



CALAVERAS COUNTY PLANNING DEPARTMENT
891 Mountain Ranch Road,
San Andreas, California 95249
(209) 754-6394

Planning Commission Staff Report

Hearing Date	September 8, 2022
Project Number/Name	2021-055 Zoning Amendment
Supervisory District Number	D2, Supervisor Garamendi
Assessor's Parcel Number(s)	016-027-043, 016-027-044, & 016-027-045
Planner	Gabriel Elliott, Director of Planning

Date: September 8, 2022

PROJECT DESCRIPTION: The application proposes to amend the zoning designation of a 40.99-acre parcel merged from three contiguous parcels (APN 016-027-043 – 5.72 acres; APN 016-027-044 – 12.250 acres; and APN 016-027-045 – 22.627 acres), from Residential Agriculture (RA) to General Agriculture (A1) to allow for cannabis cultivation. The merger became effective On May 27, 2022. A new parcel number will not be issued by the County Assessor's office until 2023. The A1 zone requires a minimum lot size of 20 acres.

1. **APPLICANTS/LANDOWNERS:** Whiskey Slide Farms, LLC
15150 Ponderosa Way
Mokelumne Hill, CA 95245

PROJECT LOCATION: The subject parcels are located at 15369, 15499 and 15469 Jesus Maria Road in Mokelumne Hill. The parcels are part of Section 12, T05N, R12E, MDM.

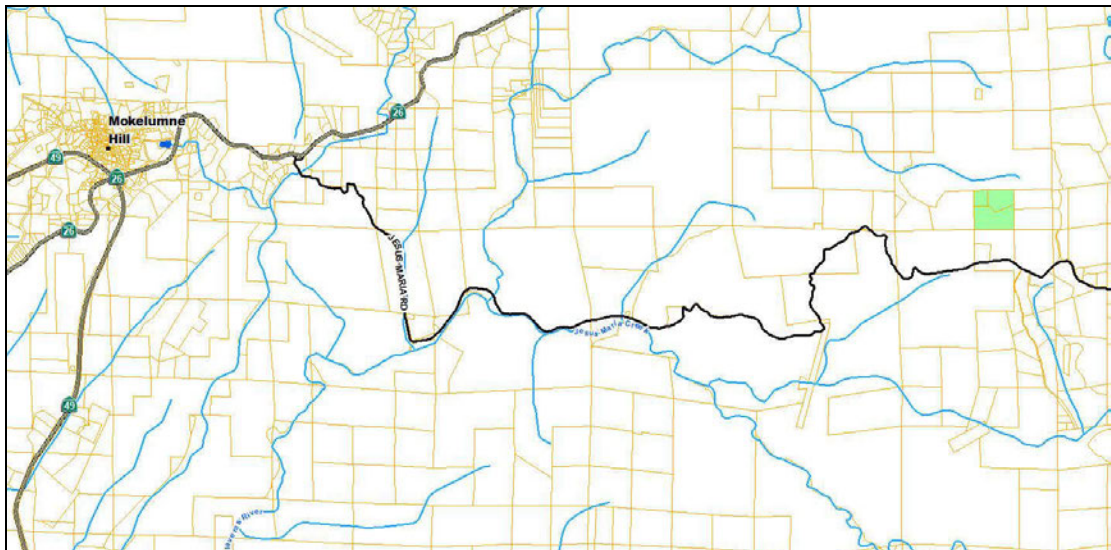


Figure 1 - Location Map

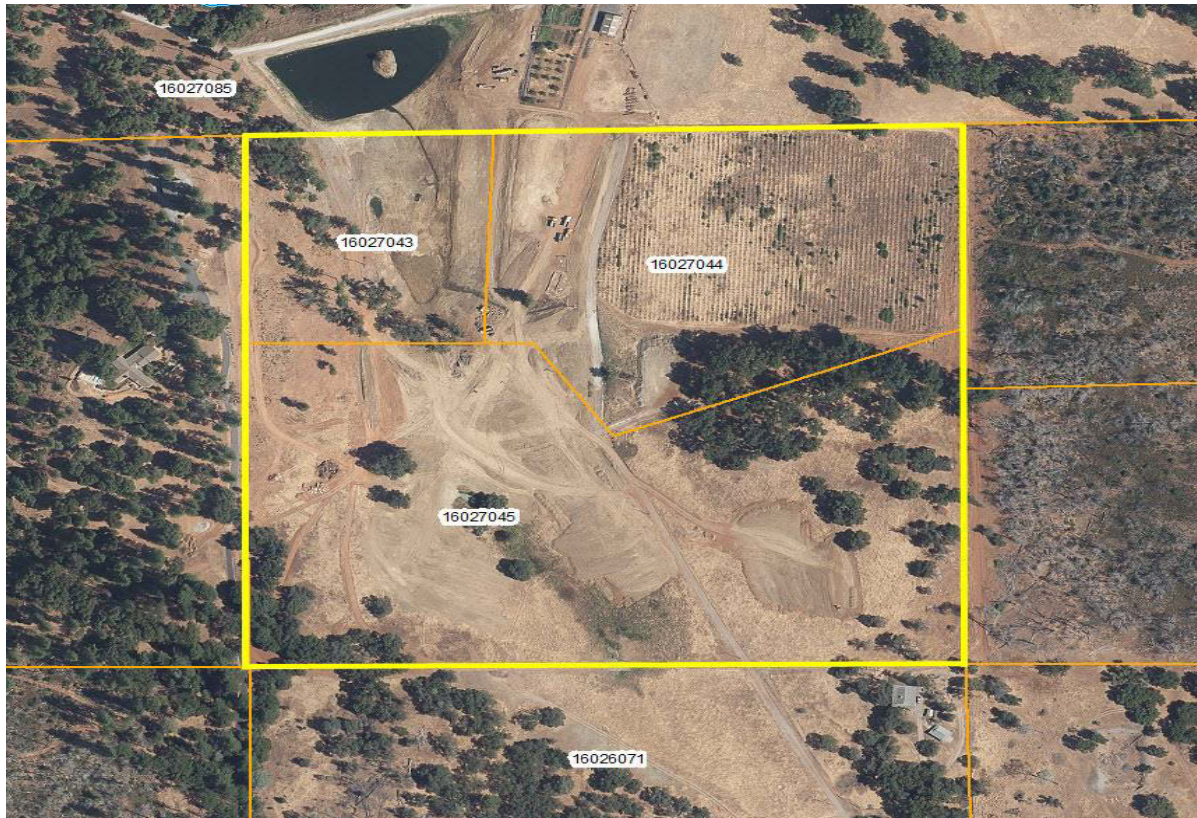


Figure 2- 2020 County Aerial Image

SURROUNDING LAND USES

NORTH – Personal Ranch

SOUTH – Residential – residential structure located 50 feet from the southerly property line

EAST – Personal Ranch

WEST- Residential – residential structure located 152 feet from the westerly property line

ANALYSIS

The proposed zoning amendment will result in the applicant being eligible to apply for a commercial cannabis cultivation permit under Chapter 17.95 of the zoning code but does not ensure that cultivation will be approved on the subject parcel. The applicant meets the basic criteria of the Cannabis Ordinance, and the parcels meet the acreage requirement of the Ordinance.

Two of the original parcels, specifically APNs 016-027-044 and 016-027-045 are currently being developed for an outdoor commercial cannabis cultivation use under Calaveras County Code Chapter 17.95, Regulation of Commercial and Non-Commercial Cannabis Cultivation, adopted by the Board of Supervisors on October 22, 2019. One cultivation permit for one acre of canopy has been conditionally approved by the County Division of Cannabis Control. The applicant is requesting the zoning amendment to collocate a second cannabis cultivation site, as co-location is only permitted in the A1 zone, with one permit allowed per 20 acres of land. Given that the applicant has 41 acres of A1-zone land, the

property would be eligible for one additional cannabis cultivation permit on one acre. No other type of development is being proposed with this application.

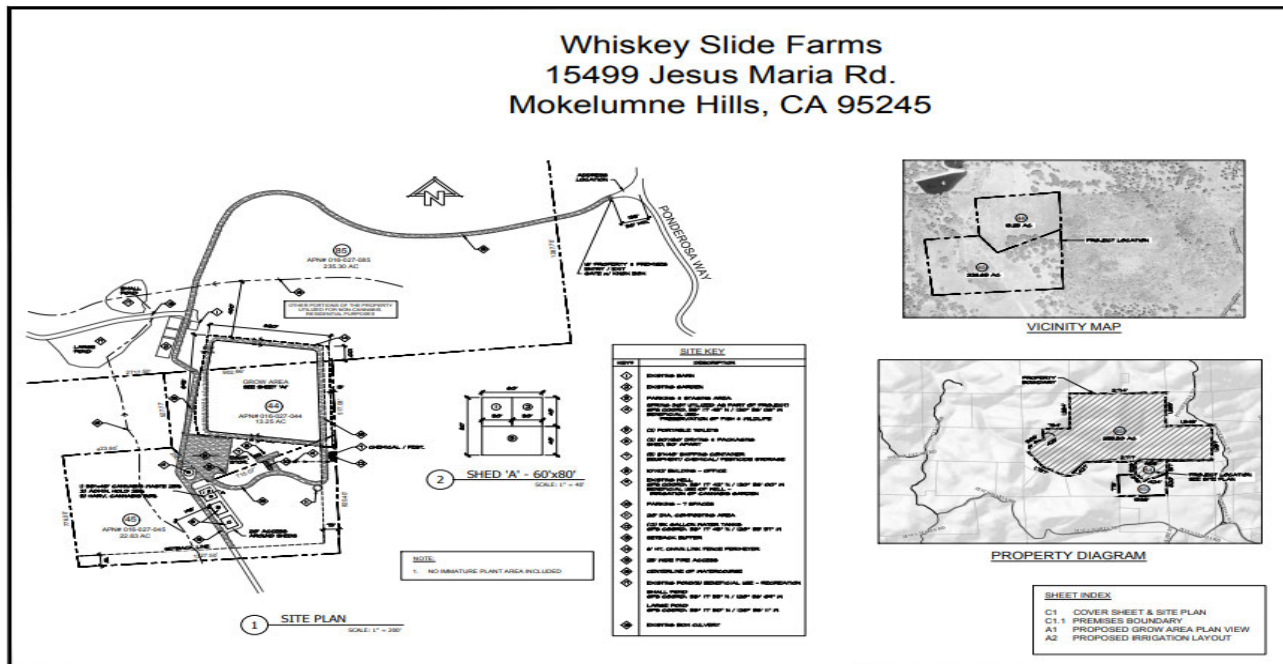


Figure 3 – Existing Canopy Area

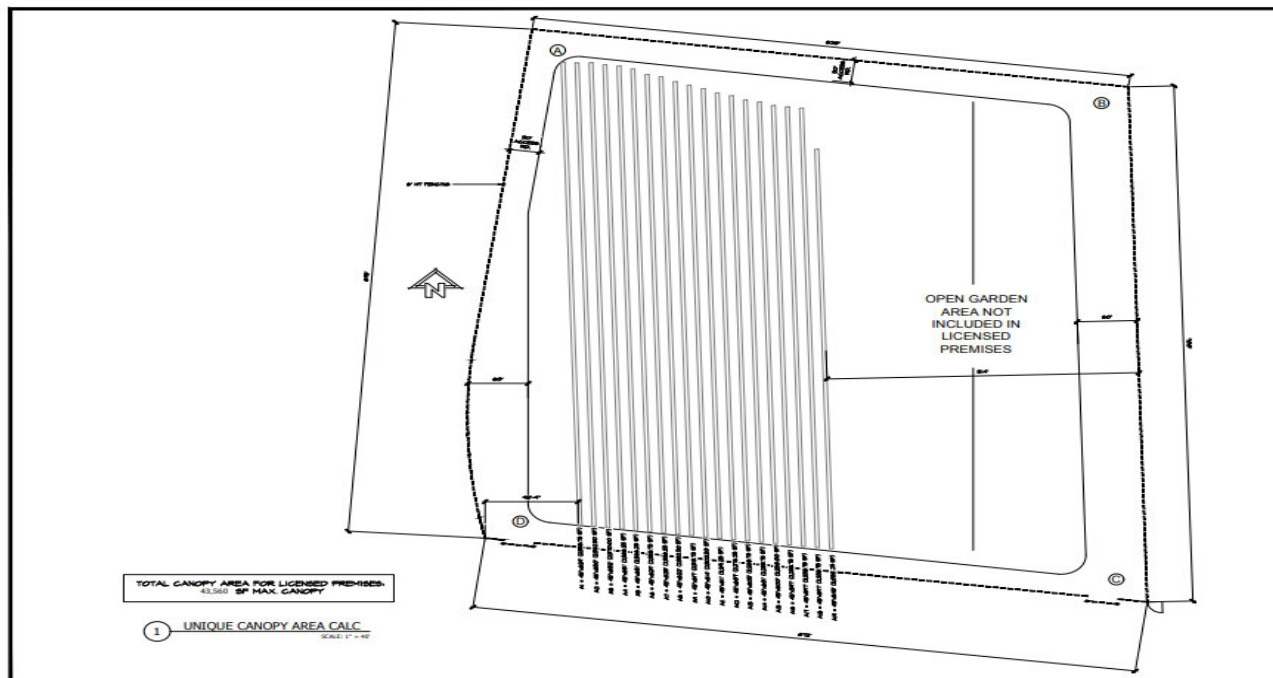
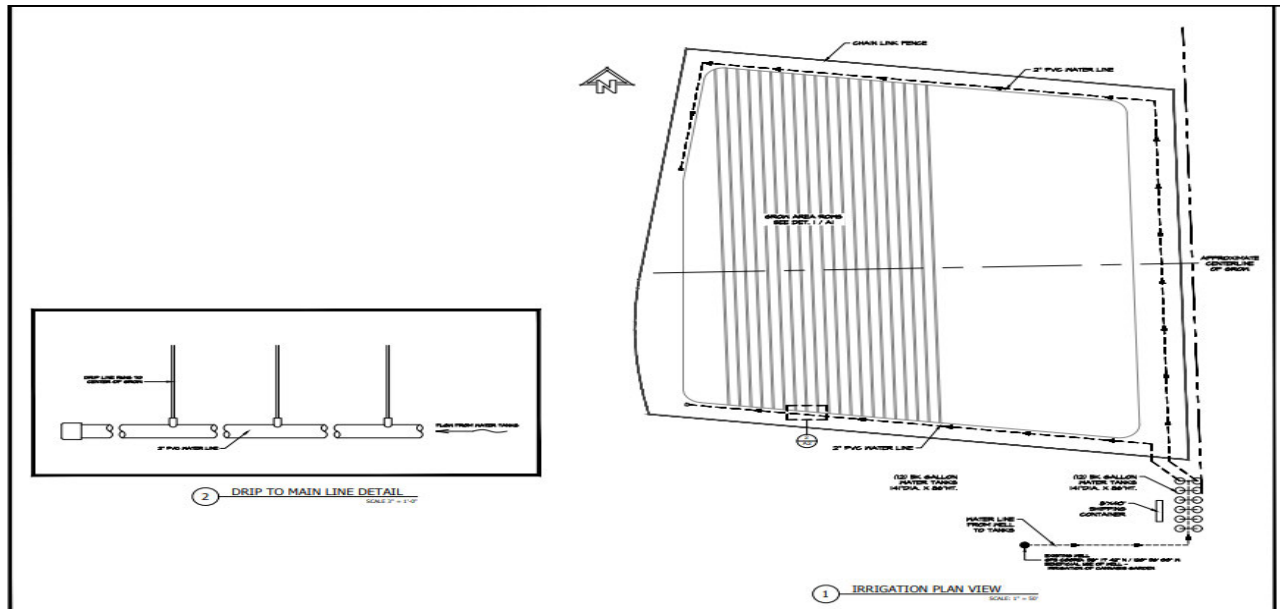


Figure 4 – Existing Canopy Design



The property suffered severe fire damage to vegetation and structures from the 2015 Butte Fire, including a terraced vineyard located at 15499 Jesus Maria Road. The terraced vineyard has since been redeveloped into the commercial cannabis cultivation premises which extends south 15469 Jesus Maria Road. The cultivation premises is graded and is approximately 610 feet by 510 feet (311,100 square feet or 7.14 acres). There is perimeter fencing, stormwater management features, three metal buildings for processing, an agricultural well and irrigation tanks for water storage available. Livestock currently graze the combined parcels. Legal access to the existing cultivation site from the south via an easement through a adjacent parcel which takes access from Jesus Maria Road. Extensive grading has already been completed to establish the cultivation premises.

LAND USE AND ZONING

The Calaveras County General Plan land use designation for the subject parcel is Working Lands. This designation identifies lands suitable for agricultural and forestry practices on parcels smaller than those designated Resource Production to reflect existing development patterns and/or to recognize their location in or adjacent to existing communities. This category includes lands with a combination of residential and home-based businesses. This category also includes, but is not limited to, lands with conservation easements and critical habitat areas. Typical uses include small-scale agriculture, forestry, timber production and harvesting, mineral extraction, small scale commercial/industrial uses secondary to the principal residence, animal husbandry, livestock, orchard, gardens, public or quasi-public uses, and other similar or compatible uses. Generally, these lands have limited access to services and infrastructure. Land use designations in the vicinity include Working Lands, Resource Production and Resource Management. Land uses surrounding the subject parcel includes a mix of residential and personal ranches on parcels ranging in size from 10 - 285 acres.

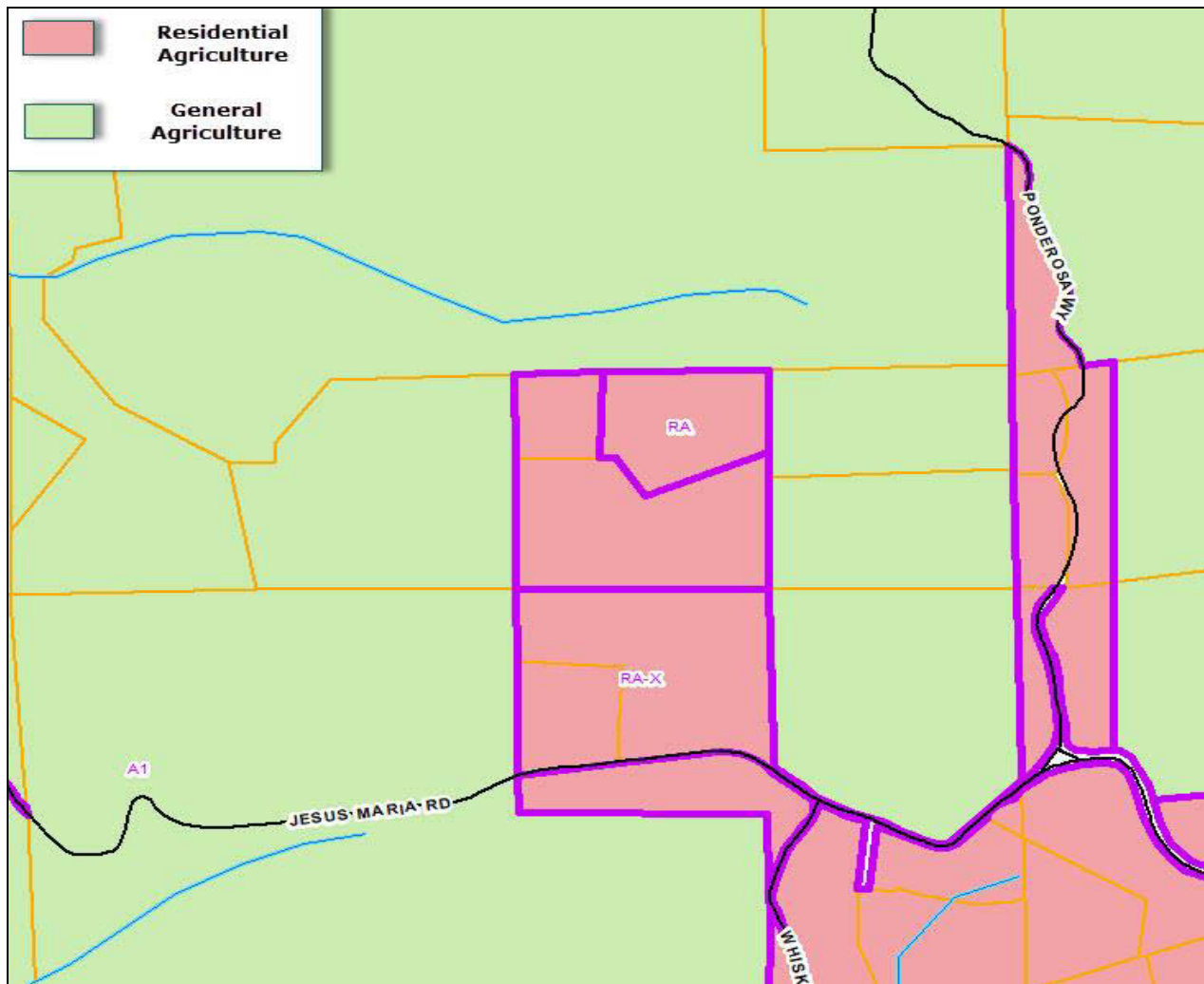


Figure 8 – Zoning Map

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

Zoning Comparison

RA Zone	A1 Zone
Equal emphasis on residential and agricultural uses; designed to provide lands for small-scale and personal-scale farming and ranching; larger residential parcels.	Main resource production zone; classify areas for general farming and ranching practices; assign such uses the primary emphasis for the area. Place residential uses in a secondary position to commercial scale production of food and fiber.
Consistent with Working Lands designation.	Consistent with Working Lands designation.
1 du/5-acre density	1 du/20-acre density

While staff conservatively described and analyzed in the Initial Study other potential uses allowed in the A1 zone, this application is specifically for cultivating cannabis as allowed under Chapter 17.95 of the County’s Zoning Ordinance, for which a programmatic EIR was developed. Due to the nature of the existing developments described above and site features, including site accessibility, the ability to further develop the parcel with other uses that would generate more consumer traffic is limited. Amending the zoning of the subject parcel to A1 also decreases residential density and increases the agricultural viability of the land.

GENERAL PLAN CONSISTENCY

It is the intent of the General Plan (as stated in the Economic Development section of the Land Use Element) to be flexible in nature to allow market forces, creative ideas, and the desires of business and property owners exercising property rights to contribute to an improved economic climate. Goal LU-5 of the General Plan (Land Use Element-Economics and Land Use) strives to create “A strong and diversified economic base through the creation, retention, expansion and attraction of business, agriculture, and industry. General Plan Policy LU-5.2 encourages entrepreneurship and home-based business development compatible with neighborhoods. Goal LU-2 of the General Plan is to provide a land use pattern that allows those who own, operate, or manage the productive resources in the county, to maintain open space, wildlife habitat, agricultural lands, mineral resources, and forests. Utilizing a parcel productively helps maintain the open space; therefore, encouraging larger parcels to have agricultural uses allows more opportunity to use and maintain the land. This project is also consistent with Policy LU 3.6, adhering to the density, land use intensity, and water and sewage disposal standards set forth in Table LU-1 in the Land Use Element.

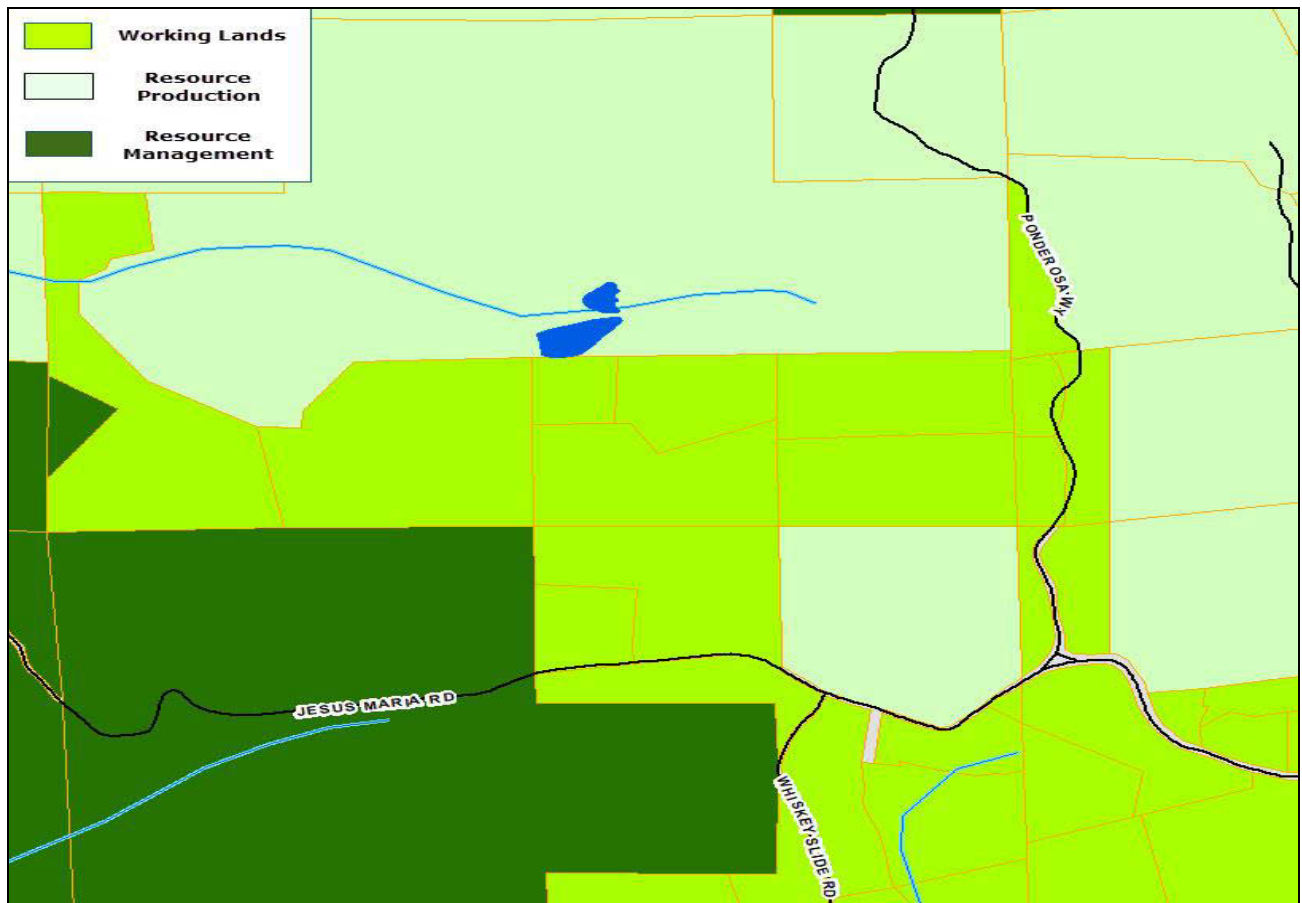


Figure 9 - General Plan Map

SUITABILITY OF SITE FOR USE

Most of the parcel to the northwest contains slopes up to 30% which is not suitable for intensive agricultural operations but may support a small agricultural operation. There is an intermittent stream bordering the southern property boundary, and the southern portion of the parcel is the least accessible as the encroachment and structures are in the northeastern portion of the parcel where the topography is more level. The area that would be most usable is the eastern portion of the parcel closer to the residence which is on top of the slope and away from the riparian area. The vegetation present is primarily oak woodland with some montane hardwood and chaparral.

Land uses surrounding the subject parcels include a mix of residential and personal ranches on parcels ranging in size from 7 - 55 acres. The nearest residence to the cultivation site is located approximately 300 feet to the west, on a parcel which is 14 acres in size. The adjacent parcels to the north and south both contain former cannabis cultivation sites. The subject parcel is the first encroachment off Live Oak Lane, therefore any traffic generated by the proposed future cannabis use is less likely to disturb neighbors.

The parcel lies on a granitic formation and according to the USDA Natural Resources Conservation Service soils maps, contains soil classified as "Musick-Hotaw complex". This



Figure 10 – Intermittent Stream

soil type is classified as being well drained with a low suitability as irrigable land. As this is typical for much of the upland areas of the county, cultivation sites typically contain raised beds/soil pots and imported soil.

COMMENTS RECEIVED

Staff received 17 letters regarding this project. Two of the letters were from a law firm representing an adjacent property owner who is opposed to the proposed project, and one letter from the adjacent property owner in opposition to the project. Additionally, staff also received 11 letters in support of the project. A third letter, received on June 13, 2022, claims that the applicants “use their immigrant workers to remove burial rocks that were definitely historical” from the site.

The letters from the law firm and the adjacent property owners opposing the project challenged the adequacy of the project’s environmental determination of a Negative Declaration. They believe that an Environmental Impact Report (EIR) should be prepared for this zone amendment and that analysis should be done for all land uses that could theoretically occur in the A1 zone.

While staff took a conservative approach to the Initial Study by noting the other potential uses of the site, CEQA only requires that the reasonably foreseeable future uses of the project be analyzed, and this is clearly an application from an existing cannabis cultivator to rezone his newly merged parcel to allow for additional cannabis cultivation on the site. Given this, staff believes that preparing an EIR to cover for all additional new land uses

theoretically allowed in the A1 zone is too speculative and goes beyond the reasonably foreseeable uses of the property. The project's description, required for all CEQA analysis, indicates that the proposed zone amendment is specifically to support additional cannabis cultivation, cannabis cultivation being a land use that was already allowed on the parcel under its existing RA zoning. No new land use is being proposed. Even if the project description had not been specifically for cannabis cultivation, the analysis revealed that the reasonably foreseeable uses of site with A1 zoning—given the characteristics of the property—would not result in any potentially significant impacts. Therefore, the record supports staff's position, and staff believes the project's Initial Study and Negative Declaration are adequate and that the zoning amendment would not require additional analysis.

Regarding information about the removal of burial rocks from the site, planning staff received a letter dated February 25, 2022, from InContext, a firm which performed a Cultural Resources Study on the project site indicating that data provided by the commenter does not coincide with any of the data the company have found as a result of conducting a records search at the Central California Information Center, archival research, an intensive pedestrian survey by trained archaeologists, and consultation with the local California Native American Tribe. The company is aware of a prehistoric site with a documented burial within one of the above-mentioned parcels, but it is outside the project limits and will not be affected by the project. This letter is attached to the report.

Planning staff was able to ascertain that there was "considerable" grading on the property between November 2019 and June 2020. Said grading activity filled an intermittent spring and enlarged the capacity of an existing reservoir. A grading permit has since been issued by the county's public works department, and the grading has been certified.

ENVIRONMENTAL REVIEW

Pursuant to California Environmental Quality Act (CEQA) guidelines, County staff determined that the proposed cannabis project requesting a rezone is within the scope of the program Environmental Impact Report ("EIR") and Addendum prepared for Chapter 17.95, Regulation of Commercial and Non-Commercial Cannabis Cultivation ("Cannabis Ordinance"), which was adopted by the Board of Supervisors on October 22, 2019. Staff prepared an Initial Study/Negative Declaration (IS/ND) to document this determination and to document that the project will not result in any cannabis-related impacts that were not addressed in the EIR. Although not required under CEQA, the County also prepared the Negative Declaration to analyze potential impacts that could result from other non-cannabis uses permitted under the zoning designation. The Initial Study/Negative Declaration was distributed for a 30-day review and comment period from April 26, 2022, through May 26, 2022.

Cannabis cultivation is allowed in both the existing RA zone and the requested A1 zones, so cultivation at this location was considered as part of the EIR; the applicant is seeking the A1 zone only to add up to one additional acre of cannabis cultivation on the 40-acre parcel now that three parcels have been merged into a single larger one. Co-location of multiple one-acre cultivation premises is not allowed in the RA zone, but it is allowed in the A1

zone—which requires larger parcel sizes and less residential density. The size, land use designation, and location of the newly merged parcel is conducive to commercial agricultural uses such as cannabis cultivation. The applicant is not proposing a new land use.

The zoning amendment is within the scope of the program EIR and its Addendum because the ordinance limits the total number of commercial cannabis cultivation sites within the county without identifying specific locations on which they may occur, and it specifically authorizes cultivation site transfers and the potential rezoning of parcels to accommodate the relocation or reactivation of cultivation sites. The zoning amendment is intended to allow the applicant and their premises to qualify to apply for a co-location cannabis cultivation permit under Chapter 17.95, and all requirements and limitations of that ordinance will apply to the applicant—including the parcel size, acreage, and setback requirements for co-located cannabis cultivation sites. The mitigation measures identified in the EIR, and Addendum were incorporated into the operating restrictions and other provisions of Chapter 17.95. Any new or reactivated cultivation must comply with those provisions.

While both the program EIR and the Appendix G checklist acknowledge that odor and traffic impacts were deemed significant and unavoidable in the program EIR, this zoning amendment would not impact the nearest residence not owned by the applicant as it is located approximately 800 feet away from the cultivation premises. Furthermore, since the applicant is not adding canopy to the total amount studied in the EIR and authorized under Chapter 17.95, but simply relocating canopy from one location to another within the county, he would not be compounding the total countywide odor or traffic impacts. Overall traffic impacts related to cannabis cultivation would be reduced in this case if two separate one-acre cultivation premises currently located a distance away from each other are combined into a single two-acre premises as proposed—as the vehicle trips currently required to transport the supplies, harvest, and workers for the two separate sites could be consolidated. The odor and traffic impact resulting from this project will not exceed the odor and traffic impacts analyzed in the EIR.

There are no substantial changes or new information of substantial importance that would require a subsequent EIR pursuant to Section 15162 of the CEQA Guidelines.

Potential for Commercial Cannabis Cultivation in the Proposed Zone

On October 22, 2019, the Calaveras County Board of Supervisors amended Chapter 17.95 of the Zoning Code to allow outdoor commercial cannabis cultivation and processing in the **A1, AP, GF, RA**, and **U** zones, and indoor commercial cannabis cultivation in the **M1, M2, M4**, and (in conjunction with a retail operation) **CP** zones, by qualified applicants who also receive a state license. A commercial cannabis cultivation permit under Chapter 17.95 is a ministerial approval process for premises in these zones for indoor cannabis cultivation and, if on parcels of at least twenty acres, for outdoor and mixed light cannabis cultivation and processing. Outdoor and mixed light commercial cannabis cultivation permits can also be issued for premises on parcels between 10 and 19.99 acres in the **A1, AP, GF, RA**, and

U zones if the applicant first applies for and receives a conditional use permit (CUP) through the Planning Department.

Calaveras County Code 17.95.010.B expressly allows qualified cannabis cultivation permit applicants “to either apply for compatible zoning designations for their parcels, relocate to available parcels with compatible zoning, or transfer their permit or right to apply for their permit to another qualified person or entity with an eligible and compliant site”.

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

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

Other than impacts associated with odors and traffic, all impacts analyzed in the EIR, and Addendum were found to be less than significant. Pursuant to CEQA, the County made findings of overriding consideration when the Cannabis Ordinance was adopted, finding that those impacts would be acceptable considering 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. As the Cannabis Ordinance anticipated rezones, the 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 because of this zoning amendment.

CONCLUSION

A zoning amendment to allow the applicant the possibility of relocating the previous commercial cannabis cultivation site is consistent with Chapter 17.95 of the County Zoning Ordinance and with the current General Plan. As discussed above, the proposed zoning amendment is consistent with the County’s existing requirements and ordinances governing zoning amendments, and all required findings for the zoning amendment can be made. The zoning amendment is within the scope of the EIR, and Addendum prepared for the adoption of Chapter 17.95 and no subsequent EIR is required.

In August 2020, two adjacent landowners within the Oak Ridge Subdivision were approved to rezone two parcels within the subdivision from RR to RA to reactivate the previous

commercial cannabis cultivation sites. Therefore, rezoning the subject parcel would not be inconsistent within the subdivision. In addition, the County is in the process of rezoning the surrounding U zoned parcels to a mix of A1, RA and RR, thus, the zoning amendment will not conflict with the future surrounding zoning classifications.

RECOMMENDATION

Staff recommends the Planning Commission take the following action:

1. Adopt Negative Declaration 2021-055 - Zoning Amendment for Whiskey Slide Farms.
2. Recommend adoption of the Negative Declaration to the Board of Supervisors.
3. Adopt Resolution 2022-008 approving the Zoning Amendment from RA-20 (Residential Agriculture-20-acre minimum) to A1-20 (General Agriculture-20-acre minimum).
4. Recommend approval of the zoning amendment from RA-20, Residential Agriculture – 20-acre minimum, to A1-20, General Agriculture – 20-acre minimum.

ATTACHMENTS

1. Initial Study and Negative Declaration
2. Planning Commission Resolution
3. Correspondence Received In favor of and against the project
4. Lot Merger
5. Letter from InContext, dated February 25, 2022

NOTICE OF INTENT

AFFIDAVID OF POSTING

NOTICE OF COMPLETION

INITIAL STUDY

NEGATIVE DECLARATION



NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

LEAD AGENCY: Calaveras County Planning Department
891 Mountain Ranch Rd.
San Andreas, CA 95249

2021-055 Zoning Amendment for Whiskey Slide Farms:

The application proposes to amend the zoning of three contiguous parcels totaling 41 acres (which are currently being merged into one parcel) from Residential Agriculture (RA) to General Agriculture (A1), for the purpose of allowing a second cannabis cultivation site to be applied for. The subject parcels, APNs: 016-027-043, 016-027-044, and 016-027-045 are located at 15369, 15499 and 15469 Jesus Maria Road in Mokelumne Hill. The parcels are part of Section 12, T05N, R12E, MDM.

NOTICE IS HEREBY GIVEN that the Calaveras County Planning Department has prepared a Negative Declaration, pursuant to the requirements of the California Environmental Quality Act (CEQA), for the above described project.

PUBLIC REVIEW PERIOD: A 30 day public review period for the Negative Declaration will commence on April 26, 2022 through May 26, 2022 for interested individuals and public agencies to submit written comments on the document. Any written comments on the Negative Declaration must be received at the above address within the public review period. Comments can also be made during the public hearing. Copies of the Negative Declaration and Initial Study are available for review at the above address or by contacting the Planning Department.

Pursuant to Government Code 65009, if anyone challenges the above listed issues in a court of law, the challenge may be limited to raising only those issues you or someone else raise at the public hearing described in this notice, or in written correspondence delivered to the Commission, at or prior to, the public hearing. You are welcome to review the application at the Calaveras County Planning Department during normal working hours, 8:00 a. m. to 4:00 p. m., Monday through Friday except county holidays. Copies of the project file and staff report can be purchased at the Planning Department for the cost of making the copies.

Date of Notice – April 26, 2022

FILED

County of Calaveras
Rebecca Turner
County Clerk-Recorder

2022-POST-018

04/26/2022

Beth Cole
bcole Deputy Clerk

Posted 9:30



CALAVERAS COUNTY

REBECCA TURNER -- County Clerk-Recorder

891 Mountain Ranch Road
San Andreas, CA 95249
Phone: (209) 754-6372
Fax: (209) 754-6733
<https://clerkrecorder.calaverasgov.us/>

2022-POST-018
04/26/2022

AFFIDAVIT OF POSTING

I, Rebecca Turner, County Clerk-Recorder of the County of Calaveras, State of California, do hereby certify (declare) that the attached

2021-055 ZONING AMENDMENT FOR WHISKEY SLIDE FARMS

was posted in public view, with public access, at the Calaveras County Government Center located at 891 Mountain Ranch Road, San Andreas, California, on April 26, 2022 at 09:02 AM for the period specified by law, through and including May 27, 2022 at 5:00 PM.

Dated this 03, day of June, 2022 at San Andreas, California.

REBECCA TURNER, County Clerk-Recorder

By: Hacy Simpson
Deputy

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: 2021-055 Zoning Amendment for Whiskey Slide Farms

Lead Agency: Calaveras County Planning Department

Contact Person: Madeleine Flandreau

Mailing Address: 891 Mountain Ranch Road

Phone: 209) 754-6394

City: San Andreas

Zip: 95249

County: Calaveras

Project Location: County: Calaveras

City/Nearest Community: Mokelumne Hill

Cross Streets: Jesus Maria Road and Ponderosa Way

Zip Code: 95245

Longitude/Latitude (degrees, minutes and seconds): _____ ° _____ ' _____ " N / _____ ° _____ ' _____ " W Total Acres: 41

Assessor's Parcel No.: 16-027-043, 16-027-044, 16-027-045

Section: 15

Twp.: 05N

Range: 12E

Base: MDBM

Within 2 Miles: State Hwy #: _____

Waterways: North Fork Calaveras River

Airports: _____

Railways: _____

Schools: _____

Document Type:

CEQA:

☐ NOP☐ Draft EIR

NEPA:

☐ NOI

Other:

☐ Joint Document☐ Early Cons☐ Supplement/Subsequent EIR☐ EA☐ Final Document☒ Neg Dec

(Prior SCH No.) _____

☐ Draft EIS☐ Other: _____☐ Mit Neg Dec

Other: _____

☐ FONSI**Local Action Type:**☐ General Plan Update☐ Specific Plan☒ Rezone☐ Annexation☐ General Plan Amendment☐ Master Plan☐ Prezone☐ Redevelopment☐ General Plan Element☐ Planned Unit Development☐ Use Permit☐ Coastal Permit☐ Community Plan☐ Site Plan☐ Land Division (Subdivision, etc.)☐ Other: _____**Development Type:**☐ Residential: Units _____ Acres _____☐ Office: Sq.ft. _____ Acres _____ Employees _____☐ Commercial: Sq.ft. _____ Acres _____ Employees _____☐ Industrial: Sq.ft. _____ Acres _____ Employees _____☐ Educational: _____☐ Recreational: _____☐ Water Facilities: Type _____ MGD _____☐ Transportation: Type _____☐ Mining: Mineral _____☐ Power: Type _____ MW _____☐ Waste Treatment: Type _____ MGD _____☐ Hazardous Waste: Type _____☒ Other: Commercial Cannabis**Project Issues Discussed in Document:**☒ Aesthetic/Visual☐ Fiscal☒ Recreation/Parks☒ Vegetation☒ Agricultural Land☒ Flood Plain/Flooding☒ Schools/Universities☒ Water Quality☒ Air Quality☒ Forest Land/Fire Hazard☒ Septic Systems☒ Water Supply/Groundwater☒ Archeological/Historical☒ Geologic/Seismic☒ Sewer Capacity☒ Wetland/Riparian☒ Biological Resources☒ Minerals☒ Soil Erosion/Compaction/Grading☒ Growth Inducement☐ Coastal Zone☒ Noise☒ Solid Waste☒ Land Use☐ Drainage/Absorption☒ Population/Housing Balance☒ Toxic/Hazardous☒ Cumulative Effects☐ Economic/Jobs☒ Public Services/Facilities☒ Traffic/Circulation☐ Other: _____**Present Land Use/Zoning/General Plan Designation:**

Undeveloped/Rural Residential/Rural Residential

Project Description: (please use a separate page if necessary)

The applicant is requesting approval of a Zoning Amendment to change the zoning of three contiguous parcels, from RA-20 (Rural Residential-20 acre minimum) to A1 (General Agriculture). The three parcels are concurrently being merged to create one parcel, 41 acres in size. Two of the parcels are currently being developed under a conditionally approved commercial cannabis cultivation permit with the County Division of Cannabis Control. The applicant is requesting the zoning amendment in order to collocate a second cannabis cultivation site to be permitted, as co-location is only permitted in the A1 zone, with one permit allowed per 20 acres of land. The subject property is located at 15369, 15499 and 15469 Jesus Maria Road in Mokelumne Hill, CA.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X".
If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Emergency Management Agency	<input type="checkbox"/> Parks & Recreation, Department of
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans District # _____	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Division of Aeronautics	<input checked="" type="checkbox"/> Regional WQCB # 5 _____
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Resources Recycling and Recovery, Department of
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Rights
<input checked="" type="checkbox"/> Fish & Game Region # 2 _____	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Housing & Community Development	
<input type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date April 26, 2022 Ending Date May 26, 2022

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: <u>Whiskey Slide Farms, LLC</u>
Address: _____	Address: <u>15150 Ponderosa Way</u>
City/State/Zip: _____	City/State/Zip: <u>Mokelumne Hill, CA 95245</u>
Contact: _____	Phone: _____
Phone: _____	

Signature of Lead Agency Representative:  Date: 4/25/2022

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.



County of Calaveras

Department of Planning

Gabriel Elliot ~ Planning Director

Phone (209) 754-6394

Fax (209) 754-6540

www.planning.calaverasgov.us

Initial Study / Negative Declaration

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

Initial Study

ENVIRONMENTAL

CHECKLIST

For: Whiskey Slide Farms, LLC

ZA 2021-055

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

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

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION (To be completed by Lead Agency):

On the basis of this initial evaluation:

☒ I find that the proposed project **COULD NOT** have a significant effect on the environment and a **NEGATIVE DECLARATION** will be prepared.

☐ I find that, although the original scope of the proposed project **COULD** have had a potentially significant effect on the environment, there **WILL NOT** be a significant effect because revisions/mitigations to the project have been made by or agreed to by the applicant. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

☐ I find that the proposed project **MAY** have a potentially significant effect on the environment and an **ENVIRONMENTAL IMPACT REPORT** or its functional equivalent will be prepared.

☐ I find that the proposed project **MAY** have a potentially significant impact on the environment. However, at least one impact has been adequately analyzed in an earlier document, pursuant to applicable legal standards, and has been addressed by mitigation measures based on the earlier analysis, as described in the report's attachments. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the impacts not sufficiently addressed in previous documents.

☐ I find that, although the proposed project could have had a significant effect on the environment, because all potentially significant effects have been adequately analyzed in an earlier EIR or Negative Declaration, pursuant to applicable standards, and have been avoided or mitigated, pursuant to an earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, all impacts have been avoided or mitigated to a less-than-significant level and no further action is required.



Madeleine Flandreau
Project Planner

4-25-2022
Date

EVALUATION OF ENVIRONMENTAL IMPACTS

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

Environmental Impact Analysis:

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

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

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

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

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

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

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

Potential for Commercial Cannabis Cultivation in the Proposed Zone

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

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

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

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

Section 15168(c)(2) of the CEQA Guidelines states that if the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required. The Cannabis Ordinance anticipated rezones and limited the total number of commercial cannabis cultivation sites within the county without identifying specific locations on which they may occur, and it specifically authorized the

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

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

Figure 1: Project Location

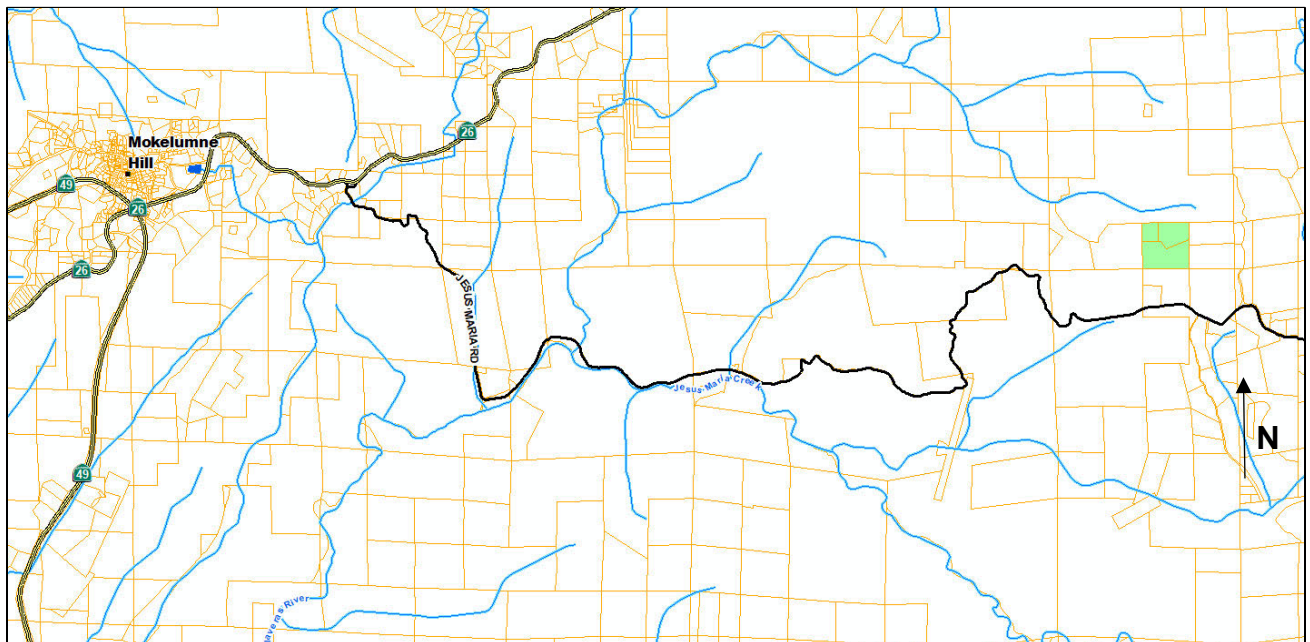


Figure 2: County Aerial Image (June 2020)

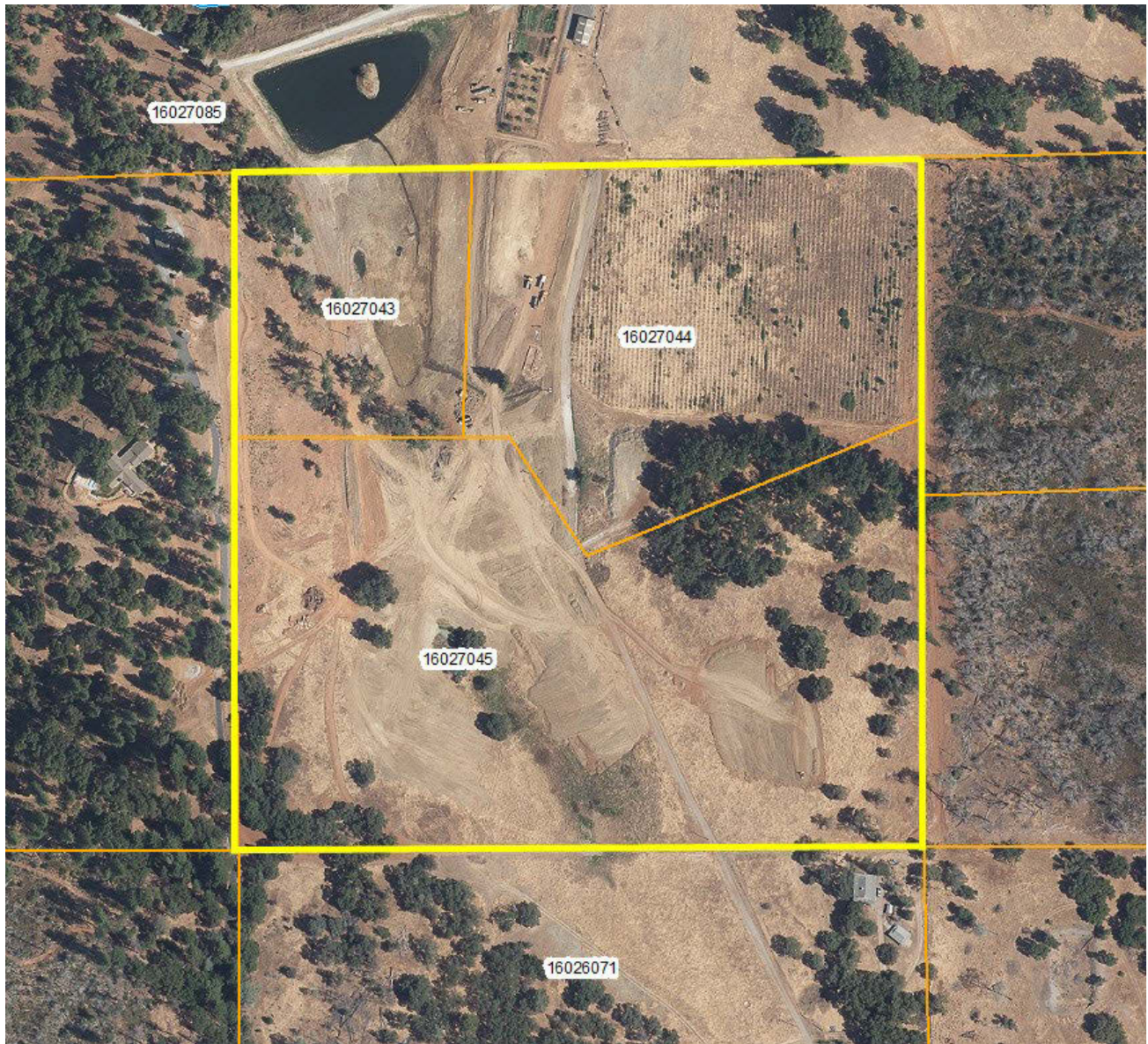


Figure 3: Google Earth Image (June 4, 2021)



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



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

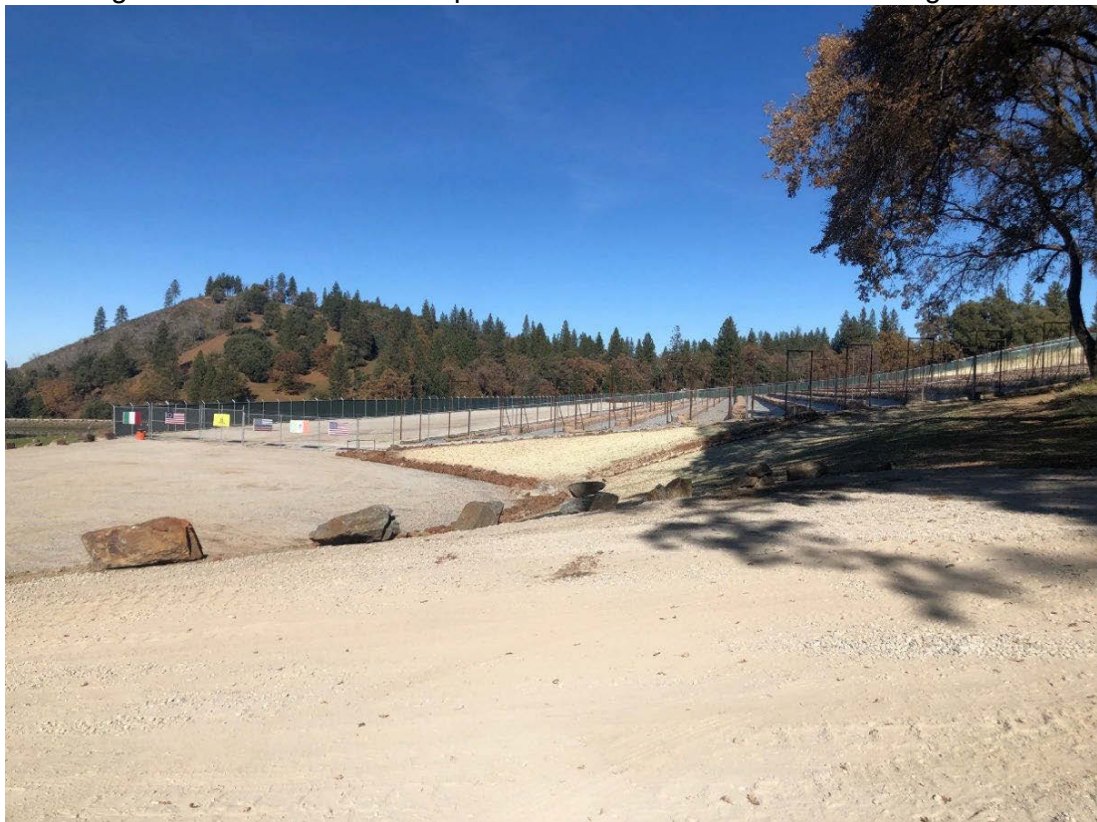


Figure 6: View of spring on APN 16-027-044 with erosion/sediment controls



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



I. AESTHETICS

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

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

Analysis regarding additional A1 uses

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

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

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

II. AGRICULTURE AND FORESTRY RESOURCES

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

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

Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

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

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

Analysis regarding additional A1 uses

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

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

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

III. AIR QUALITY

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

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) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

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

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

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

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

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

Analysis regarding additional A1 uses

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

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

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

Table 1 – County Established Thresholds

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

Table 2 – Proposed Project Emissions

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

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

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

IV. BIOLOGICAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

California Department of Fish and Game or U.S. Fish and Wildlife Service?

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

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

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

Analysis regarding additional A1 uses

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

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

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

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

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

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

No new non-cannabis related development is proposed. Any future non-cannabis permitted uses allowed in the A1 zone which are not currently permitted in the RA zone (such as intensive commercial agricultural operations) will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites due to the limited area of disturbance of those potential uses and the size of the parcel.

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

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

V. CULTURAL RESOURCES

POTENTIALLY
SIGNIFICANT
IMPACT

LESS THAN
SIGNIFICANT
IMPACT

LESS THAN
SIGNIFICANT
IMPACT

NO
IMPACT

WITH
MITIGATION

Would the project:

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

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

Analysis regarding additional A1 uses

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

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

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

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

VI. ENERGY

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

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

Analysis regarding additional A1 uses

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

VII. GEOLOGY AND SOILS

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

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

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

Analysis regarding additional A1 uses

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

- a) **No Impact** – According to the General Plan, Calaveras County lies within the Sierra Block of Seismic Risk Zone 3, an area of historically low seismicity. The County is not in, adjacent to, or crossed by an Alquist-Priolo Earthquake Fault Zone. Although the County has felt ground shaking from earthquakes with epicenters located elsewhere, no major earthquakes have been recorded within the County. The closest known source of large earthquakes is the Sierra Frontal Fault System along the eastern margin of the Sierra Nevada, which includes the Carson Valley Fault. This fault is located east of the County, and has been evaluated as capable of generating earthquakes of up to the magnitude 7.0. However, the risk of surface rupture is not considered sufficient to restrict the development found in the County.
- b-c) **Less Than Significant Impact** – The areas of particular landslide concern are those that include high elevations with steep ravines and gulches associated with river and stream channels. Located between 2,230 feet to 2,320 feet in elevation, the parcels exhibit gentle topographic relief with a total elevational difference of approximately 90 feet throughout the 41.5-acre Project site. The topography of the Project site includes sloped terrain from both east and west to the center of the Project site. According to the USDA Natural Resources Conservation Service soils maps⁵, the subject parcel contains soil classified as Nedsgulch-Wallyhill complex, and Nedsgulch-Wallyhill-Arpatutu complex. These soils are typically gravelly to clay loam that are well-drained with bedrock from approximately 31 to 41 inches of depth. The parent material is

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

- d-e) **No Impact** – The soil types on site are not considered expansive as they have adequate drainage and low-clay composition. There is no additional non-cannabis development proposed with this application; however, during the plan check process, building plans are examined for compliance with the uniform building code. This process requires a soils report be submitted with all construction plans to ensure the proposed structure will not be compromised do to unstable soil conditions. The standards vary depending on the location and type of structure proposed. Given the size of the subject parcels, it is unlikely that a suitable site cannot be found for the future construction of residential, agricultural structures or septic systems if desired.
- f) **No Impact** – According to the 2021 Cultural Resources Survey there are no known unique paleontological resources or sites or unique geologic features on or near the subject parcel.

VIII. GREENHOUSE GAS EMISSIONS

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

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

Analysis regarding additional A1 uses

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

IX. HAZARDS AND HAZARDOUS MATERIALS

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

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

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

Analysis regarding additional A1 uses

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

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

X. HYDROLOGY AND WATER QUALITY

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

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

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

Analysis regarding additional A1 uses

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

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

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

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

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

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

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

XI. LAND USE AND PLANNING

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

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

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

Analysis regarding additional A1 uses

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

XII. MINERAL RESOURCES

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

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

Analysis regarding additional A1 uses

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

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

XIII. NOISE

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

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

Analysis regarding additional A1 uses

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

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

XIV. POPULATION AND HOUSING

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

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

Analysis regarding additional A1 uses

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

XV. PUBLIC SERVICES

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

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

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

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

Analysis regarding additional A1 uses

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

XVI. RECREATION

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

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

Analysis regarding additional RA uses

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

XVII. TRANSPORTATION & TRAFFIC

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

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

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

Analysis regarding additional A1 uses

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

XVIII. TRIBAL CULTURAL RESOURCES

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

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

Analysis regarding additional A1 uses

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

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

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

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

XIX. UTILITIES AND SERVICE SYSTEMS

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

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

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

Analysis regarding additional A1 uses

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

XX. WILDFIRE

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

may result in temporary or ongoing impacts to the environment?

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

DISCUSSION

Program EIR and Addendum for Chapter 17.95

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

Analysis regarding additional RA uses

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

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

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

REFERENCES

1. Calaveras County General Plan, adopted November 12, 2019.
2. Program EIR and addendum prepared for Calaveras County Code Chapter 17.95, adopted by the Board of Supervisors on October 22, 2019.
3. Calaveras County Municipal Code.
4. Calaveras County Air Quality Management District, *Best Management Practices*, 2004.
5. Calaveras County Planning Department. Land Use Application completed by Whiskey Slide Farms, LLC, dated October 7, 2021.
6. Biological Survey Report for the Whiskey Slide Farms, Mokelumne Hill, Calaveras County, California, by Strange Resource Management, dated December 2, 2021, updated February 14, 2022.
7. Cultural Resources Survey Report, Rezone of Parcels 16-027-043, 16-027-044 and 16-027-045, Calaveras County, by InContext Cultural Resource Solutions, dated December 28, 2021, updated February 24, 2022.
8. Response to Comment to Calaveras County regarding Cultural Resources Study for the Rezone of Parcels 16-027-043, 16-027-044 and 16-027-045, dated February 25, 2022.
9. *United States Department of Agriculture, Natural Resources Conservation Service. Web Soil Survey.* <https://websoilsurvey.sc.egov.usda.gov/app/WebSoilSurvey.aspx>
10. California Department of Transportation. California Scenic Highway Mapping System http://dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm
11. California Department of Forestry. *Fire Hazard Severity Zones in State Responsibility Areas*. Adopted by CAL FIRE on November 7, 2007.
12. California Department of Conservation, Division of Mines and Geology. *Probabilistic Seismic Hazard Assessment for the State Of California; CDOC/DMG Open File Report 96-08 and USDI/USGS Open File Report 96-706; prepared in cooperation with the U.S. Department of the Interior, U.S. Geological Survey; 1996.*
13. California Air Resources Board (CARB). *State and National Area Designations Maps of California*, 2004. Internet address: www.arb.ca.gov/desig/adm/adm.htm

RESOLUTION

**COUNTY OF CALAVERAS, STATE OF CALIFORNIA
PLANNING COMMISSION**

RESOLUTION NO. 2022-008

>>A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT NEGATIVE DECLARATION 2021-055, FIND THE PROPOSED PROJECT WITHIN THE SCOPE OF THE OCTOBER 22, 2019, CANNABIS PROGRAM EIR, AND APPROVE ZONING AMENDMENT 2021-055 TO CHANGE THE ZONING DESIGNATION OF A 41-ACRE PARCEL FROM RA-20 (RESIDENTIAL AGRICULTURE, 20-ACRE MINIMUM) TO A-1 (GENERAL AGRICULTURE, 20-ACRE MINIMUM FOR WHISKEY SLIDE FARMS.

WHEREAS, the Planning Department of the County of Calaveras received application 2021-055 from Whiskey Slide Farms, LLC, to amend the zoning of three contiguous parcels from RA (Residential Agriculture 20-acre minimum) to A1 (General Agriculture 20-acre minimum) to facilitate cultivation of cannabis; and

WHEREAS, on May 27, 2022, the applicant merged the three parcels into a single parcel of approximately 41 acres; and

WHEREAS, the proposed project is located on real property in the unincorporated portion of the County of Calaveras, more particularly described as APNs 016-027-043, 016-027-044, and 016-027-045 located at 15369, 15499, and 15469 Jesus Maria Road in Mokelumne Hill, in a portion of Section 12, Township 05 North, Range 12 East, MDM; and

WHEREAS, an Initial Study/Negative Declaration was prepared and available for public review for 30 days, pursuant to the requirements of the California Environmental Quality Act (CEQA), which adequately addressed any potentially significant environmental impacts associated with the proposed project; and

WHEREAS, the cannabis impacts related to proposed project are within the scope of the program Environmental Impact Report (EIR) and Addendum approved by the County on October 22, 2019, in conjunction with an amendment to Chapter 17.95 of the County Code allowing commercial cannabis cultivation under a regulatory permit scheme and expressly allowing the rezoning of property to become eligible for a permit; and

WHEREAS, during a duly noticed public hearing on August 11, 2022, the Planning Commission considered all the information presented to it, including its staff report, information presented by the project proponent, and public testimony presented in writing and at the meeting; therefore

BE IT RESOLVED that the Planning Commission adopts the Negative Declaration and recommends adoption of the Negative Declaration and the Zoning Amendment as shown on Exhibit A, based on the following findings:

1. The project was processed consistent with the requirements of the California Environmental Quality Act (CEQA), California Public Resources Code §21000 et seq. Based on the whole record, there is no substantial evidence that the proposed zone amendment to facilitate a commercial cannabis cultivation site could have a significant effect on the environment, except for two cannabis related effects (exposure to objectionable odors and long-term traffic impacts) that previously have been determined by the County to be subject to overriding considerations in an previously-approved programmatic Environmental Impact Report (EIR).

Evidence: The project is a zoning amendment to allow for commercial cannabis cultivation as anticipated by the programmatic EIR certified for the adoption of County Code 17.95 (Cannabis). Cannabis cultivation is allowed in both the original and requested zone, but the zoning amendment would make the applicant eligible to apply under Chapter 17.95 to co-locate an additional acre of canopy on the site. While the applicant's contiguous parcels were originally too small for A1 zoning, they have now been merged into a single 41-acre parcel. An Initial Study was conducted to analyze whether there were potentially significant impacts of the zoning amendment that were not addressed in the EIR. This study revealed less than significant impacts for the whole of the project, except for two cannabis related effects that previously have been determined by the County to be subject to overriding considerations. A Negative Declaration was prepared and was available for public review from April 26, 2022, to May 26, 2022. During the comment period, comments were received objecting to the adequacy of the negative declaration, but the comments did not introduce facts or issues that would invalidate the Negative Declaration under CEQA. The Negative Declaration reflects the independent judgment and analysis of the County.

2. With respect to the potential impacts related to cannabis cultivation, and based on the whole record, none of the conditions or circumstances that would require preparation of a subsequent or supplemental EIR pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 exists in connection with the proposed zone amendment for commercial cannabis use, as:
 - a. No substantial changes have been proposed to the programmatic project described in the October 22, 2019, Final EIR and Addendum that would require revisions to those documents, and no new significant environmental effects or substantial increase in the severity of previously identified significant environmental effects would occur through the approval of this project; and
 - b. There have not been any substantial changes with respect to the circumstances under which the programmatic project described in the

October 22, 2019, Final EIR and Addendum were approved which would require major revisions of that EIR or Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

- c. No new information of substantial importance, which was not known and could not have been known at the time the October 22, 2019 Final EIR and Addendum were certified and adopted, shows that this proposed zone change would cause or substantially worsen significant environmental impacts discussed in the EIR and Addendum, that mitigation measures or alternatives found infeasible in the EIR and Addendum would in fact be feasible, or that different mitigation measures or alternatives from those analyzed in the EIR and Addendum would substantially reduce one or more significant environmental effects found in the EIR and Addendum.
3. For the reasons described above, under Findings 1 and 2, the preparation of the Negative Declaration and the supplemental cannabis-related environmental analysis is appropriate under CEQA. This finding incorporates by reference in their entirety the Initial Study/Negative Declaration, the supplemental cannabis-related environmental analysis provided by Planning Staff, the staff report, the Final EIR and Addendum certified and adopted on October 22, 2019, and the Findings and Statements of Overriding Consideration previously certified and/or adopted by the County.

Evidence: The program EIR and Addendum for Chapter 17.95 were adopted on October 22, 2019, and, while the program limited the number of cannabis cultivation permits that could be issued in the county to certain land use zones, it clearly incorporated flexibility with respect to the potential location of permitted sites within the County—and it expressly allowed for zoning amendment applications to be processed for the purpose of qualifying a particular site to apply for a cannabis permit. It also expressly allowed for cultivation sites to be transferred from one location to another. No substantial changes or new information that could not have been known at the time the County approved Chapter 17.95 of its zoning regulations and CEQA guidelines have arisen that would compromise the applicability of the program EIR and Addendum to this project, and the project itself—a zoning amendment for the purpose of applying to relocate a former cannabis cultivation site, which is restricted by state law and Chapter 17.95 of the zoning code—is well within the bounds of what was contemplated by that EIR and Addendum. As discussed in the Initial Study/Negative Declaration and the supplemental cannabis-specific analysis, there is nothing unique about this particular project, its location, or the proposed zone, that would cause or substantially worsen any of the significant impacts identified in the program EIR and Addendum that would result in mitigation measures or alternatives identified as infeasible in the EIR and Addendum being feasible for this project; or that would result in a substantial reduction or mitigation

of a significant impact identified in the program EIR and Addendum through the imposition of a different mitigation measure or alternative.

4. Based on the whole record, which incorporates by reference all documents relied upon in Finding 2, there is substantial evidence that this project, a zoning amendment for the express purpose of authorizing commercial cannabis cultivation, is a later activity within the scope of the program for which a Final EIR and Addendum were certified and adopted on October 22, 2019.

Evidence: The project for which the October 22, 2019, EIR and Addendum were adopted is an ordinance amendment (Chapter 17.95 of the County Code) establishing a regulatory program to allow a finite number of permitted and state-licensed commercial cannabis cultivation sites to operate in the County on properties of sufficient size in less densely populated areas of the county. The ordinance restricted the location of cannabis cultivation sites by zone, parcel size, and proximity to certain sensitive uses—not by the topographical, biological, or geographical attributes of any particular site or region. The ordinance expressly provides that eligibility to apply for a cannabis cultivation permit *can* be achieved through the approval of a zoning amendment, so long as the County does not increase the number of permits issued by doing so. Approval of this zoning amendment will not increase the total number of permits issued under the ordinance; the parcel meets the minimum size allowed under the ordinance for the proposed use, and the zone requested is a zone in which commercial cannabis cultivation is allowed under the ordinance. Furthermore, approval of this zoning amendment does not guarantee that the applicants will qualify for a commercial cannabis cultivation permit, and they would still be subject to all the regulations and restrictions imposed by state and local cannabis cultivation laws as well as any site-specific conditions imposed by the state on his cannabis cultivation license. No additional uses of the property besides commercial cannabis cultivation have been proposed as part of the project.

5. The proposed Zoning Amendment is consistent with the land use map and applicable policies of the County's General Plan and the standards of the Calaveras County Zoning Code, Title 17, for the General Agriculture (A1) Zone.

Evidence: The subject parcel is designated as Working Lands and the A1 zoning classification is consistent in this land use designation. The proposed A1 zoning is intended to be a district in which an equal emphasis is assigned to residential and agricultural uses. The A1 zone is to provide lands for small-scale and personal-scale farming and ranching, as well as larger residential parcels. The subject parcel meets the minimum parcel size requirement of 20 acres for the Working Lands land use designation.

One of the goals of the General Plan (LU-2) is to provide a land use pattern that allows those who own, operate, or manage the productive resources in the county, to maintain open space, wildlife habitat, agricultural lands, mineral resources, and

forests. Utilizing a parcel for agricultural production helps maintain the open space; therefore, encouraging larger parcels to have agricultural uses allows more opportunity to use and maintain the land. This project is also consistent with Policy LU 3.6, adhering to the density, land use intensity, and water and sewage disposal standards set forth in Table LU-1 in the Land Use Element. Another goal of the General Plan (LU-5) is for the county to have a strong and diversified economic base through the creation, retention, expansion and attraction of business, agriculture, and industry. Rezoning to A1 (a resource zone) will increase the parcel's economic viability beyond that of a parcel with an RA zone designation, which provides less economic benefit to the county due its limited agricultural uses.

6. The proposed Zoning Amendment is consistent with neighboring and adjacent land uses and zoning.

Evidence: Land uses surrounding the subject parcels include a mix of residential and personal ranches on parcels ranging in size from 5 acres to 170 acres. Parcels in the immediate vicinity of the subject parcel are zoned U, RA, and RR. Agricultural land is interspersed with rural residential land throughout the county and rural residential land often serves as a transition between higher density and intensity uses and agricultural pursuits. The proposed use which is the purpose of this zoning amendment is to cultivate an additional acre of cannabis. The parcel is of sufficient size and its cultivation area is located, far enough away to allow an additional one acre of canopy to be sufficiently separated from neighboring residences to minimize conflicts. In addition, two adjacent landowners within the Oak Ridge Subdivision were approved to rezone two parcels within the subdivision from RR to RA to reactivate their previous commercial cannabis cultivation sites. Therefore, the proposed zoning amendment is consistent with the neighboring rural residential and agricultural uses, and the RR, U, and A1 zoned parcels in the vicinity.

Approved by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on September 8, 2022, on a motion by Commissioner _____ and seconded by Commissioner _____.

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair, Planning Commission

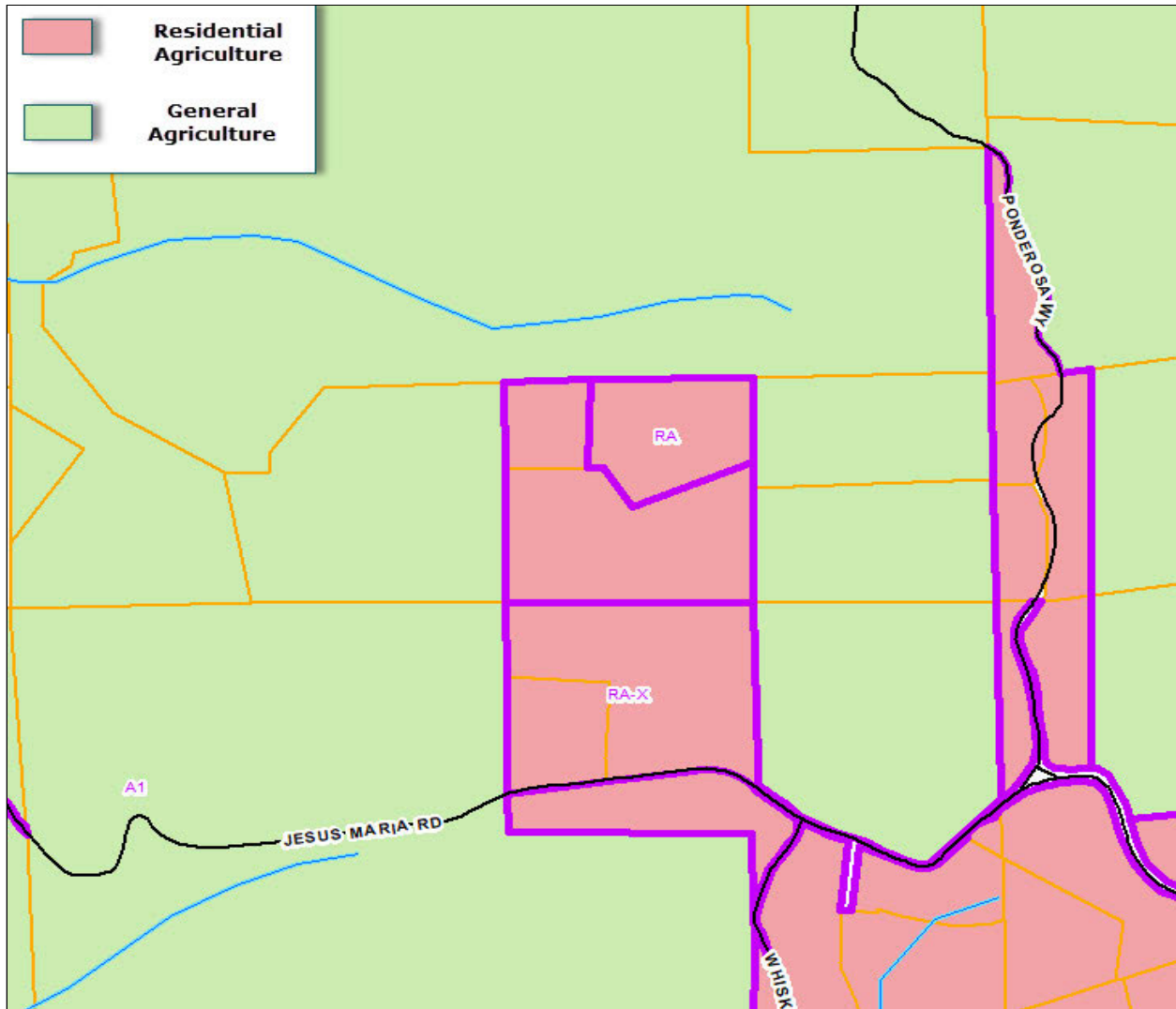
ATTEST:

Gabriel Elliott, Director of
Planning

The project files are available for public review in the Planning Department, County of Calaveras, Government Center, 891 Mountain Ranch Road, San Andreas, CA. 95249, between the hours of 8:00 a.m. and 4:00 p.m.

Exhibit "A"

Zoning Amendment from RA-20
(Rural Residential 20-acre
minimum) to A1-20 (General
Agriculture 20-acre minimum)



**CORRESPONDENCE
RECEIVED**



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Mother Lode Field Office
5152 Hillsdale Circle
El Dorado Hills, CA 95762
www.blm.gov/office/mother-lode-field-office

County of Calaveras
Planning Department
891 Mountain Ranch Rd
San Andreas, CA 95249

RECEIVED

JUN 06 2022

**Calaveras County
Planning Department**

Dear Mr. Elliott:

Thank you for providing the Bureau of Land Management with the opportunity to share our concerns regarding county permitting for cannabis cultivation on private parcels if this affects federal lands or requires federal authorizations.

The Comprehensive Drug Abuse Prevention and Control Act of 1970 and more specifically Title II of the act (the Controlled Substances Act), lists Cannabis as a Schedule I drug. The BLM does not have any discretion to permit activities on the public land that will violate the Controlled Substances Act or any other federal law. The BLM therefore, cannot authorize any activities related to cannabis authorizations on public land such as the *cultivation, production, transportation or distribution of supplies or product*.

We recommend that permit applicants adjacent to or near BLM lands have their parcels surveyed by a professional land surveyor so that their operations do not trespass upon or cause impacts to federal lands which includes ROADS. Individuals that cause resource damage (i.e. erosion or soil contamination) to BLM-administered lands from illicit acts, including the manufacturing of cannabis, may be subject to federal criminal and/or civil action. Permit applicants should also be aware that transporting cannabis across an existing right-of-way on federal lands to access a private parcel, is also illegal under federal law, and violators could face federal criminal action.

Thank you again for the opportunity to comment. Please contact me if you would like to further discuss the issue. You can reach Lis Lucas, Realty Specialist at 916-941-3143.

Sincerely,


Phil D'Amo 6/3/2022
Acting Field Manager

LETTERS OF SUPPORT

County of Calaveras Planning Department
Madeleine Flandreau, Planner II
891 Mountain Ranch Road
San Andreas, California 95249-9709

Re: Whiskey Slide Farms Lot Line Adjustment

Dear Madeleine-

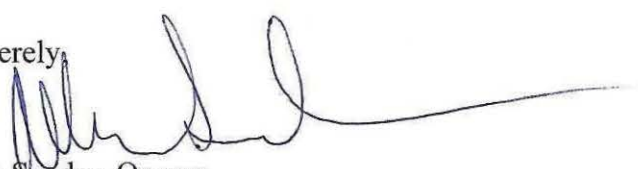
As a local business owner of many years in Calaveras County, I tend to do as much as I can for fellow residents and businesses in order to support our local economy. Our family business, Senders Market/Ace Hardware has been in business since 1969, and since then there have been ups and downs in the County, with many changes to the business itself, including remodeling, expansion, and the employment of many of our residents. Today, we are still family owned and working hard. With the expansion of our business over all of these years, we have been able to create more job opportunities for our community members and also support an expanding industry with the introduction of the legal cannabis industry to our County.

I'm writing now to offer my support for the requested lot line adjustment and zoning amendment at 15150 Ponderosa Way. This amendment will not only create more opportunity for the business to grow but will also increase county tax revenue and generate jobs for the community.

Under the responsible ownership and management of Tina Alexander, Calaveras Garden Supply has become a model of good business practices in our area, not just for a provider of supplies and equipment for both traditional farms as well as cannabis businesses, like our own, but as an example for businesses in the County in general. In addition to forming and maintaining a safe, secure, and wholesome environment for their customers and employees, they have conducted themselves with honesty and integrity throughout their operation.

As a fellow business owner, and community member, I have all the confidence the Tina's venture with Whiskey Slide Farms will be run with the same honesty, integrity, and community mindedness as her existing business has for many years.

Sincerely,



Alan Sender, Owner
Senders Market/Ace Hardware

County of Calaveras Planning Department
Madeleine Flandreau, Planner II
891 Mountain Ranch Road
San Andreas, California 95249-9709

Re: Lot Line Adjustment & Zoning Amendment at 15499 Jesus Maria Road

Ms. Flandreau,

My name is Jeff Stone, and I am a long-time resident of Calaveras County. I am retired from the position of Fire Chief for the Central Calaveras Fire & Rescue Protection District in Mountain Ranch..

It is my pleasure to write in support of Whiskey Slide Farms in their application for a zoning amendment and lot line adjustment at their project location in Mokelumne Hill.

After meeting the business owner in this venture, Mr. Cary Schirmer, I can assure you that he is an honest, and respectable individual with a mind toward responsible business ownership as well as the best interests of the Community. This is in part due to his offering property to the local fire station which we utilized for storage of our trucks, as well as training of our crews, which was generously provided at no cost and with the utmost hospitality to our local first responders.

I was fortunate to have been invited for a tour of the project site for the proposed business, Whiskey Slide Farms, during which I was able to speak with Cary about his business plan and vision for its role in the Cannabis industry here in the County. Not only do I believe this business is well equipped to be successful, I believe it should be considered to serve a model for other cannabis operations within the County given the high caliber and quality of improvements that have been invested. The facility design compliments the property and the area, and having toured it personally following facility improvements being completed, I recognized no issues related to fire and life safety. In terms of fire protection, this property would serve as an anchor and fire safety zone due to the improvements and care taken to prepare for fire hazards.

I fully support the lot line adjustment as a necessary precursor for a change in zoning to the Whiskey Slide Farm parcels that currently do not match the zoning designation for the majority of the property. It is my understanding that the approval would increase production with no necessary expansion of the physical layout of the site, nor any additional impact to the surrounding area. The increased production capacity at this site will benefit our community at large through increased tax revenue, and more jobs for County residents. For these reasons, I ask that you exercise your best discretion to approve this application.

Sincerely,



Jeff Stone
Fire Chief (retired)
Central Calaveras Fire & Rescue

County of Calaveras Planning Department
Madeleine Flandreau, Planner II
891 Mountain Ranch Road
San Andreas, California 95249-9709

Re: Whiskey Slide Ranch Farm, Lot Line Adjustment

To whom it may concern:

I write in support of the zone change application for the Whiskey Slide Farm project at 15499 Jesus Maria Road which is a neighboring parcel to my family's property. My father William and I are longtime Calaveras County residents as well local cannabis business owner/operators. We know what it takes to manage set up, operation and maintenance of cannabis cultivation facilities. We also know that cannabis business operators have varying levels of resources, know how, and professionalism.

In our conversations with Cary, who owns both the subject property as well as the cannabis business proposed on site, there is no doubt that the proposed operation will exceed the County and State compliance requirement for a safe, responsibly managed operation. I would not issue such an endorsement if there was any shadow of a doubt that this would be anything less than a first-class operation, as we would like only for the most responsible and community minded operators running their business anywhere near our property and our family. Therefore, I highly recommend the County accept approve the zone change with lot line adjustment application. It is my understanding that approval of this application would simply allow the business to maximize the full capacity of the existing vineyard on site, which already qualifies for a 1-acre permit. Allowing additional acreage in the same area would simply increase the number of jobs and amount of revenue this business could create for the County, without expending its footprint and/or impact to the neighborhood.

Over the past few years, the cannabis industry in Calaveras County has been growing and thriving — and rightfully so. In a recent Board of Supervisors meeting on February 15, 2022, it was noted that the Cannabis industry is now the second largest industry in Calaveras County. This increase of cannabis product output will significantly benefit the economy of our county through an increase of tax revenue, ultimately increasing the county's budget which will in turn bring additional benefits to the community.

It is our opinion that Calaveras County will greatly benefit from this project and therefore on behalf of our neighbor and community we ask for the County's support to approve..

Sincerely,

BRAD STARK

William and Brad Stark

1442 Ridge Rd Mokelumne Hill
209 256 6186

15660 Jesus MARIA RD.
Mokelumne Hill

County of Calaveras Planning Department
Madeleine Flandreau, Planner II
891 Mountain Ranch Road
San Andreas, California 95249-9709

Re: 15499 Ponderosa Way, Whiskey Slide Farms, Lot Line Adjustment

To whom it may concern:

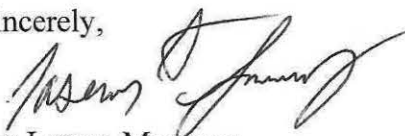
My name is Joe Lopez, and I am born and raised in Calaveras County. Since 2008 I've worked at Senders Market Ace Hardware which has been in business since 1969. Since its founding there have been many changes, including remodeling, expansion, and the addition of many employees, including myself and since my hire I've worked my way up to Manager. Today, we are still family owned and working hard. Through our expansion, we have been able to create more job opportunities for our community.

I'm here today to provide my thoughts and support for the requested lot line adjustment at 15150 Ponderosa Way brought forward by Cary Schirmer and Tina Alexander. This expansion will not only create more area for the business to operate but will also help create more revenue for our community, increase county tax revenue and generate jobs for community.

Tina Alexander and I have conducted a great deal of business together for several years, and through our working relationship and friendship, I've become familiar with Tina's high character as a person, as well as the quality with which she runs Calaveras Garden Supply as well as the farming projects she has equipped and consulted. Tina is a consummate professional and one of the most reliable individuals I know. Our businesses have each contributed to the County and its residents for many years, and I am confident that this adjustment would benefit the community in many ways as it would benefit Cary and Tina's venture moving forward in expanding its potential.

Calaveras Garden Supply presents as a solid model of good business practices in our area, not just as a supplier for cannabis businesses but for business in general. By forming and maintaining a safe, secure, and wholesome environment for their customers and personnel, they have conducted themselves with solid regulatory and legal compliance since their origin. Whiskey Slide Farms has been formed and designed with the same level of integrity and conscience to the community, and I believe their success would result in more benefits to our community.

Sincerely,



Joe Lopez, Manager
Senders Market Ace Hardware

County of Calaveras Planning Department
Madeleine Flandreau, Planner II
891 Mountain Ranch Road
San Andreas, California 95249-9709

Re: Whiskey Slide Farm Lot Line Adjustment

Dear Supervisors,

We are writing to express our unequivocal support of the lot line adjustment and zone change application for the Whiskey Slide Farms property brought forward by Cary Schirmer and Tina Alexander.

We are long time County residents and the neighbors to Cary at his 15150 Ponderosa Way Ranch where he and Tina are developing their cannabis cultivation business. We have known Cary and Tina for several years and fully support their efforts as we know each of them to be of high character and integrity. After discussing their business plans with us, we believe that Cary and Tina have not only an ideal vision but an achievable goal for the business which is to serve as a model for commercial cannabis grows across the County and State. The quality of the project speaks for itself as Cary and Tina have hired the best tradesman and building professionals in the County to help push this project forward. To do so while repurposing a burnt out vineyard to benefit our local community with jobs and revenue is a blessing to the County.

It is our opinion that Calaveras County would significantly benefit from this lot line adjustment and zone change through Whiskey Slide Ranch's business endeavors under the trustworthy management of its owners.

Sincerely,



Ken and Liz Mason



Full Service Electrical Company ~ Over 30 Years' Experience

Industrial ~ Commercial ~ Residential ~ Solar

Ca License #801873

Jerry Gaspers ~ (209) 601-1171

grandcharger@hotmail.com

County of Calaveras Planning Department
Madeleine Flandreau, Planner II
891 Mountain Ranch Road
San Andreas, California 95249-9709

Re: Whiskey Slide Farm, Lot Line Adjustment

Calaveras County Planning Dept.:

I am writing to encourage the County to approve Whiskey Slide Farm's request for a lot line adjustment and change of zoning. I support local businesses and those who invest in the Calaveras County community.

Tina Alexander and Cary Schirmer owners of Whiskey Slide Ranch are such *people, highly invested in this community, family based, magnificent work environments, strong and responsible business and property owners.*

Both have employed or hired dozens of County residents and business in the development of this project and operation of other businesses in the County. I believe that increasing their ability to do business with the approval of this application will contribute to their Whiskey Slide success which will benefit our community. That is why I am offering my support for their application here.

Jerry Gaspers

Gaspers Electric

County of Calaveras Planning Department
Madeleine Flandreau, Planner II
891 Mountain Ranch Road
San Andreas, California 95249-9709

Re: Whiskey Slide Ranch

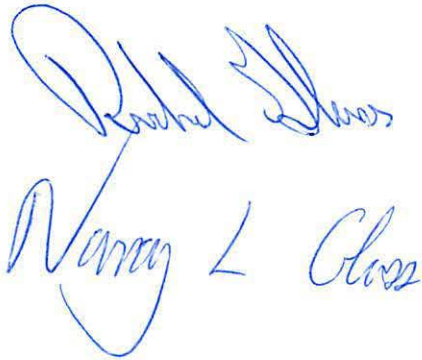
To whom it may concern:

We are writing to express our support for Whiskey Slide Ranch's request for a lot line adjustment. As their adjacent neighbor, we believe this request should be accepted as it creates no burden for the county and will benefit a respectable and locally-owned business.

It has been our experience that Cary Schirmer is a responsible business and property owner. He is a respectable cannabis business owner, the type of which we should be supporting and elevating in our community. By working with the compliant businesses to help them thrive, the County supports the community.

Sincerely,

Richard and Nancy Glass

The block contains two handwritten signatures in blue ink. The top signature is 'Richard Glass' and the bottom signature is 'Nancy L Glass'. Both are written in a cursive, flowing style.

County of Calaveras Planning Department
Madeleine Flandreau, Planner II
891 Mountain Ranch Road
San Andreas, CA 95249

March 30, 2022

Re: Lot (Boundary) Line Adjustment and Zoning Amendment at Whiskey Slide Farms - 15499 Jesus Maria Road, Mokelumne Hill.

Hi Madeleine,

I am writing in support of the requested lot line adjustment and zoning amendment at the Whiskey Slide Farms property. As a biological and environmental consultant with my own locally owned firm, Strange Resource Management, I provide professional consulting services to a number of cannabis business properties involving site development, state and county cannabis licensing, facilities monitoring and reporting, erosion and sediment control, and water resource development and management. I am also a fellow local cannabis permit holder.

Cannabis is now one of the largest industries in Calaveras County. The increase in cannabis business investment has greatly benefited our local economy through a significant increase in jobs and tax revenue, and in turn, has increased the County's General Fund budgets and resources to benefit our residents.

I am very familiar with Whiskey Slide Farms, having recently completed a biological resources report of the property. The site has one of the highest quality cannabis farm developments that I have observed within the county. Characteristics of property including the state of cleanliness, attention to details regarding erosion and sediment control, and stormwater runoff is a compliment to the owner and management. The property is in a prime location for its intended purpose, being isolated from other landowners and residents within the vicinity.

In my discussions with property and business owner Cary Schirmer and partner Tina Alexander, I am confident that this proposed farming operations will be maintained with the highest level of professional management. Moreover, I am confident, that this project will minimize any potential negative impacts to resources in the area, nor should it impact local residents within the area.

I support the project and ask the county to approve the applications for lot line adjustment and zoning amendment to ensure the success of the farm can be achieved for its owners, prospective employees, as well as for the County.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Terry Strange", with a long horizontal flourish extending to the right.

Terry Strange, Owner
Strange Resource Management

County of Calaveras Planning Department
Madeleine Flandreau, Planner II
891 Mountain Ranch Road
San Andreas, California 95249-9709

Re: 15499 Jesus Maria Road Zone Change

Dear Madeleine,

This letter is written on behalf of Sport Hill Trucking, in support of the requested lot line adjustment and zone change at the Whiskey Slide Ranch in Mokelumne Hill. We are a Home & Gardening, Shipping, Sand, and Gravel Service operating throughout the greater Amador & Calaveras County areas since 1985. Our owners and employees are longtime residents of Calaveras County and have served our community with land improvements for over 37 years, including this project.

We are here to support our longtime friend and neighbor Tina Alexander owner and operator of Calaveras Garden Supply and her partner in this project Cary Schirmer is also owner of the property where their business is located. I've done a great deal of business with Tina in the past and can say that her professionalism, work ethic and integrity are impeccable. In working with Cary on this project I have also learned that he is both a man of high character as well as a responsible land and business owner. The approval of their request for lot line adjustment and change in zoning will not only benefit their commercial cannabis venture but will further benefit the County and community in several ways, including an increase in job opportunities, and increase in County revenue.

The Whiskey Slide Farms project also utilizes a repurposed vineyard that has been laid fallow for many years. The work they have done to revitalize this property, especially after the devastating wildfires, utilizing its potential for cannabis is a promising prospect for our County and its residents. I have no doubt this business will be run with the utmost professionalism. We ask that you consider the benefits that would come along with your approval and please vote to approve the necessary changes that have been requested.

Sincerely,

X



Sport Hill Trucking

RECEIVED

APR 06 2022

Calaveras County
Planning Department

County of Calaveras Planning Department
Madeleine Flandreau, Planner II
891 Mountain Ranch Road
San Andreas, CA 95249

Re: Zone Change at Whiskey Slide Farms, Mokelumne Hill

Honorable Supervisors of Calaveras County-

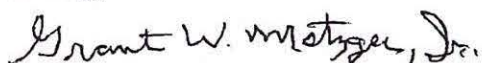
My name is Grant W Metzger Jr (Randy). I am a long-time Calaveras County resident, former County Assessor, and current business owner of Metzger Farms.

It is my pleasure to write a letter in support of Cary Schirmer, and his partner Tina Alexander, and their local business Whiskey Slide Farms, with respect to the approval of their requested lot line adjustment and zoning amendment for the project at 15150 Ponderosa Way.

While touring the site I spoke with Cary about their goal of maximizing the potential for their business to thrive, and it seems that the approval of their request would increase prospects for both their business as well as the County in the form of more jobs and revenue. The potential increase in production for their cannabis farm would also come with no additional impact on the County as the size/construction of the physical infrastructure would not change. Accordingly, it seems that helping a local business with no loss to the County nor negative impact to community members is the right thing to do.

We ask that you please vote to approve Whiskey Slide Farms request in this matter.

Respectfully,



Grant W Metzger Jr

County of Calaveras Planning Department
Madeleine Flandreau, Planner II
891 Mountain Ranch Road
San Andreas, California 95249-9709

Re: Whiskey Slide Ranch, Lot Line Adjustment/Zone Change

Dear County Planning Department,

My name is Aaron Mason, and I am a resident of Calaveras County. I live on Old Gambetta Road near 15150 Ponderosa Way and have known property owner, Cary Schirmer for several years now.

I would like to express my written support for the lot line adjustment and zone change application submitted to Calaveras County by Cary's business, Whiskey Slide Farms. I have visited the ranch property on many occasions and have also had the opportunity to lend a helping hand with improvements on the ranch, including cleaning out many acres of burnt out brush and debris from the wildfires.

Cary is a responsible property owner, business owner, and Calaveras County community member. His plans to operate a legal cannabis grow at this site under the required County and State approvals would significantly benefit our community. I am confident that Cary and Whiskey Slide Farms will be a shining example of good business practices and land stewardship in our area, not just for the cannabis businesses but for businesses and community members in general.

Best Regards,

Aaron Mason

A handwritten signature in dark ink, appearing to be 'Aaron Mason', with a long horizontal stroke extending to the right.

March 11, 2022

County of Calaveras Planning Department
Madeleine Flandreau, Planner II
891 Mountain Ranch Road
San Andreas, California 95249-9709

Dear Board of Supervisors of Calaveras County-

My name is Dr. Jim DuHamel. I am a local dentist with a practice in Valley Springs. After graduating from Northwestern University Dental School in 1973, I began my practice in Sunnyvale, California where it operated from 1973 until 1987 until I moved my family to Calaveras County and started our business here.

My wife, Kim, and I are neighbors across Ponderosa Way to the Whiskey Slide Ranch property owned by Cary Schirmer, where he and local business owner and resident Tina Alexander have invested in the development of their cannabis cultivation business, Whisky Slide Farms. We have known Cary and Tina for several years and we are in support of this cannabis business operation, which, in the event of the approval of their requested zone change and lot line adjustment, would have greater potential for success and thus greater prospects for the Community as a whole. Cary has been a wonderful neighbor who looks out for the community. Tina is a long-time business owner whose reputation in the County is second to none. Moreover, after touring the site, I have all the confidence that their cannabis business will be run with a great deal of care, and I see no reason why their request should not be approved. Following the Butte fire and the destruction left in its wake, it has been uplifting to see not only the restoration of the property, but the creative and ingenious manner by which the old vineyard site has been repurposed for such a beneficial use.

The success of their business is a success to the community in the form of jobs and revenue. Therefore, we offer our wholehearted support of their application and hope that the County will vote for approval

Sincerely,



James DuHamel, DDS



Kim DuHamel

County of Calaveras Planning Department
Madeleine Flandreau, Planner II
891 Mountain Ranch Road
San Andreas, California 95249-9709

Re: Whiskey Slide Farm Lot Line Adjustment

Ms. Flandreau-

My name is Doug Josie, and I am a local rancher, and a seventh generation Calaveras County resident, born and raised. This letter is written in support of our neighbor, and fellow local business owner in their request for a lot line adjustment and zoning amendment for their property located on Jesus Maria Road in Mokelumne Hill.

I have known Cary Schirmer, Tina Alexander, and other members of the Whiskey Slide Ranch Family for some time and must say they are all good people and passionate about the Cannabis project they have created. I had the opportunity to tour their farm site and I am extremely impressed with the quality of the work and attention to detail that has gone into their set up. They are also sophisticated business owner's and responsible neighbors with going concerns both within and outside of the County and of the cannabis industry. These are the exact type of family-oriented individuals that we should be supporting in advancing cannabis businesses here locally, as they will serve to protect their neighbors and operate their business in a professional manner.

Allowing Ms. Alexander and Mr. Schirmer the ability to grow their business here in Calaveras County will only serve a benefit to the greater community in addition to the immediate interests of their business. Such are the reasons we offer our wholehearted support of their application, and we would request that the County vote to approve their request.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Doug Josie". The signature is written in dark ink and is positioned above the printed name.

Doug Josie,
Local Rancher

LETTERS OF OPPOSITION

BURTON & SWETT

Attorneys

Rod W. Burton, III, Esq.
Thomas M. Swett, Esq.
James D. Wigen, Esq.
Seth A. Nunley, Esq.

Div. of Cannabis Control
MAY 26 2022
Received

47 Main Street
Sutter Creek, CA 95685

Main: 209.267.9217
Fax: 209.992.4077

tom@burtonswett.com

May 25, 2022

VIA ELECTRONIC & HAND DELIVERY

County of Calaveras Planning Department
Gabriel Elliot, Director
891 Mountain Ranch Road
San Andreas, California 95249-9709
mflandreau@co.calaveras.ca.us

RECEIVED

MAY 27 2022

Calaveras County
Planning Department

**Re: Objection to Application for Zoning Amendment
2021-055 Zoning Amendment for Whiskey Slide Farms
APNs: 016-027-043; -044; & -045**

Dear Mr. Elliot:

As you may know, our firm has been retained to represent the interests of Craig and Sara Catto in connection with the above-referenced application (the "Project"). The Cattos are the owners of the real property commonly known as Calaveras County Assessor's Parcel No. 016-027-086, which is contiguous to the western boundary of the Project. Our firm also represents Kyle and Ashley Catto, who own the real property that adjoins the Project to the south, which is commonly known as Calaveras County Assessor's Parcel No. 016-026-071.

The Project seeks to amend the County's zoning code, which is a process requiring CEQA review by law. (Pub. Res. Code, § 21080, subd. (a).) It is clear that the Project is intended to effect an environmental change with the specific intent to convert the subject land to cannabis cultivation and the implied intent to allow any and all high-intensity agricultural operations permitted by the A-1 zone on three small legal parcels in the middle of what is otherwise a rural residential area. (*Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2019) 7 Cal.5th 1171.)

The initial study or checklist employed by staff to support the consideration of a negative declaration does not excuse the County from the legal requirement to prepare an environmental impact report for the Project, as the Project—a zone change—was never contemplated by the County's 1995 EIR or its addenda and can therefore not be within its scope. Notwithstanding the contrary assertion in the checklist, the referenced EIR and its addenda do not contemplate rezoning. To the contrary, the EIR's analysis rests in large part on the containment of cannabis cultivation to limited areas within the County's existing zoning scheme. Tellingly, in the response to comments in the County's Final EIR, it is made clear that any zoning amendment would be a discrete, discretionary approval that would need to be analyzed independently. (FEIR at p. 2-109.)

BURTON & SWETT

Page 2 of 4

Therefore, reliance upon the County's previous programmatic EIR with respect to a zoning amendment, i.e., the Project, is illegal. The EIR never contemplated and therefore never analyzed a zoning amendment with respect to cannabis cultivation. Had it done so, it would have had to contemplate the hypothetical possibility that several small residential parcels in a residential neighborhood—perhaps next to a school—could be merged and rezoned to allow such a use. Had it done so across the entire county, the potential impacts would have been staggering. This hypothetical is not so very different than what is now being contemplated. The Project seeks to merge substandard parcels to create a larger parcel entitled for high-intensity agriculture that is situated in the middle of what amounts to a residential area. There is zero prior CEQA analysis that covers a plan like the Project and there is more than a fair argument that the Project will have an impact on the environment that would necessitate its own EIR.

In addition to the Project's expanded cannabis cultivation, the increased potential impacts from a rezone to A-1 include: a dairy farm with up to 200 head of cattle; a hog farm with up to 2,999 animals; a cattle feedlot with 299 head; or a chicken farm with up to 8,999 hens. With a use permit, the landowner could establish a shooting range, an airport, or a landfill. (Calaveras Municipal Code § 17.16.030.) All of these uses could occur approximately 50 to 500 feet from three existing single-family residences that are not owned by the Project proponent. There is no rational argument that can be made for the entitlement of such uses with a negative declaration or even a mitigated negative declaration. Allowing such uses in proximity to existing residences would indisputably have an impact on the environment that would require comprehensive environmental analysis.

Therefore, and as evidenced *infra*, reliance upon the County's programmatic EIR regarding cannabis or the use of a negative declaration as the project's CEQA document is not appropriate. (*Union of Medical Marijuana Patients, Inc., supra*, 7 Cal.5th 1171.) Instead, a full environmental impact report should be prepared to address the specific impacts of the Project so that they may be properly mitigated, both as to the Project's neighbors and the public at large.

With reference to the Project application materials that are currently available to us, we submit the following comments for consideration and inclusion in the administrative record for this proceeding:

- The real property sought to be rezoned consists of three legal parcels, two of which are below the parcel size minimum for A-1 zoning. (Calaveras County Code § 17.16.070.) The application should be denied on this basis alone. Even if the merger of parcels is a condition of approval, the parcel size restrictions associated with large-scale commercial agriculture (cannabis or otherwise) serve to protect the residential structures that exist on the smaller, neighboring parcels that are zoned RA.

- The application does not disclose the existence of an approximately four-acre pond on the site that was recently expanded to reach its current size. This expansion does not appear to have been done with proper permits, either from the County or the State. There is no indication that the applicant has a water right to impound the additional water or that its dam has been approved by the Department of Dam Safety at its increased capacity. Nor is there any indication as to how the impounded water may be used with respect to the Project. The County's own environmental analysis or checklist admits that the pond does not have a valid water right.
- With reference to the pond discussed above, a significant abandoned mine shaft was flooded by the recent expansion of the pond's surface area. Flooding of this feature poses a risk to both surface and subsurface water quality and appears to have been done to avoid analyzing the impact of this mine site with respect to the Project. Abandoned mine sites in the California Foothills are commonly associated with heavy metal and arsenic contamination, which must be evaluated here. This is a site-specific condition that must be independently analyzed under CEQA.
- A large amount of earthwork has been done on the subject property in advance of the approval of the Project, again, most likely for the purpose of avoiding proper CEQA review. This is evidenced by the application's assertion that no grading will be required to implement the Project. As such, baseline conditions should be those that existed prior to work being conducted that was not consistent with existing zoning or any valid permit held by the Project's proponent.
- The analysis in the County's checklist of the impacts of fencing on the movement of wildlife assumes that fencing will only surround two acres of cannabis cultivation without citation to a concomitant ordinance or condition of approval that would support that assumption. Moreover, the analysis recites that 7.1 acres has already been fenced, not the 2.0 acres otherwise assumed in the analysis.
- The Project, if rezoned, does not have a legal access easement with respect to Jesus Maria Road to the south. Said easement was never intended to be for the benefit of a commercial cannabis grow and industrial processing facility. Approving the Project would result in the illegal surcharge of that easement.
- High-intensity agricultural uses allowed by the A-1 zoning, and cannabis cultivation in particular, call into question the viability of using a single water well drilled in a fractured-rock aquifer to support the Project. Moreover, the impact of the Project and its water use must be studied with respect to the residences in close proximity that rely upon groundwater for domestic use. Domestic wells near the project have gone dry in the past, which is evidences the limited availability of groundwater for the Project. These groundwater constraints are site-specific impacts that must be independently analyzed under CEQA. The water supply for the Project must be proven in advance, not monitored in the future.

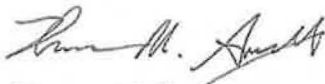
BURTON & SWETT

Page 4 of 4

- The application does not disclose any archeological resources on the subject real property. However, as discussed above, historic mining activity exists. Moreover, a pioneer and/or prehistoric cemetery exists on the subject property, a structure that was not only undisclosed in the application but was also extirpated by employees of the Project proponent in advance of its application, presumably for the purpose of avoiding CEQA review.
- The application indicates that on-site water courses will not be impacted by the Project, which is inconsistent with publicly available aerial imagery. These images show that the drainages and the on-site pond (an impoundment of a natural drainage) have been engineered as a stormwater retention system for the Project. They may also be intended to be employed for irrigation purposes. As such, the impacts on water quality must be properly evaluated.
- The application does not disclose the three residential structures in close proximity south of the Project. Because of the smaller residential parcels constituting and surrounding the Project, the impacts on neighbors must be properly evaluated and considered by decision makers.
- The application disingenuously asserts that no dust, noise, or *odor* would be associated with the Project. Having a large commercial cannabis grow within 500 feet of three single-family residences will clearly impact those property owners in this regard. As such, the impacts must be properly analyzed. Importantly, the County—when analyzing cannabis production on properties already properly zoned—previously determined that the impact of the odors associated with cannabis production are significant and unavoidable. Such a conclusion necessitates a full EIR for the Project.

In light of the foregoing, as a matter of law, a negative declaration (or even a mitigated negative declaration) is not sufficient to support the consideration and approval of a rezone of the subject property. Therefore, a full environmental impact report should be prepared prior to the Project's consideration by the Planning Commission.

Sincerely,



Thomas M. Swett, Esq.

cc: clients

Cody and Kristin Cable
15410 Jesus Maria Rd
Mokelumne Hill Ca, 95245

May 26, 2022

VIA HAND DELIVERY

County of Calaveras Planning Department
Gabriel Elliot, Director
891 Mountain Ranch Road
San Andreas, California 95249-9709
mflandreau@co.calaveras.ca.us

**Objection to Application for Zoning Amendment
2021-055 Zoning Amendment for Whiskey Slide Farms
APNs: 016-027-043; -044; & -045**

Dear Mr. Elliot:

My wife and I are the owners of the real property commonly known as Calaveras County Assessor's Parcel No. 016-026-046, which is to the south across Jesus Maria of the Project.

As you know, the Project seeks to amend the County's zoning code, which is a process requiring CEQA review by law. (Pub. Res. Code, § 21080, subd. (a).) It is clear that the Project is intended to effect an environmental change with the specific intent to convert the subject land to cannabis cultivation and the implied intent to allow any and all high-intensity agricultural operations permitted by the A-1 zone on three small legal parcels in the middle of what is otherwise a rural residential area. (*Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2019) 7 Cal.5th 1171.)

The initial study or checklist employed by staff to support the consideration of a negative declaration does not excuse the County from the legal requirement to prepare an environmental impact report for the Project, as the Project—a zone change—was never contemplated by the County's 1995 EIR or its addenda and can therefore not be within its scope. Notwithstanding the contrary assertion in the checklist, the referenced EIR and its addenda do not contemplate rezoning. To the contrary, the EIR's analysis rests in large part on the containment of cannabis cultivation to limited areas within the County's existing zoning scheme. Tellingly, in the response to comments in the County's Final EIR, it is made clear that any zoning amendment would be a discrete, discretionary approval that would need to be analyzed independently. (FEIR at p. 2-109.)

Therefore, reliance upon the County's previous programmatic EIR with respect to a zoning amendment, i.e., the Project, is illegal. The EIR never contemplated and therefore never analyzed a zoning amendment with respect to cannabis cultivation. Had it done so, it would have had to contemplate the hypothetical possibility that several small residential parcels in a residential neighborhood—perhaps next to a school—could be merged and rezoned to allow such a use. Had it done so across the entire county, the potential impacts would have

been staggering. This hypothetical is not so very different than what is now being contemplated. The Project seeks to merge substandard parcels to create a larger parcel entitled for high-intensity agriculture that is situated in the middle of what amounts to a residential area. There is zero prior CEQA analysis that covers a plan like the Project and there is more than a fair argument that the Project will have an impact on the environment that would necessitate its own EIR.

In addition to the Project's expanded cannabis cultivation, the increased potential impacts from a rezone to A-1 include: a dairy farm with up to 200 head of cattle; a hog farm with up to 2,999 animals; a cattle feedlot with 299 head; or a chicken farm with up to 8,999 hens. With a use permit, the landowner could establish a shooting range, an airport, or a landfill. (Calaveras Municipal Code § 17.16.030.) All of these uses could occur approximately 50 to 500 feet from three existing single-family residences that are not owned by the Project proponent. There is no rational argument that can be made for the entitlement of such uses with a negative declaration or even a mitigated negative declaration. Allowing such uses in proximity to existing residences would indisputably have an impact on the environment that would require comprehensive environmental analysis.

Therefore, and as evidenced infra, reliance upon the County's programmatic EIR regarding cannabis or the use of a negative declaration as the project's CEQA document is not appropriate. (*Union of Medical Marijuana Patients, Inc.*, *supra*, 7 Cal.5th 1171.) Instead, a full environmental impact report should be prepared to address the specific impacts of the Project so that they may be properly mitigated, both as to the Project's neighbors and the public at large.

With reference to the Project application materials that are currently available to us, we submit the following comments for consideration and inclusion in the administrative record for this proceeding:

- The real property sought to be rezoned consists of three legal parcels, two of which are below the parcel size minimum for A-1 zoning. (Calaveras County Code § 17.16.070.) The application should be denied on this basis alone. Even if the merger of parcels is a condition of approval, the parcel size restrictions associated with large-scale commercial agriculture (cannabis or otherwise) serve to protect the residential structures that exist on the smaller, neighboring parcels that are zoned RA.
- The application does not disclose the existence of an approximately four-acre pond on the site that was recently expanded to reach its current size. This expansion does not appear to have been done with proper permits, either from the County or the State. There is no indication that the applicant has a water right to impound the additional water or that its dam has been approved by the Department of Dam Safety at its increased capacity. Nor is there any indication as to how the impounded water may be used with respect to the Project. The County's own

environmental analysis or checklist admits that the pond does not have a valid water right.

- With reference to the pond discussed above, a significant abandoned mine shaft was flooded by the recent expansion of the pond's surface area. Flooding of this feature poses a risk to both surface and subsurface water quality and appears to have been done to avoid analyzing the impact of this mine site with respect to the Project. Abandoned mine sites in the California Foothills are commonly associated with heavy metal and arsenic contamination, which must be evaluated here.
- A large amount of earthwork has been done on the subject property in advance of the approval of the Project, again, most likely for the purpose of avoiding proper CEQA review. This is evidenced by the application's assertion that no grading will be required to implement the Project. As such, baseline conditions should be those that existed prior to work being conducted that was not consistent with existing zoning or any valid permit held by the Project's proponent.
- The analysis in the County's checklist of the impacts of fencing on the movement of wildlife assumes that fencing will only surround two acres of cannabis cultivation without citation to a concomitant ordinance or condition of approval that would support that assumption. Moreover, the analysis recites that 7.1 acres has already been fenced, not the 2.0 acres otherwise assumed in the analysis.
- The Project, if rezoned, does not have a legal access easement with respect to Jesus Maria Road to the south. Said easement was never intended to be for the benefit of a commercial cannabis grow and processing facility. Approving the Project would result in the illegal surcharge of that easement.
- High-intensity agricultural uses allowed by the A-1 zoning, and cannabis cultivation in particular, call into question the viability of using a single water well drilled in a fractured-rock aquifer to support the Project. Moreover, the impact of the Project and its water use must be studied with respect to the residences in close proximity that rely upon groundwater for domestic use.
- The application does not disclose any archeological resources on the subject real property. However, as discussed above, historic mining activity exists. Moreover, a pioneer and/or prehistoric cemetery exists on the subject property, a structure that was not only undisclosed in the application but was also extirpated by employees of the Project proponent in advance of its application, presumably for the purpose of avoiding CEQA review.
- The application indicates that on-site water courses will not be impacted by the Project, which is inconsistent with publicly available aerial imagery. These images show that the drainages and the on-site pond (an impoundment of a natural drainage) have been engineered as a stormwater retention system for the Project.

They may also be intended to be employed for irrigation purposes. As such, the impacts on water quality must be properly evaluated.

- The application does not disclose the three residential structures in close proximity south of the Project. Because of the smaller residential parcels constituting and surrounding the Project, the impacts on neighbors must be properly evaluated and considered by decision makers.
- The application disingenuously asserts that no dust, noise, or *odor* would be associated with the Project. Having a large commercial cannabis grow within 500 feet of three single-family residences will clearly impact those property owners in this regard. As such, the impacts must be properly analyzed. Importantly, the County—when analyzing cannabis production on properties already properly zoned—previously determined that the impact of the odors associated with cannabis production are significant and unavoidable. Such a conclusion necessitates a full EIR for the Project.

In light of the foregoing, as a matter of law, a negative declaration (or even a mitigated negative declaration) is not sufficient to support the consideration and approval of a rezone of the subject property. Therefore, a full environmental impact report should be prepared prior to the Project's consideration by the Planning Commission.

Sincerely,

Cody and Kristin Cable

The block contains two handwritten signatures in black ink. The top signature is for Cody Cable, and the bottom signature is for Kristin Cable. Both signatures are written in a cursive, flowing style.

BURTON & SWETT

Attorneys

Rod W. Burton, III, Esq.
Thomas M. Swett, Esq.
James D. Wigger, Esq.
Seth A. Nunley, Esq.

47 Main Street
Sutter Creek, CA 95685

Main: 209.267.9217
Fax: 209.992.4077

tom@burtonswett.com

December 15, 2021

RECEIVED

DEC 16 2021

VIA ELECTRONIC & HAND DELIVERY

County of Calaveras Planning Department
Gina Kathan, Interim Director
891 Mountain Ranch Road
San Andreas, California 95249-9709

Calaveras County
Planning Department

**Re: Objection to Application for Zoning Amendment
2021-055 Zoning Amendment for Whiskey Slide Farms
APNs: 016-027-043; -044; & -045**

Dear Ms. Kathan:

This firm has been retained to represent the interests of Craig and Sara Catto in connection with the above-referenced application (the "Project"). The Cattos are the owners of the real property commonly known as Calaveras County Assessor's Parcel No. 016-027-086, which is contiguous to the western boundary of the Project. The Cattos' son and his wife also own the real property that adjoins the Project to the south. Please direct all future correspondence with the Cattos to our attention.

As you know, the Project seeks to amend the County's zoning code, which is a project requiring CEQA review by law. (Pub. Res. Code, § 21080, subd. (a).) It is clear that the project is intended to effect an environmental change with the specific intent to convert the subject land to cannabis cultivation and the implied intent to allow any and all high-intensity agricultural operations allowed by the A-1 zone on the three small legal parcels in the middle of what is otherwise a rural residential area (see Exhibit A). (*Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2019) 7 Cal.5th 1171.)

In addition to expanded cannabis cultivation, the increased potential impacts from a rezone to A-1 include: a dairy farm with up to 200 head of cattle; a hog farm with up to 2,999 animals; a cattle feedlot with 299 head; or a chicken farm with up to 8,999 hens. With a use permit, the landowner could establish a shooting range, an airport, or a landfill. (Calaveras Municipal Code § 17.16.030.) All of these uses would occur approximately 50 to 500 feet from three existing single-family residences that are not owned by the Project proponent.

Therefore, and as evidenced infra, the use of a negative declaration as the project's CEQA document is not appropriate. (*Union of Medical Marijuana Patients, Inc., supra*, 7 Cal.5th

1171.) Instead, a full environmental impact report should be prepared to address the specific impacts of the Project.

With reference to the Project application materials that are currently available to us, we have the following comments for consideration and inclusion in the administrative record for this proceeding:

- The real property sought to be rezoned consists of three legal parcels, two of which are below the parcel size minimum for A-1 zoning. (Calaveras County Code § 17.16.070.) The application should be denied on this basis alone. The parcel size restrictions associated with large-scale commercial agriculture (cannabis or otherwise) serve to protect the residential structures that are commonly present on smaller parcels in the RA zones.
- The application does not disclose the existence of an approximately four-acre pond on the site that was recently expanded to reach its current size. This expansion does not appear to have been done with proper permits, either from the County or the State. There is no indication that the applicant has a water right to impound the additional water or that its dam has been approved by the Department of Dam Safety at its increased capacity. Nor is there any indication as to how the impounded water may be used with respect to the Project.
- With reference to the pond discussed above, a significant abandoned mine shaft was flooded by the recent expansion of the pond's surface area. Flooding of this feature poses a risk to both surface and subsurface water quality and appears to have been done to avoid analyzing the impact of this mine site with respect to the Project. Abandoned mine sites in the California Foothills are commonly associated with heavy metal and arsenic contamination, which must be evaluated here.
- A large amount of earthwork has been done on the subject property in advance of the approval of the Project, again, most likely for the purpose of avoiding proper CEQA review. This is evidenced by the application's assertion that no grading will be required to implement the Project. As such, baseline conditions should be those that existed prior to work being conducted that was not consistent with existing zoning or any valid permit held by the Project's proponent.
- The Project, if rezoned, does not have a legal access easement with respect to Jesus Maria Road to the south. Said easement was never intended to be for the benefit of a commercial cannabis grow.
- High-intensity agricultural uses allowed by the A-1 zoning, and cannabis cultivation in particular, call into question the viability of using a single water well drilled in the fractured-rock aquifers of the foothills to support the Project. Moreover, the impact of the Project and its water use must be studied with respect to the numerous residences in close proximity that rely upon groundwater for domestic use.

- The application does not disclose any archeological resources on the subject real property. However, as discussed above, historic mining activity exists. Moreover, a pioneer and/or prehistoric cemetery exists on the subject property, a structure that was not only undisclosed in the application but was also extirpated by employees of the Project proponent in advance of its application, presumably for the purpose of avoiding CEQA review.
- The application indicates that on-site water courses will not be impacted by the Project, which is inconsistent with publicly available aerial imagery. These images show that the drainages and the on-site pond (an impoundment of a natural drainage) have been engineered as a stormwater retention system for the Project. They may also be intended to be employed for irrigation purposes. As such, the impacts on water quality must be properly evaluated.
- The application does not disclose the three residential structures in close proximity south of the Project. Because of the smaller residential parcels constituting and surrounding the Project, the impacts on neighbors must be properly evaluated and considered by decision makers.
- The application disingenuously asserts that no dust, noise, or *odor* would be associated with the Project. Having a large commercial cannabis grow within 500 feet of three single-family residences will clearly impact those property owners in this regard. As such, the impacts must be properly analyzed.

In conjunction with its pre-application work on site, the Project proponent has attempted to hide the ball with respect to appropriate CEQA review. As a matter of law, a negative declaration (or even a mitigated negative declaration) is not sufficient to support the consideration and approval of a rezone of the subject property. Therefore, a full environmental impact report should be prepared prior to the Project's consideration by the Planning Commission.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Thomas M. Swett', with a stylized flourish at the end.

Thomas M. Swett, Esq.

Enclosure

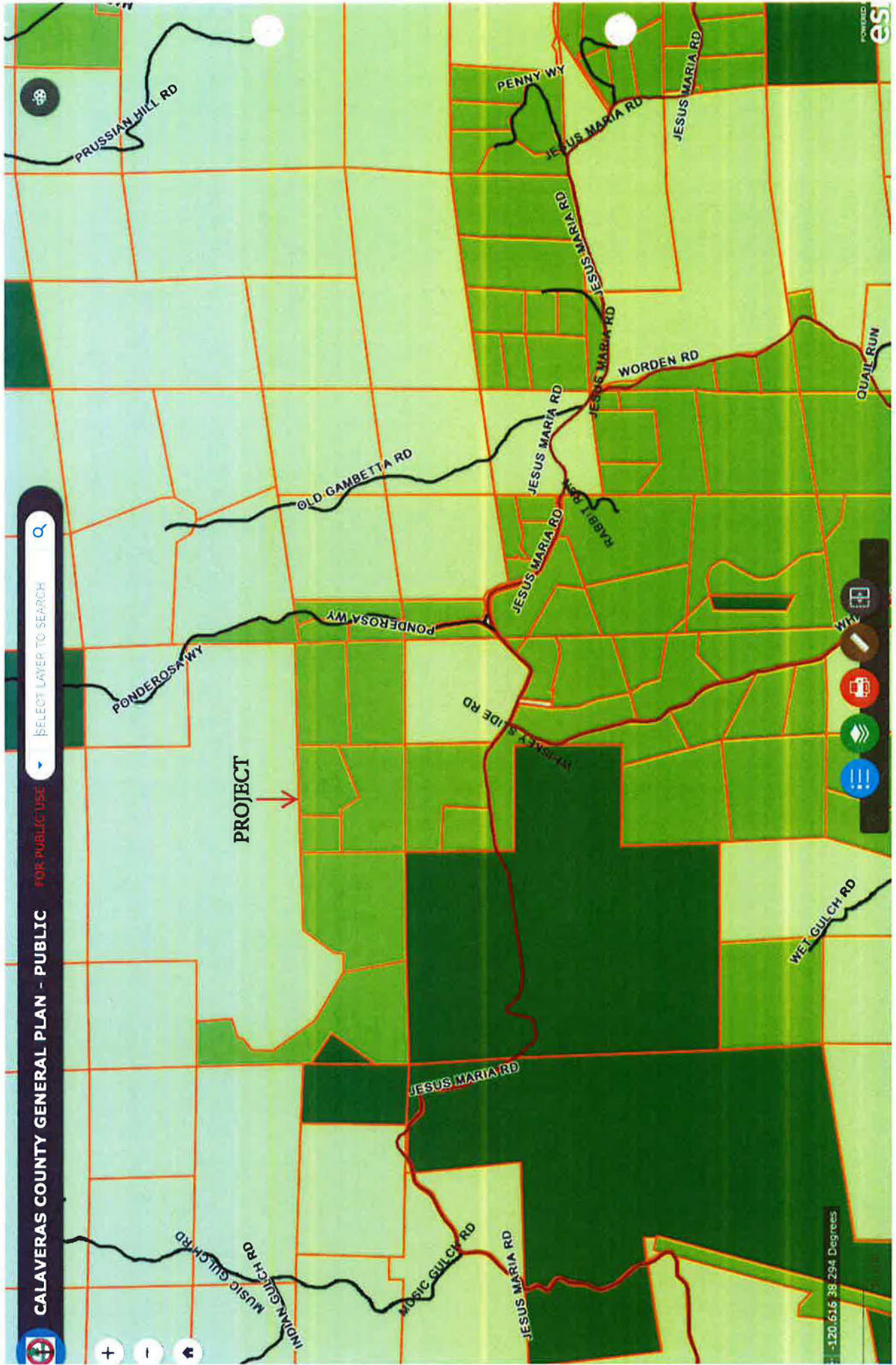


EXHIBIT A

**LETTER REGARDING
DEFACING A
HISTORICAL SITE**

Hello,

I hope you can help in some action being taken against the defacing of a historical burial site. This occurred on my neighbor's property who is in application to expand their commercial marijuana grow with the county of Calaveras County. Cover of the Application attached.

This is in reference to Calaveras County Zoning Amendment 2021-055.

APNs: 016-027-043; -044; -045

County of Calaveras Planning Dep

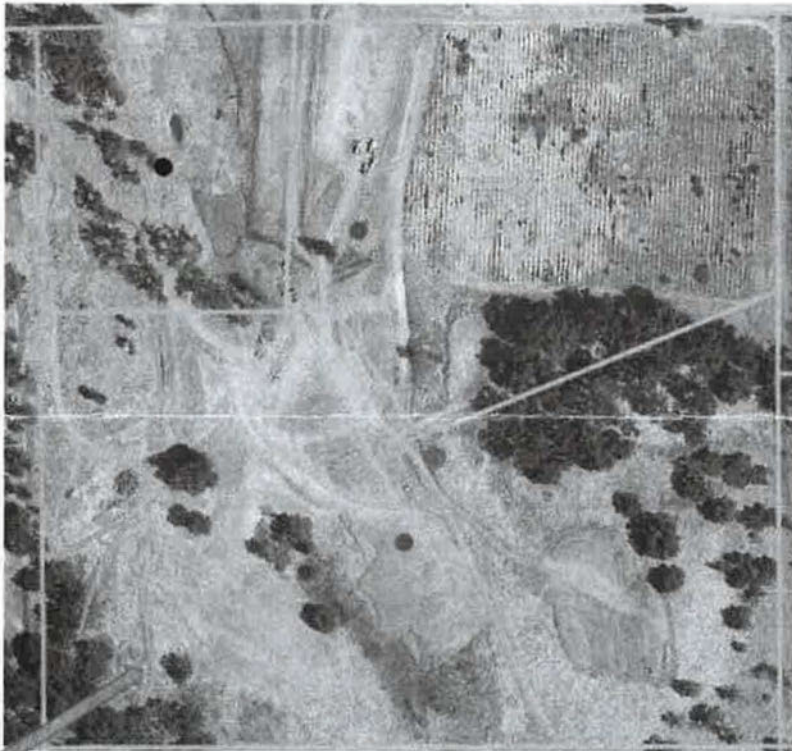
Gina Kathan, Interim Director

891 Mountain Ranch Rd.

San Andreas, CA 95249

During the work done on this property I was astonished to see the owners of Whiskey Slide Farms LLC, (the grow) use their immigrant workers to remove burial rocks that were definitely historical. I have been a resident of the property around this site for 40 years and most all the locals know of this site. It is an area of known Indians and Mines. We can only assume these rocks were removed to not bring up any issues with the owners request to expand their grow with the re-zoning of the property. The owners of the property were required to divulge any and all issues of the property. They obviously maliciously tried to hide this fact about the property by removing the burial rocks and then not divulging the truth on their application. The owners are not residence of Calaveras County.

On the below map points out the location of a historical burial site dating back over 100 years.



During the build of the grow site, Whiskey Slide Farms employees went over to the burial site and removed yards of large rocks that covered this burial site with absolutely no respect for the grave site. They used these rocks for their own landscaping of the grow site.

RECEIVED

JUN 03 2022

**Calaveras County
Planning Department**



Here is the site in question. All that is left is some rock rubble. Before there were rocks that were obviously aged at least 150 years or more. The burial rocks were about 2 feet high in this area.

California Code, Penal Code - PEN § 594.35 Every person is guilty of a crime and punishable by imprisonment pursuant to subdivision (h) of Section 1170 or by imprisonment in a county jail for not exceeding one year, who maliciously does any of the following:

(a) Destroys, cuts, mutilates, effaces, or otherwise injures, tears down, or removes any tomb, monument, memorial, or marker in a cemetery, or any gate, door, fence, wall, post or railing, or any enclosure for the protection of a cemetery or mortuary or any property in a cemetery or mortuary.

I hope that you might be able to help in this. As it seems to be falling in deaf ears with the Calaveras County Supervisors.

Regards,

Craig Catto

craig@cattoprops.com

14929 Jesus Maria Rd.

Mokelumne Hill, CA 95245

209-559-5972



February 25, 2022

Mr. Cary Schirmer
HPG International
350 N. Wiget Lane #210
Walnut Creek, CA 94598

RE: Response to Comment to Calaveras County regarding Cultural Resources Study for the
Rezone of Parcels 016-027-043; 016-027-044; 016-027-045

Dear Mr. Schirmer:

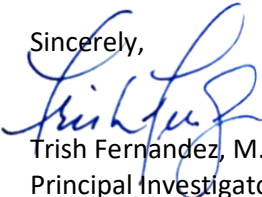
At your request, this letter provides data in response to a comment regarding your proposed project mentioned above to Calaveras County. It is our understanding that the comment states that *"... a pioneer and/or prehistoric cemetery exists on the subject property, a structure that was not only undisclosed in the application but was also extirpated by employees of the Project proponent in advance of its application, presumably for the purpose of avoiding CEQA review."* The commenter provided three aerial views of a rock outcropping they state is the location of the cemetery.

The data provided by the commenter does not coincide with any of the data we have found as a result of conducting a records search at the Central California Information Center, archival research, an intensive pedestrian survey by trained archaeologists, and consultation with the local California Native American Tribe. We are aware of a prehistoric site with a documented burial within one of the above-mentioned parcels, but it is outside the project limits and will not be affected by the project.

Even though the commenter does not meet the definition of an expert under CEQA, we appreciate any information from sources regarding the presence or potential presence of cultural resources. However, the commenter has not provided any substantive data that would indicate we have not conducted a good faith effort to identify cultural resources or that the data they are providing is based in fact.

If the commenter can provide substantive factual data to support their claims, we are happy to review that data in consultation with the local California Native American Tribe whose homelands include the project limits. Please let me know if there is any additional information we can provide to help resolve this matter.

Sincerely,



Trish Fernandez, M.A.
Principal Investigator

LOT MERGER

OWNERS' STATEMENT

THE UNDERSIGNED HEREBY CERTIFY THEY ARE THE OWNERS OF THE REAL PROPERTY SHOWN HEREIN, THAT THEY DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS PARCEL MAP. THERE ARE NO OFFERS OF DEDICATION HEREON.

C. Schirmer
CARY SCHIRMER, MANAGING MEMBER
WHISKEY SLIDE RANCH FAMILY LP
A CALIFORNIA LIMITED PARTNERSHIP
2019 11821

ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF Contra Costa

ON May 17, 2022 BEFORE ME, Thelma Thanh N. Chung NOTARY PUBLIC,
PERSONALLY APPEARED Cary Schirmer
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

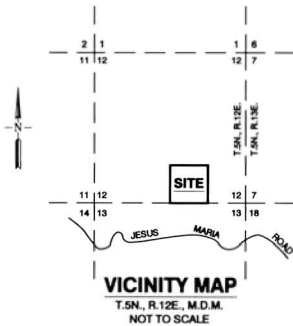
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY'S SIGNATURE Thelma Thanh N. Chung
NOTARY'S PRINTED NAME
Contra Costa
COUNTY OF COMMISSION
2251915
COMMISSION NO.

LEGEND

- RECORD POSITION OF 3/4" X 30" IRON PIN TAGGED R.C.E. 14774 PER () A.
- CALCULATION POINT, NOTHING FOUND OR SET.
- LOT LINES TO BE REMOVED HEREON PER L.L.A. FILE # 2022-4 IN THE CALAVERAS COUNTY SURVEYOR'S OFFICE.
- () A RECORD DATA PER R/S 8-151, CALAVERAS COUNTY RECORDS.
- R/S RECORD OF SURVEY, CALAVERAS COUNTY RECORDS.
- LLA LOT LINE ADJUSTMENT.



PARCEL MAP FOR LOT MERGER

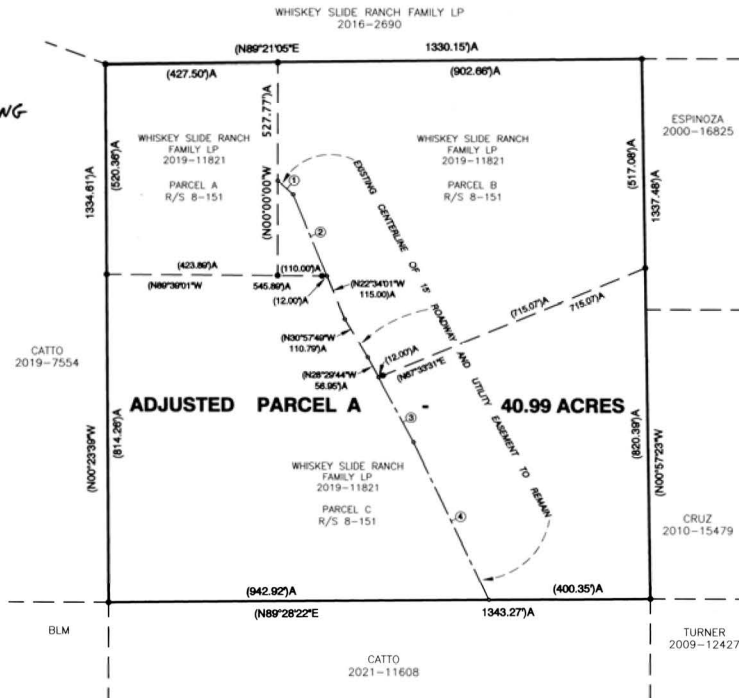
BEING A MERGER OF PARCELS A, B & C OF THAT CERTAIN RECORD OF SURVEY FILED IN BOOK 8 OF RECORD OF SURVEYS AT PAGE 151, CALAVERAS COUNTY RECORDS, LYING WITHIN THE SOUTHEAST 1/4 OF SECTION 12, T.5N., R.12E., M.D.M.

CALAVERAS COUNTY, CALIFORNIA
FEBRUARY, 2022

PREPARED FOR:
WHISKEY SLIDE RANCH FAMILY LP



PREPARED BY:
WGA
394 E. SAINT CHARLES ST.
P.O. BOX 251
SAN ANDREAS, CA 95249
(209) 754-1824



SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME, OR UNDER MY DIRECTION, AND IS BASED UPON RECORD DATA IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF WHISKEY SLIDE RANCH FAMILY LP IN FEBRUARY, 2022. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED L.L.A. # 2022-04, IF ANY.

Robert T. Weber
ROARK T. WEBER R.C.E. 22295
DATE: 5.20.22



COUNTY SURVEYOR'S STATEMENT

I, ROBERT J. PACHINGER, COUNTY SURVEYOR OF CALAVERAS COUNTY, CALIFORNIA, HAVE EXAMINED THIS PARCEL MAP AND HEREBY STATE THAT THIS SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON L.L.A. # 2022-04, AND ANY APPROVED ALTERATIONS THEREOF; AND ALL PROVISIONS OF THE SUBDIVISION MAP ACT, AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL, HAVE BEEN COMPLIED WITH, AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

Robert J. Pachinger
ROBERT J. PACHINGER, P.L.S. 8977
CALAVERAS COUNTY SURVEYOR
DATE: 5/25/2022



RECORDER'S STATEMENT

FILED THIS 27th DAY OF May, 2022 AT 1038 A.M. IN BOOK 14
OF PARCEL MAPS, AT PAGE 44 AT THE REQUEST OF THE CALAVERAS COUNTY SURVEYOR.

DOCUMENT NO. 2022-007091 FEE \$83-
REBECCA TURNER
CALAVERAS COUNTY RECORDER

NOTES

- 1) BEARINGS AND DISTANCES ARE BASED UPON RECORD DATA PER R/S 8-151, CALAVERAS COUNTY RECORDS.
- 2) THIS PARCEL MERGER IS APPROVED PER L.L.A. FILE # 2022-04 IN THE CALAVERAS COUNTY SURVEYOR'S OFFICE.

MISC. DIMENSIONS

- ① (N48°18'32"W 51.06')A
- ② (N22°34'01"W 218.54')A
- ③ (N28°29'44"W 182.00')A
- ④ (N25°36'45"W 433.65')A