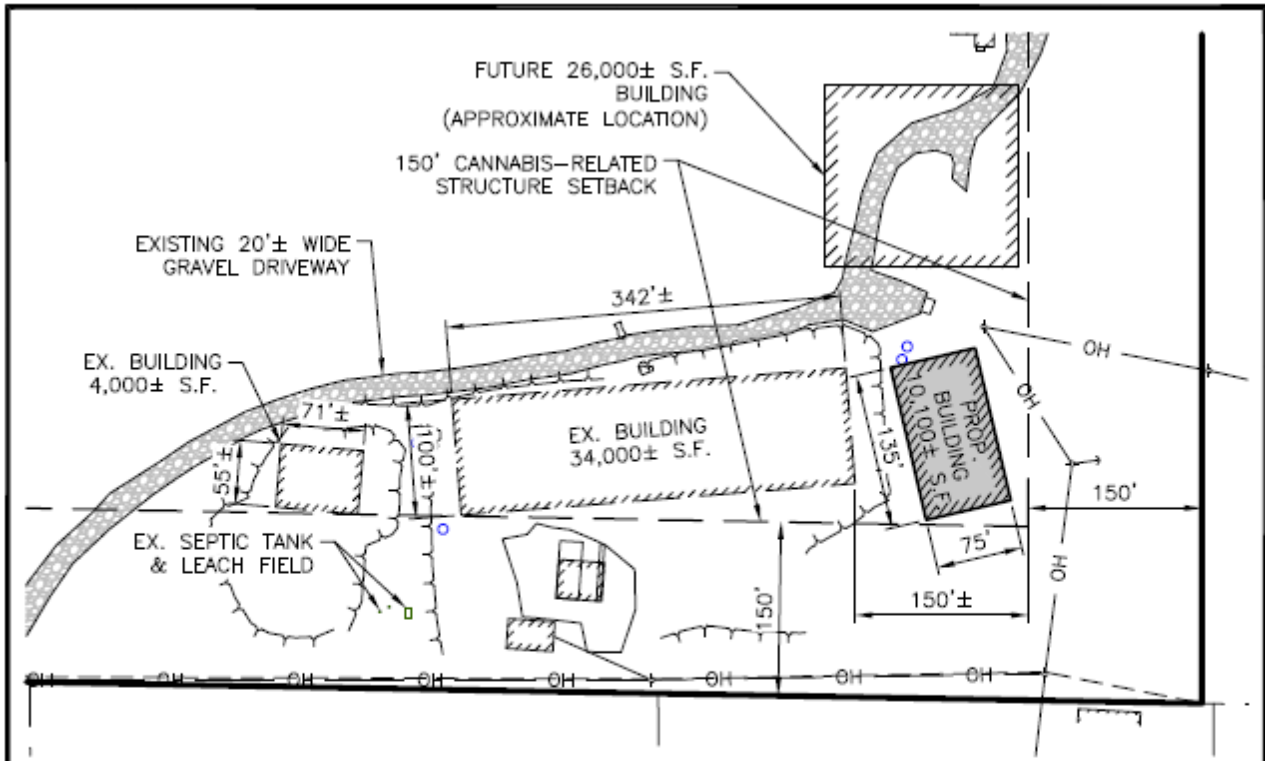


**Figure 5: Maintenance Barns, Photo via Pinecrest Research Corporation, Inc.**

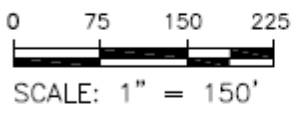


**Figure 6: Erosion Control, Photo via Pinecrest Research Corporation, Inc.**





- NOTES:**
1. ZONING AMENDMENT APPLICATION TO CHANGE THE SUBJECT PARCEL ZONE FROM RA-20 TO A1.
  2. NEWLY PROPOSED AND FUTURE BUILDINGS AND EXISTING STRUCTURES AND UTILITIES ARE SHOWN ON THE PLAN.
  3. PROPOSED LANDSCAPING WILL BE PROVIDED PER THE COUNTY STANDARDS IN THE SET OF BUILDING PERMIT APPLICATION PLANS.
  4. PROPOSED BUILDINGS WILL CONFORM TO THE A1 ZONING STANDARDS IN ITS USE, HEIGHT, AND DIMENSIONS. EXISTING BUILDING HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE COUNTY STANDARDS.
  5. NO ADDITIONAL IMPACT ON TRAFFIC IS ANTICIPATED DUE TO THE ENTIRE PRODUCTION BEING KEPT WITHIN THE PROJECT LIMITS.
  6. SUFFICIENT EMPLOYEE PARKING WILL BE PROVIDED ONSITE. BUILDING PERMIT SITE PLAN WILL SHOW ITS LOCATIONS AND NUMBER.
  7. PROPOSED UTILITIES (SEWER & WATER) ARE PRIVATE AND SUPPORTED BY THE WATER WELL AND SEWER SEPTIC SYSTEM. POWER WILL BE PROVIDED BY PG&E.



 <p><b>TOP ENGINEERING INC.</b> CIVIL ENGINEERING, LAND SURVEYING PLANNING, GENERAL ENGINEERING CONSTRUCTION PHONE: (916) 342-3657 main@topcivileng.com</p>	<p><b>DEVELOPMENT PLAN:</b> 626 OUTBACK WAY ZONING AMENDMENT APPLICATION</p>	SCALE: 1" = 150'
		DATE: 05-10-24
		SHEET 2 OF 2

Figure 8: Development Plan for ZA 2023-00073 (Sheet 2)



**Figure 9: Proposed Cultivation Area A, Photo via Pinecrest Research Corporation, Inc.**



**Figure 10: Proposed Cultivation Area B, Photo via Pinecrest Research Corporation, Inc.**

# 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 type="checkbox"/>	<input checked="" type="checkbox"/>
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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?	<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"/>

## Program EIR and Addendum for Ch. 17.18

Impacts to aesthetics were analyzed in the EIR and Addendum for Ch. 17.18 and were found to be less than significant with mitigation. The subject parcel is located southwest of the community of Railroad Flat off of Outback Way and it is not within 1000 feet of a state scenic highway (Mitigation Measure (MM) #3.1-1). The proposed cultivation site will also be required to comply with the lighting standards of section 17.18.090.M (MM #3.1-3).

# 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

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>

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"/> |

**Program EIR and Addendum to Ch. 17.18**

Impacts to agriculture and forestry resources were analyzed in the EIR and Addendum for Ch. 17.18 and were found to be less than significant. Cannabis cultivation is permitted on A1 zoned parcels; therefore, potential cannabis cultivation on the parcel is within the scope of the EIR and Addendum prepared for Ch. 17.18, and no unique impacts would arise through the use of this parcel for cannabis cultivation.

**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.

Would the project:

- |   | <u>POTENTIALLY<br/>SIGNIFICANT<br/>IMPACT</u> | <u>LESS THAN<br/>SIGNIFICANT<br/>IMPACT<br/>WITH<br/>MITIGATION</u> | <u>LESS THAN<br/>SIGNIFICANT<br/>IMPACT</u> | <u>NO<br/>IMPACT</u>                |
|---|---|---|---|-------------------------------------|
| 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"/> |

**Program EIR and Addendum for Ch. 17.18**

The EIR and Addendum for Ch. 17.18 discuss the potential for cannabis cultivation to generate objectionable odors. The cultivation and processing of cannabis generates odors associated with the plant itself, which during maturation can produce substantial odors. Setbacks are required by Ch. 17.18; 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.

Property setbacks, separation requirements from sensitive uses, and parcel size standards of various portions of Ch. 17.18 will be met in order to authorize an additional cultivation site on the parcel (MM #'s: 3.2-4a, 3.2-4b, and 3.2-4c). Burning of cannabis waste is prohibited (MM3.2-2). Additionally, pursuant to section 17.18.090.F.5 co-located cultivation in excess of one acre of total cultivation area must be setback one hundred and fifty feet from the closest property line, and section 17.18.090.I.2 also requires a property setback of one hundred and fifty feet if the cultivation site is located on property adjacent to a parcel under twenty acres in size and zoned RR, R1, R2, or R3. There are two parcels adjacent to the southwest corner of the subject parcel that are under twenty acres in size and zoned RR. The cultivation site currently located on the subject parcel is setback one hundred and fifty feet from the property line, and the proposed additional cultivation site will be required to meet the same setback requirements.

The setback mitigation contemplated by the EIR and Addendum, and required by Ch. 17.18, reduce odors associated with cultivation and processing by increasing the distance between potential sources and receptors; however, it does not preclude the potential for people to perceive objectionable odors attributable to commercial cannabis cultivation. As a result, while the impact would be reduced, it would remain significant and unavoidable.

The effects of pollutants and similar emissions such as greenhouse gasses (GHG's) 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 Ch. 17.18 restricting the number of cultivation sites in the County and by requiring GHG offsets for cultivation permits. The additional cultivation site is subject to these restriction and requirements; therefore, the project is within the scope of the EIR and Addendum.

## 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

### Program EIR and Addendum Ch. 17.18

The potential for cannabis cultivation to impact biological resources was discussed in the EIR and Addendum for Ch. 17.18, and they were found to be less than significant with mitigation. All permittees for commercial cannabis cultivation must enroll with the State Water Resources Control Board as waste dischargers under General Order No. WQ 2019-0001-DWQ (MM #3.3-1). Enrollment with the Water Board ensures compliance with standards for protection of wildlife and other biological resources.

Additionally, the EIR and Addendum found that potential impacts to wildlife movement that could result from security fencing around cultivation sites would be less than significant, with implementation of MM #3.3-1. Likewise, the proposed second cultivation site is proposed to be contained in buildings, and section 17.18.090.L allows for a securely locked structure or for the

cultivation site to be fully enclosed by security fencing. Therefore, the future cultivation site as proposed would not require additional fencing that might impact wildlife movement. Any future cannabis cultivation on the subject parcel would be subject to the requirements of the ministerial permitting process imposed by Ch. 17.18 and is therefore within the scope of the EIR and Addendum prepared for Ch. 17.18.

### **Analysis of Additional Site-Specific Impacts**

A Biological Resources Assessment was completed by Pinecrest Research Corporation, Inc. on April 12, 2024, to evaluate potential impacts to biological resources, sensitive species and related habitats, and waters of the State. Wildlife and botanical surveys were completed on January 17, 2022, and March 13, 2024, in addition to reviews of literature and relevant databases. There are no California Natural Diversity Database (CNDDDB) polygons that overlap with the subject parcel.

The nearest special-status plant species to the subject parcel is the Yellow-lip Pansy Monekeyflower; however, this species has a low likelihood of occurring onsite because it primarily lives in wetland and riparian habitats and there is no suitable habitat in the project area. There is one CNDDDB polygon that overlaps with the subject parcel, Obscure Bumblebee, however this species requires grassland habitat for breeding and foraging, and there is no suitable grassland habitat onsite. Other species known from the area with some potential habitat onsite include Foothill yellow-legged frog (FYLF) located 3.8 miles from the project parcel. However, FYLF requires wetlands and streams and associated upland habitats for estivation, and there is no suitable stream habitat for breeding, and the cultivation area does not have cracks or other features appropriate for estivation for this species.

There is also one known occurrence of Northern spotted owl (*Strix occidentalis*; NSO) from 1978 located 1.6 miles of the project site. There is some marginal nesting and foraging habitat for this species onsite, and individuals may occasionally migrate through the site in search of suitable habitat. Nesting birds and/or raptors that receive protections may also occur in the project area. In order to reduce potential impacts to biological resources to a less than significant level, the following mitigation measures are proposed to be added as conditions to the next ministerial approval required for the project, either the grading permit or commercial cannabis cultivation permit required for the project – whichever is applied for first.

**Mitigation Measure BR-1:** A late-season special-status plant survey should be conducted to coincide with the timing of late flowering plant species, typically May through early June. If special-status plant species are found in the project area, the applicant should consult with a qualified biologist and/or CDFW to determine appropriate steps for mitigation. If the species is found is special-status but not listed as Threatened or Endangered by State or Federal governments, a qualified biologist should prepare a mitigation plan that details steps to move the affected population, if feasible, to a suitable location elsewhere on the property. The plan should include additional propagation as well as success criteria to ensure there is no net loss of individuals of the species. If the species found is listed by the State or Federal government as Threatened or Endangered, the applicant should stop work in the affected area, and consult with CDFW and/or USFWS to create an approved mitigation plan that will mitigate and compensate for any project-related impacts to this species.

**Mitigation Measure BR-2:** If native trees greater than 5” Diameter at Breast Height (DBH) are to be removed, they should be replaced onsite at the following ratios, in accordance with Calaveras County General Plan Measure COS-4D: 5-12” DBH 1:1 ratio; 12-24” DBH 1:2 ratio; >24” DBH 1:3 ratio. Trees should be replaced with the same species or other appropriate native species from local Calaveras County genotypes and planted onsite in areas lacking tree cover, if possible.

**Mitigation Measure BR-3:** If vegetation clearing is required including removal of small trees or shrubs, a preconstruction survey for nesting migratory birds and raptors is to be conducted within 7 days of ground disturbance if disturbance is to occur during the typical nesting period, from February 1 to October 31. If nesting birds are observed in the project area and the species is not listed by the State or Federal government as Threatened or Endangered, appropriate buffers should be established by a qualified biologist around each nest, and no disturbance should occur inside the buffer area until the nest is no longer active, e.g. eggs have hatched, and young have fledged. A buffer of 100 feet should be used for passerine birds and 250 feet for raptors. Buffers should be demarcated with construction fencing and no disturbance should be allowed inside the buffer until all young have fledged and the nest is no longer active. If the species observed is listed by the State or Federal government as Threatened or Endangered (e.g. NSO) then work should stop in the project area and applicant should consult with CDFW and/or USFWS to prepare a mitigation plan that will ensure no project-related impacts occur to this species.

## 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?	<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"/>

### Program EIR and Addendum for Ch. 17.18

The potential for cannabis cultivation to impact cultural resources is discussed in the EIR and Addendum prepared for Ch. 17.18. Potential impacts are addressed through compliance with the Water Board waste discharger enrollment program for cannabis cultivators under General order No. WQ 2019-0001-DWQ. (MM #3.3-1). Enrollment with the Water Board ensures compliance with standards for the protection of cultural resources. Any new cannabis cultivation permit on the subject parcel would be subject to enrollment with the Water Board, as required by Ch. 17.18, resulting in any impacts being less than significant. Therefore, the project is within the scope of the project described in the 17.18 EIR and Addendum.

## 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"/>

### Program EIR and Addendum for Ch. 17.18

Impacts related to energy use were analyzed in the EIR and Addendum prepared for Ch. 17.18 and were found to be less than significant. Current and future cannabis cultivation on the parcel is subject to the requirements and restrictions of Ch. 17.18 and are therefore within the scope of the project described in the EIR and Addendum prepared for Ch. 17.18; no unique impacts to energy resources would arise through the use of the subject parcel for further cannabis cultivation.

## 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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?                  | <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"/> |

**Program EIR and Addendum for Ch. 17.18**

The potential for cannabis cultivation to impact soils and geology is discussed in the EIR and Addendum prepared for Ch. 17.18 and were found not to be significant. There are already two septic systems installed on the subject parcel, and any future septic systems must meet the County standards for installation of a septic system and securing any appropriate grading permits (Section 17.18.090.H). No unique impacts to geology or soils would arise through the use of this parcel for further cannabis cultivation; therefore, the project is within the scope of the project described in the EIR and Addendum prepared for Ch. 17.18.

**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"/>

**Program EIR and Addendum for Ch. 17.18**

The potential for commercial cannabis cultivation to impact greenhouse gas emissions was analyzed by the EIR and Addendum prepared for Ch. 17.18 and found were found to be less than significant with mitigation. Cultivators are required to either design their sites to be carbon neutral or purchase carbon offset credits as provided in MM #3.2-3 and implemented in section 17.18.060.B.11 of the cultivation ordinance. Any future cultivation application would be subject to these regulations; therefore, the project is within the scope of the project described in the EIR and Addendum prepared for Ch. 17.18, and no unique impacts would arise through the use of this particular parcel for cannabis cultivation.

# 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"/>
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"/>

## Program EIR and Addendum for Ch. 17.18

Impacts related to hazards and hazardous materials were analyzed in the EIR and Addendum prepared for Ch. 17.18 and were found not to be significant. All mixed-light and outdoor cannabis cultivation permits must enroll with the State Water Board as a waste discharger. Likewise, cannabis cultivation permits are also reviewed by the County Environmental Management Agency which has been delegated as the local Certified unified Program Agency (CUPA) by the CalEPA. Through the CUPA program, the County inspects all facilities that store hazardous materials or handle hazardous wastes. However, based on completed inspections, few if any cultivators exceed the thresholds for development of a business plan for the handling of hazardous substances.

Future cannabis cultivation on the parcel would be subject to these regulations and is therefore within the scope of the project described in the EIR and Addendum prepared for Ch. 17.18; no unique impacts would arise through the use of this particular parcel for further cannabis cultivation.

## 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 type="checkbox"/>	<input checked="" 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"/>

### Program EIR and Addendum for Ch. 17.18

Potential impacts to hydrology and water quality are discussed in the EIR and Addendum prepared for Ch. 17.18 and were found to be less than significant after mitigation. Mitigation Measure #3.5-3, adopted as section 17.18.070.A.4.C of the cultivation ordinance, implemented

the requirement that in order for a commercial cannabis activity permit to be issued for a cultivation site that relies on one or more wells the applicant must provide a well report conducted by a qualified professional. This report must estimate the average daily water usage of the operation during the months of July through September and demonstrate an adequate water supply by utilizing a 24-hour pumping test, or an equivalent pumping test as determined by a qualified professional. Furthermore, sections 17.18.090.EE and 17.18.140.C require permitted cultivators relying on one or more wells to conduct a well test sometime between August 1<sup>st</sup> and October 31<sup>st</sup> that follows the procedure described in section 17.18.070.A.4.C to demonstrate that their water supply is still adequate. This test must be done for the first five years, and then again in the seventh year, after receiving the initial permit. Additionally, outdoor and mixed light cultivators are required to enroll with the State Water Board (MM #3.3-1) as a waste discharger further mitigating potential impacts to hydrology and water quality. Further cannabis cultivation on the subject parcel would be subject to the above requirements and is therefore within the scope of the project described in the EIR and Addendum prepared for Ch. 17.18; no unique impacts would arise through the use of this particular parcel for further cannabis cultivation.

## 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 Ch. 17.18

Potential impacts related to land use and planning were analyzed in the EIR and Addendum prepared for Ch. 17.18 and were found to be less than significant. Ch. 17.18 contains permitting requirements that reduce conditions that create public nuisances by enacting restrictions on the location, type, and size of marijuana cultivation sites and commercial activities involving medical marijuana in Calaveras County, as well as other permitting requirements such as adequate screening, security, and other protective measures. These requirements provide a mechanism for the County to ensure compliance with relevant plans and policies adopted for the purpose of avoiding or mitigating environmental effects and prevents the potential for land use conflicts including the division of an established community. Cannabis cultivation on the subject parcel is subject to these requirements and is therefore within the scope of the project described in the EIR and Addendum prepared for Ch. 17.18; no unique impacts would arise through the use of this particular parcel for further cannabis cultivation.

## 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"/>

### Program EIR and Addendum for Ch. 17.18

Impacts related to mineral resources were analyzed in the EIR and Addendum prepared for Ch. 17.18 and were found not to be significant. Future cannabis cultivation on the subject parcel is within the scope of the project described in the EIR and Addendum prepared for Ch. 17.18; therefore, no unique impacts would arise through the use of this parcel for further cannabis cultivation.

## 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?	<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"/>

### Program EIR and Addendum for Ch. 17.18

Potential impacts related to noise were analyzed in the EIR and Addendum prepared for Ch. 17.18 and were found to be less than significant. Pursuant to section 17.18.030.D of the cultivation ordinance cannabis cultivation is not defined as an “agricultural operation” for the

purposes of Titles 6, 14, 15, or 16 of the County Code, nor is it considered a “legally existing agricultural land use” as it pertains to the right-to-farm in the County. Therefore, cannabis cultivation is subject to regulation under the County Noise Ordinance (County Code Ch. 9.02). Ch 17.18 also requires separation from sensitive uses, prohibits the use of generators except in an emergency, and prohibits the delivery of water by truck pursuant to sections 17.18.090.Q, 17.18.090.N, and 17.18.090.FF. Future cannabis cultivation on the subject parcel is subject to these regulations, therefore the proposed project is within the scope of the project described in the EIR and Addendum prepared for Ch. 17.18 and no unique impacts would arise through the use of the subject parcel for further cannabis cultivation.

## 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"/>

### Program EIR and Addendum for Ch. 17.18

Potential impacts to population and housing were analyzed in the EIR and Addendum prepared for Ch. 17.18 and were found to be less than significant. It was found that cannabis-related uses could increase employment opportunities within the County; however, these opportunities are generally temporary/periodic in nature and therefore would not induce population growth such that there would be substantial demand for new housing that could not be met by the current supply.

## 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"/>

**Program EIR and Addendum for Ch. 17.18**

Potential impacts to public services were analyzed in the EIR and Addendum prepared for Ch. 17.18 and were found not to be significant due to increases in property tax and the collection of the cultivation tax offsetting the cost of a potential increase in services. The proposed project is within the scope of the project described in the EIR and Addendum prepared for Ch. 17.18; therefore, no unique impacts related to public services would arise through the use of this particular parcel for further cannabis cultivation.

**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"/>

**Program EIR and Addendum for Ch. 17.18**

Potential recreational impacts were analyzed in the EIR and Addendum prepared for Ch. 17.18 and were found not to be significant. It was found that commercial cannabis activities would not substantially increase the countywide population such that indirect impacts to recreational facilities would occur. Additionally, section 17.18.090.Q requires commercial cultivation be separated at least one thousand feet from a sensitive use, including recreational facilities, such that impacts to recreational facilities were not anticipated. Cannabis cultivation on the subject parcel is subject to the separation requirement and is therefore within the scope of the project described in the EIR and Addendum prepared for Ch. 17.18, and no unique impacts to recreational facilities would arise through the use of this particular parcel for further cannabis cultivation.

**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,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

including transit, roadway, bicycle, and pedestrian facilities?

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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"/> |

**Program EIR and Addendum for Ch. 17.18**

Potential impacts to transportation were analyzed in the EIR and Addendum prepared for Ch. 17.18 and were found to be significant and unavoidable. Mitigation measure #3.9-2, requiring cultivator’s participation in the County Road Impact Mitigation (RIM) Fee Program, was incorporated into the cannabis ordinance as section 17.18.070.A.4.e in order to mitigate the impact. However, the EIR and Addendum found that there would still be a cumulative significant impact as payment of the RIM Fee was found to reduce the impact but not completely alleviate it. Findings of overriding consideration were made by the Board of Supervisors when it certified the EIR, approved of the Addendum, and adopted the ordinance. Additionally, the project would not result in a significant increase of vehicle miles traveled (VMT) because there is already a cultivation site located on the parcel and expanding it would not significantly increase VMT because there would be economies of scale and therefore fewer trips. Future cannabis cultivation on the subject parcel would be subject to paying the RIM Fee and is therefore within the scope of the project described in the EIR and Addendum prepared for Ch. 17.18, and no unique impacts would arise through the continued use of this particular parcel for further cannabis cultivation.

**XVIII. TRIBAL CULTURAL RESOURCES**

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:

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

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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.

**Program EIR and Addendum for Ch. 17.18**

Potential impacts to Tribal Cultural resources were analyzed in the EIR and Addendum prepared for Ch. 17.18 and were found to be less than significant. Potential future cannabis cultivation on the subject parcel is within the scope of the project described in the EIR and Addendum prepared for Ch. 17.18; therefore, no unique impacts to Tribal Cultural Resources would arise through the continued use of this particular parcel for cannabis cultivation.

**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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

**Program EIR and Addendum for Ch. 17.18**

Potential impacts to utilities and service systems were analyzed in the EIR and Addendum prepared for Ch. 17.18 and were found not to be significant. The EIR and Addendum anticipated that the majority of cannabis related development would take place in parts of the County without public water and sewer, and that only an incremental increase to materials

deposited at local transfer stations would occur. Any wells or septic systems installed for the purpose of commercial cannabis activity must comply with laws and regulations regarding wells and on-site wastewater. Additionally, anyone seeking, or operating under, a commercial cannabis activity permit under Ch. 17.18 must comply with regulations regarding the generation of solid waste (i.e., trash), and cultivators enrolled as waste dischargers under the State Water Board must comply with the General Order's regulations on solid waste. There are already two wells and two septic systems on the subject parcel, and any new wells, septic systems, or expansions of the existing systems would be subject to the applicable State and local regulations. Future cannabis cultivation on the project parcel is subject to these regulations and therefore is within the scope of the project described in the EIR and Addendum prepared for Ch. 17.18, and no unique impacts to utilities or service systems would arise through the use of this particular parcel for further cannabis cultivation.

**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 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Program EIR and Addendum for Ch. 17.18**

Potential impacts related to wildfires were analyzed in the EIR and Addendum prepared for Ch. 17.18 and were found to be less than significant. Additionally, collocating an additional cannabis cultivation site on the parcel will decrease the amount of flammable vegetation on site therefore decreasing the probability of a wildfire. Potential cannabis cultivation on the subject parcel is within the scope of the EIR and Addendum prepared for Ch. 17.18; therefore, no unique impacts would arise through the use of this particular parcel for further cannabis cultivation.

# 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>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 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 for 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 live.

**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 17.18 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 17.18 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 Municipal Code
2. Calaveras County General Plan, adopted November 12, 2019
3. Calaveras County Planning Department Land Use Application, submitted by Shaman NorCal Properties, LLC December 29, 2023
4. Biological Resources Assessment prepared for Constantin Ciortan, 626 Outback Way [APN 014-010-041], Railroad Flat, California, by Pinecrest Research Corporation Inc., April 12, 2024
5. Archaeological Survey Report on behalf of Shaman Norcal Properties Inc., 626 outback Way, Railroad Flat (APN 014-010-041), Calaveras County, California, by Environmental Resources Compliance LLC.
6. *California State Scenic Highway System Map*, California Department of Transportation, <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>
7. *California Important Farmland Finder*, California Department of conservation, <https://maps.conservation.ca.gov/DLRP/CIFF/>
8. California Air Resources Board State and Federal Area Designations Maps, <https://ww2.arb.ca.gov/resources/documents/maps-state-and-federal-area-designations>
9. *Calaveras County Design Manual Grading, Drainage and Erosion Control*, Calaveras County Department of Public Works, December 19, 2021
10. *Web Soil Survey*, United States Department of Agriculture Natural Resources Conservation Service, <https://websoilsurvey.sc.egov.usda.gov/app/WebSoilSurvey.aspx>
11. *Cortese List Data Resources*, California Environmental Protection Agency, <https://calepa.ca.gov/SiteCleanup/CorteseList/>