



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

**Planning Commission Staff Report**

<b>Hearing Date</b>	March 27, 2025
<b>Project Number/Name</b>	2023-00073 Zoning Amendment
<b>Supervisory District</b>	District 2, Supervisor Andahl
<b>Assessor's Parcel Number(s)</b>	014-010-041
<b>Planner</b>	Ben Diamond, Planner 2

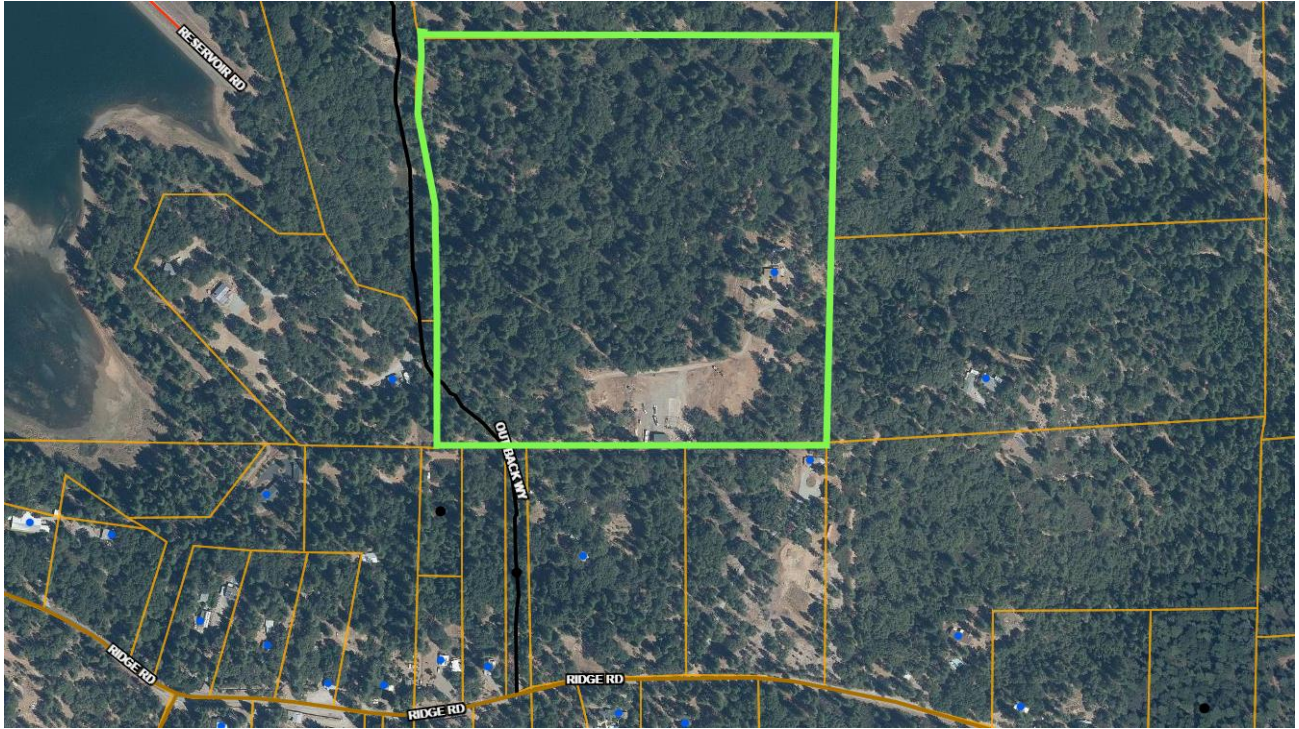
<b>APPLICANT / LANDOWNER</b>	<b>AGENT</b>
Shaman Norcal Properties, Inc. 626 Outback Way Railroad Flat, CA 95248	Val Tarasov 484 Chippendale Dr. #207 Sacramento, CA 95841

**PROJECT DESCRIPTION:** The applicant proposes to amend the zoning of a 40-acre parcel (APN: 014-010-041) in Railroad Flat from Residential Agriculture with a 20-acre minimum (RA-20) to General Agriculture (A1) for the purpose of collocating an additional cannabis cultivation site on the parcel.

**PROJECT LOCATION:** The subject parcel is located at 626 Outback Way in Railroad Flat. The parcel is part of the SW ¼ of the SE ¼ of Section 27, T6R13 of the MDB&M.



**Figure 1: Project Location**



**Figure 2: 2022 County Aerial Image of the Subject Parcel**



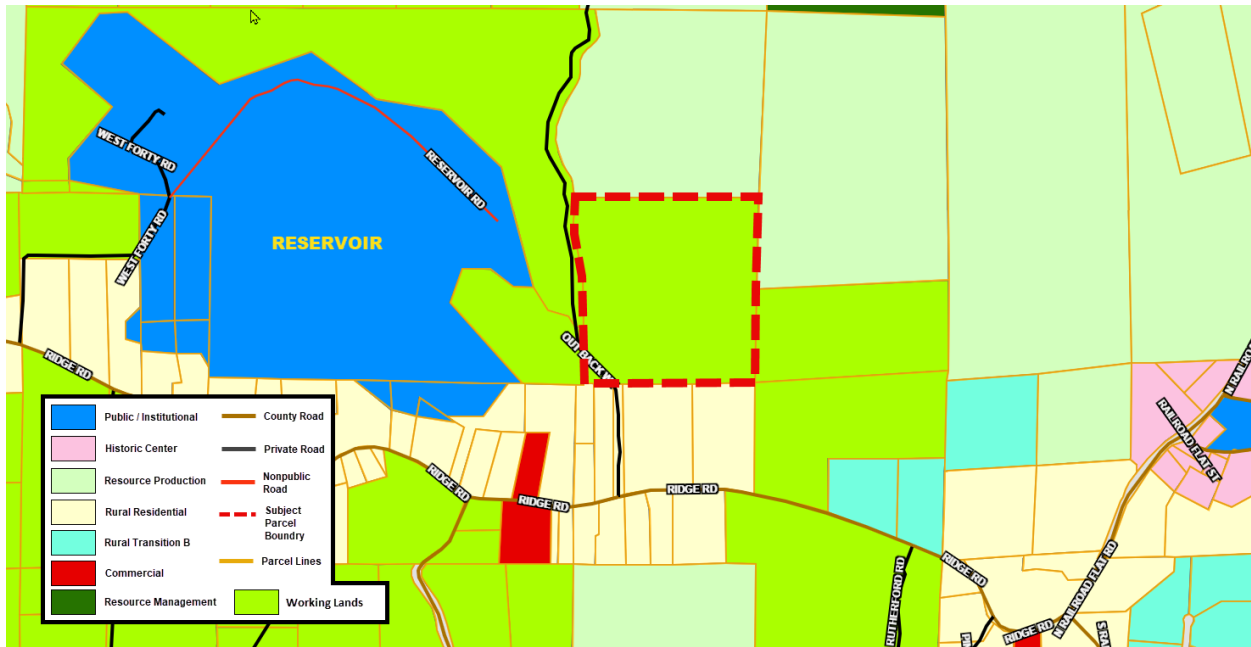
**Figure 3: November 13, 2023, Aerial Image via Google Earth**



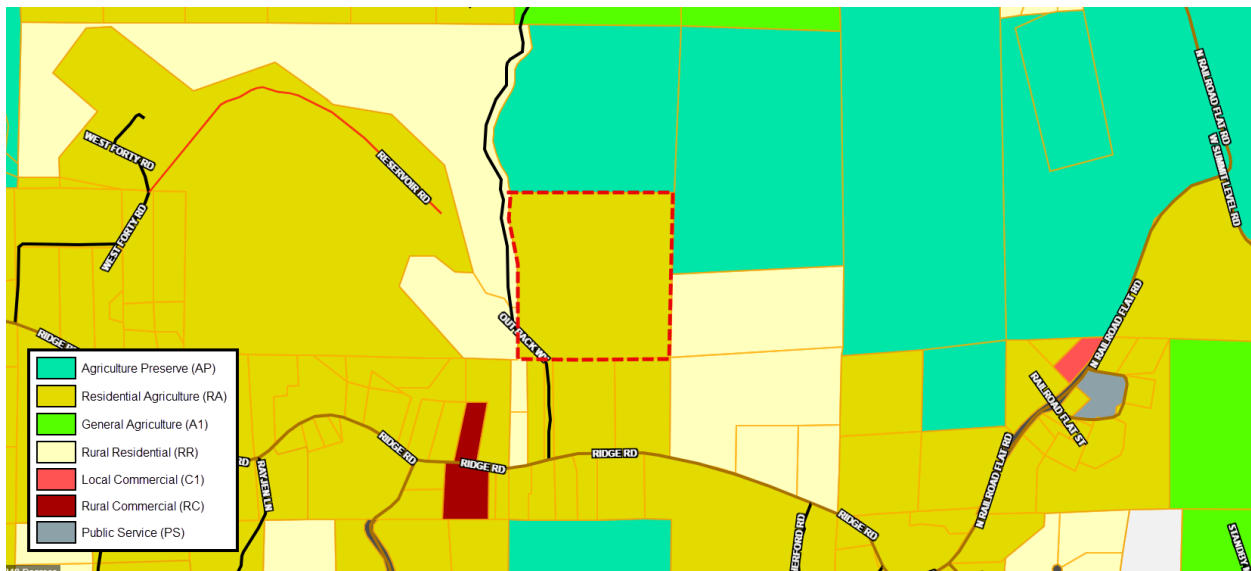
## ADJACENT LAND USES AND ZONING

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

**LAND USE AND ZONING:** The 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 habitats 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 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 rural residential. Land uses surrounding the subject parcel include a mix of residences, ranches, and vacant land on parcels ranging in size from 1 to 75 acres. Compatible zones within the Working Lands designation include General Forestry (GF), Timber Production (TP), General Agriculture (A1), Agriculture Preserve (AP), Rural Residential (RR), Recreation (REC), Public Service (PS), and Highway Service (HS).



**Figure 5: Land Use Designation Map**



**Figure 6: Zoning Districts, RC parcel shown is now zoned C1 following the update to the Zoning Ordinance.**

The subject parcel is zoned Residential Agriculture (RA), which is a district that is intended to have an equal emphasis on residential and agricultural uses. The RA zone provides lands for small-scale and personal-scale farming and ranching, as well as larger residential parcels. All current uses on the subject parcel are permitted uses in the RA zone.

The proposed reclassification is General Agriculture (A1), which is a zone intended for general farming and ranching practices and to identify such uses as the primary uses for the land. It is the purpose of the A1 zone that residential uses be placed in a position of secondary importance when compared to the commercial scale production of food and fiber.

Uses that are 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. 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: 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, Businesses: Lodging – Agricultural Homestay (up to five rooms), Medical Services – Rural Home Doctor Office
- Transportation, Communications, Infrastructure: Heliport, Power Generation (On-site residential or agricultural use)

In some cases, these uses allow for more consumer traffic to the parcel that 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. While the zoning amendment from RA to A1 would allow the applicant to potentially engage in the above listed uses by-right, this zoning amendment is to allow for a single additional commercial cannabis cultivation permit to be collocated on the subject parcel. Commercial cannabis cultivation is subject to the requirements of Chapter 17.18 of the Zoning Code (former 17.95), requires a permit through the County’s Department of Cannabis Control, and requires a state license.

**ENVIRONMENTAL SETTING:** The 40-acre subject parcel currently contains one 2,500 square foot single family residence and a 410 square foot domestic shed near the eastern boundary of the parcel, and an active commercial cannabis cultivation site (Permit No.

DCC21-0027) permitted under Calaveras County Code Chapter 17.18 Regulation of Commercial and Non-Commercial Cannabis Cultivation, which was adopted by the Calaveras County Board of Supervisors on October 22, 2019. Chapter 17.18 was originally adopted as Chapter 17.95; however, the chapter number was changed subsequent to the adoption of the comprehensive update to the County Zoning Ordinance on July 16, 2024. The current cultivation site consists of a 34,000 square foot polycarbonate greenhouse, a 4,000 square foot processing and storage building, a 1,500 square foot storage building with a restroom, and a 2,295 square foot storage and utility building. The cultivation site and residence take access via a roughly 1,000-foot-long driveway off of Outback Way which has been improved to meet the minimum wildfire protection standards pursuant to Public Resources Code Section 4290 (PRC §4290). The cultivation site is enclosed by a 6-foot-tall chain-link fence, and the parcel is served by two septic systems and two commercial wells, with power provided by Pacific Gas and Electric (PG&E). Extensive grading has already been completed in order to establish the existing cultivation site, and the areas surrounding the facilities are surfaced with gravel, and erosion control measures have been installed. The remainder of the parcel to the northwest of the residence and cultivation site is vacant forested land comprised of second-growth Douglas fir-black oak forest. There is one jurisdictional watercourse onsite, an unnamed ephemeral Class III channel that initiates onsite near the center of the parcel and flows northwest before flowing offsite.

**ANALYSIS:** The applicant is requesting approval of a zoning amendment from RA to A1. Pursuant to §17.18.050(D)(2) colocation of commercial cultivation sites is not permitted in the RA zone, but it is permitted on parcels zoned A1, AP, or GF that are over twenty acres in size. The subject parcel is 40-acres in size. Therefore, if approved, this zoning amendment would allow the applicant to apply to collocate a single additional commercial cannabis cultivation site on the parcel. Based on the commercial cannabis cultivation application submitted by the applicant (Application No. DCC24-0036), this second cultivation site is proposed to consist of one roughly 30,000 square foot greenhouse directly to the south of the existing residence on the parcel, and one roughly 10,000 square foot building for vegetation to the east of the existing greenhouse. The vegetation structure is intended to be utilized by both cultivation permits on the property once constructed. The applicant has indicated that the additional proposed cultivation site buildout would begin with the greenhouse south of the residence, and that the building for vegetation would be constructed later, once it is financially feasible to do so. In addition to the greenhouse, development for the proposed second cultivation site also includes a new compost area located between the existing greenhouse and processing building, five 3,000-gallon freshwater storage tanks, and roughly 900 feet of two-inch water line. These improvements will require grading and the removal of trees. No other new development beyond the second commercial cannabis cultivation site is being proposed with this application.

**AGENCIES CONTACTED/RESPONSE:** The project was routed to various County Departments, and State agencies requesting comments relative to the request for ZA. The only comments received during the 30-day review period were memos from the County Public Works Department, the Air Pollution Control District (APCD), and Onsite Wast Water via the County Environmental Management Agency. Public Works had no comment. Onsite

Wastewater had no objection as long as the applicant complete and adhere to the “EMA Review Checklist” – all applicants for commercial cannabis cultivation must complete and adhere to this checklist in order to obtain a cultivation permit through the County Division of Cannabis Control. Likewise, the APCD had no objection to the ZA and included a reminder that the applicant would need to obtain an Authority to Construct Permit through the APCD if the cultivation site intends to install an emergency backup generator that is 50 brake horsepower or larger.

**GENERAL PLAN CONSISTENCY:** The project parcel is designated in the County General Plan as Working Lands. It is currently served by a private well and septic system and the project does not propose any further residential development; therefore, it is 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. Additionally, as a result of mitigation measures BR-1, BR-2, and BR-3, as imposed by the Initial Study/Mitigated Negative Declaration, the project is consistent with General Plan policies COS 3.2 (avoid impacts to habitats) and COS 3.3 (require new development to identify and mitigate impacts to wildlife habitat), and is also consistent with implementation measures COS-4D (Oak Woodlands), and COS-4H (Impacts to Biological Resources) of the Conservation and Open Space element.

Likewise, the project would not create or intensify conflicts between uses on Resource Production lands or adjoining residential uses because the proposed use is a permitted use on all of the surrounding parcels and commercial cultivation sites must meet the setback requirements, and other regulations of Ch. 17.18 of the County Code – which is consistent with policy COS 3.1 (use site planning techniques to protect biological resources) of the General Plan. The project would also not create an island effect wherein Resource Production lands are located between the project site and incompatible land uses because the project does not propose to change the land use designation of the parcel, and the subject parcel is only adjoined by Resource Production designated land on its northern and part of its eastern boundary. Additionally, the project will not reduce or destroy the buffering effect of large parcels adjoining Resource Production lands because the project does not propose to alter the land use designation, size, or any boundaries of the subject parcel. The project will also not hinder timber production, harvesting practices, mineral production, mining practices, agricultural production or practices, access to water, or public roads because amending the zoning to A1 would either maintain or increase the potential for the parcel to be used for those purposes, and neither access to water nor public roads is taken through the subject parcel. Therefore, the project is consistent with General Plan Implementation Measure RP-1B. The subject parcel is not located within a subdivision or a Community Plan area.

**ENVIRONMENTAL REVIEW:** Pursuant to the California Environmental Quality Act (CEQA) Guidelines, County Staff determined that the proposed rezone for the proposed cannabis project may tier off the program Environmental Impact Report (“EIR”) and subsequent Addenda prepared for Chapter 17.18 (formerly Ch. 17.95 prior to the July 16, 2024 update to the Zoning Ordinance), Regulation of Commercial and Non-Commercial Cannabis Cultivation (“Cannabis Ordinance”), which was adopted by the Board of Supervisors on

October 22, 2019 but that a subsequent mitigated negative declaration and additional site-specific mitigation is required. Section 15168(c)(1) of the CEQA guidelines states that if a later activity within the scope of the program EIR would have effects that were not examined that EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration. That later analysis may tier from the program EIR as provided in Section 15162. The Planning Department prepared an Initial Study and determined that none of the factors under Section 15162 that could give rise to a need for a subsequent or supplemental EIR are present, as the site-specific potentially significant impacts of the proposed project can be fully mitigated through the requirements of a Mitigation Monitoring and Reporting Program.

Staff prepared a subsequent Initial Study/Mitigated Negative Declaration (IS/MND) to 1) analyze the extent to which the analysis and mitigation of the program EIR covered the site-specific impacts of the proposed zoning amendment and 2) document that any site-specific potential impacts that were not addressed in the EIR would be reduced to a less than significant level via mitigation. A Biological Resources Assessment (which is also required by the County's General Plan) was prepared for the project which identified potential impacts to special status plant species, trees, and nesting migratory birds. Additionally, the Biological Resources Assessment did not specifically address special-status bat species; however, the biologist that conducted the assessment was contacted and confirmed that no evidence of special-status bat species or suitable habitat was observed on the project site. Potential impacts were reduced to a less than significant level through the Mitigation Monitoring and Reporting program included in the IS/MND. The IS/MND was distributed for a 30-day review period from September 12, 2024, to October 14, 2024.

During the circulation period, letters commenting on the IS/MND were received from Caltrans, the Central Valley Regional Water Quality Control Board (CVRWQCB), the East Bay Municipal Utility District (EBMUD), the Department of Cannabis Control, and two comments from neighboring landowners. Both of the comments received from adjacent landowners were in opposition to the project. The October 8, 2024, letter from the property owner directly west of the subject parcel objected to the potential collocation of an additional cultivation site on the subject parcel, citing a potential exacerbation of issues that they have with the existing cultivation site on the subject parcel such as an increase in traffic, large trucks potentially damaging the road, and trash being left by vehicles waiting to enter the cultivation site. It is unclear where the second commenting landowner is located relative to the subject parcel as they did not provide their address. They opposed the potential collocating of an additional cultivation site on the subject parcel, claiming that the existing cultivation site has diminished their quality of life and property values due to noise, fumes, and being able to see the existing operation, and that any collocating would exacerbate these issues. The Board of Supervisors made findings of overriding consideration regarding a potential increase in traffic as well as objectionable odors resulting from commercial cannabis cultivation, and the addition of a single collocated cannabis site on this one parcel will not significantly worsen these impacts within the meaning of CEQA. Additionally, the proposed second cultivation site is to be located entirely within a greenhouse and setback over 150 feet from the property boundary, which

should further serve to help reduce nuisance impacts.

Additionally, the comment letter received from Caltrans indicated that the project would not have an impact on the nearest State Highway, State Route 26, and the letter from the CVRWQCB only provided their regulatory setting, standard comments that did not specifically apply to the project. EBMUD's comments requested a description of the annual, monthly, and peak water demand for the existing cultivation site and the proposed second cultivation site – a comprehensive list of all water sources for the existing and proposed cultivation site – and the number of wells proposed to be drilled for the proposed second site. The well test for commercial cannabis cultivation sites that are served by one or more wells required by Ch. 17.18 is a pump test to confirm that the well, or wells, are adequate to provide water to the cultivation site, and only requests an estimate of the cultivation site's daily water usage between the months of August to October. Likewise, the parcel is currently served by two wells, and the applicant did not indicate that they intend to construct any additional wells at this time. The final comment letter received was from the California Department of Cannabis Control. Their general comments suggested including acknowledgement of the department's regulations, and that the applicant will have to obtain a license, or licenses, from the Department of Cannabis control in order to operate the proposed second cultivation site. The applicant is already required to obtain or modify their local permit and state license and comply with their regulations in order to have their second cultivation site properly authorized under Ch. 17.18, and the State's licensing requirements are already contemplated by the EIR and Addendum that were certified with the adoption of the County's cannabis cultivation regulations. The letter further recommended that the ISMND include discussion of cumulative impacts of cannabis cultivation in the County, as well as specific comments on each section of the ISMND that recommended including statutory requirements as mitigation measures or just generally recommended that those sections be addressed in the document. However, it is not necessary to include statutory requirements as mitigation measures as the applicant must already comply with them, and the EIR and Addendum certified with the adoption of Ch. 17.18 discuss the cumulative impacts of cannabis cultivation in the county as well as other potential impacts and this project is within the scope of those documents. Therefore, the comments received do not change the conclusions of the ISMND.

Cannabis cultivation is permitted in both the current RA zone as well as the requested A1 zone, therefore cultivation at this location was contemplated as a part of the EIR; the applicant is seeking the A1 zoning only to be able to collocate a single additional cultivation permit on the 40-acre parcel. Collocation of multiple cultivation permits is not permitted in the RA zone, but collocation is allowed in the A1 zone – which requires larger parcel sizes and less residential density. The size, land use designation, and location of the subject parcel are conducive to commercial agricultural uses such as cannabis cultivation, and the applicant is not proposing a new land use.

The County's cannabis ordinance, Ch. 17.18, limits the total number of commercial cannabis cultivation sites within the county without specifically identifying locations on which they may occur. Furthermore, it specifically authorized the potential rezoning of parcels to accommodate the relocation or reactivation of cultivation sites. The zoning

amendment is intended to allow the applicant to apply for an additional cannabis cultivation permit to be collocated on the parcel under Chapter 17.18, and all the requirements and limitations of that ordinance will apply to the applicant – including the parcel size, acreage, and setback requirements for collocated commercial cannabis cultivation sites. The mitigation measures identified in the EIR, and addendum were incorporated into the operating restrictions and other provisions of Ch. 17.18, and any new commercial cannabis cultivation permit application must comply with those provisions. Pursuant to Guideline 15168(c)(1), the fact that additional site-specific mitigation is necessary does not preclude relying on the program EIR for all project impacts already analyzed in that document.

Both the EIR and the IS/MND acknowledge that odor, a long-term increase in traffic, and degradation or removal of sensitive natural communities were deemed significant and unavoidable impacts in the EIR for which findings of overriding consideration were made by the Board of Supervisors. Collocating an additional cultivation site on the parcel would not exceed the traffic impacts analyzed by the EIR as a result of economies of scale – as the vehicle trips necessary for two cultivation sites could be consolidated. Likewise, the second cultivation permit proposed to be collocated on the subject parcel will be contained within poly carbonate greenhouses and will be required to comply with the 150-foot setback requirements of Ch. 17.18, therefore ensuring that the odor impact resulting from the project does not exceed the impacts analyzed in the EIR. Furthermore, the Mitigation Monitoring and Reporting Program imposed by the subsequent IS/MND mitigates site-specific potential impacts to special-status plant species, native trees, and nesting birds. These mitigation measures paired with the requirement that all cultivators must enroll as waste dischargers under the State Water Resources Control Board, ensures compliance with standards for protection of wildlife and other biological resources therefore reducing all potential impacts to biological resources resulting from the project to a less than significant level.

Additionally, all applicants under this chapter must demonstrate that they possess a “right-to-apply” to the program. Pursuant to section 17.18.050(D)(1), the right-to-apply consists of demonstrating that the applicant timely applied for a commercial cultivation registration under the May 10, 2016, version of Ch. 17.18 and did not withdraw or have that application denied or revoked by the County, and that they applied for a temporary cultivation license from the State by Jun 7, 2018 and did not have the temporary license suspended or revoked by the state. If an applicant does not meet those conditions, their only other option is to obtain an existing right-to-apply by having it transferred to them by an individual or entity that does. Likewise, the right-to-apply can be used to apply for a cultivation permit on any eligible piece of land in the county (§17.18.070(A)(4)(a)). Therefore, cultivation sites approved under Ch. 17.18 could not exceed the total canopy amount studied under the EIR because any right to cultivate cannabis under the current Ch. 17.18 (including the right to collocate a second cannabis site on a parcel) must derive from a registered cultivation site that was approved, or was in otherwise good standing, under the previous version of this chapter in that was in place when the EIR was certified. The rights to apply can only be utilized if the original registered grower was in compliance with the program in place at that time and applied for a state license. Therefore, the addition of this collocated site pursuant to the requested zoning amendment does not in any way add to the amount of cannabis

canopy assumed in the EIR, which assumed the potential development of several hundred more cannabis grow sites in the County than currently exist or can exist under Ch. 17.18.

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

Ch. 17.18 of the Calaveras County Code allows for outdoor, mixed-light, and indoor cannabis cultivation and processing in the A1, AP, GF, U, and RA zones. Indoor cultivation is also permitted in the M1, M2, M4, and – in conjunction with a cannabis retail operation – CP zones. Ch. 17.18 also allows for cannabis testing laboratories in the M1, M2, and M4 zones, and distribution facilities in the M1, M2, M4 zones, and – when limited to one’s own cannabis under a commercial cannabis cultivation permit – in the A1, AP, GF, U, RA, and CP zones. Cannabis distribution requires either a conditional use permit (CUP) or administrative use permit (AUP) when proposed in the M1 or M2 and M4 zones respectively; however, commercial cannabis cultivation permits under Ch. 17.18 are reviewed through a ministerial approval process for premises proposed in the A1, AP, GF, and U zones as long as the parcel is at least twenty acres in size. Premises proposed in those zones on parcels under twenty acres must obtain a CUP in addition to the ministerial cannabis cultivation permit. Additionally, Calaveras County Code Section 17.18.010.B allows qualified cannabis cultivation permit applicants “...to either apply for compatible zoning designations for their parcels, relocate to available parcels with compatible zoning, or transfer their permit or right to apply for their permit to another qualified person or entity with an eligible and compliant site.”

A program EIR and Addendum were prepared for the amendment to Ch. 17.18, and they were adopted and approved by the Board of Supervisors on October 22, 2019, in conjunction with the amendment to the ordinance. These documents as well as the subsequent addenda are available for review at: <https://cannabis.calaverasgov.us/CEQA>, and at the Planning Department located at 891 Mountain Ranch Road, San Andreas, CA 95249, and are incorporated by reference. Potentially significant impacts of commercial cannabis cultivation were identified and studied in the EIR and Addendum. These impacts were either fully mitigated through the inclusion of various regulatory requirements in the ordinance amendment or were found to be significant and unavoidable. Impacts deemed to be significant and unavoidable were:

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

Other than the impacts above, all impacts analyzed in the EIR and Addendum were found to be less than significant. Pursuant to CEQA, the County made findings of overriding consideration when the Cannabis Ordinance was adopted, finding that those impacts would be acceptable in light of the benefits of the project. The site-specific impacts analyzed in the MND will not significantly worsen any of these impacts. Impacts to biological resources were reduced to a level less than significant by implementing the mitigation measures identified in the MND—Impacts to transportation would not increase above the levels analyzed in the EIR

and Addendum because collocating an additional cultivation site on the parcel would reduce the number of trips by employing economies of scale—and Impacts to air quality would remain significant and unavoidable but below the levels analyzed in the EIR as the number of cultivation sites allowed under the adopted ordinance is less than the number of cultivation sites that were contemplated by the EIR.

Section 15168(c)(1) and (d) of the CEQA Guidelines provides that a later discretionary approval following a program EIR that analyzed the impacts of that activity on a larger scale can be approved using a subsequent negative declaration that is limited to an analysis of any additional (e.g. site-specific) impacts that were not addressed in the EIR, so long as these additional impacts can be reduced to a level of insignificance with mitigation imposed. 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, 1) 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, and 2) the IS/ND appropriately focused on mitigating only those additional site-specific impacts that were not examined in the program EIR.

**CONCLUSION:** The project to amend the zoning to allow the applicant the ability to collocate an additional cannabis cultivation site on the subject parcel is consistent with Chapter 17.18 of the County Zoning Ordinance and the current General Plan. Additionally, the subject parcel is not within a subdivision or located within a community plan area, and the parcel meets the minimum requirements for A1 zoned land. As discussed above, the proposed zoning amendment is consistent with the County’s existing ordinances and requirements governing zoning amendments, and all required findings for the zoning amendment can be made. The zoning amendment is a later activity within the scope of the EIR, and Addendum prepared for Ch. 17.18 and any additional site-specific impacts have been reduced to a level that is less than significant through the MND prepared for this project.

**RECOMMENDATION:** Staff recommends that the Planning Commission take the following actions:

1. Adopt Planning Commission Resolution 2025-0005, recommending that the Board of Supervisors adopt the Subsequent Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program; and approve the Zoning Amendment of APN 014-010-041 from RA-20 (Residential Agriculture – 20-acre minimum) to A1 (General Agriculture).

**ATTACHMENTS:**

1. Initial Study and Subsequent Mitigated Negative Declaration
2. Planning Commission Resolution 2025-0005
3. Comments Received

**Attachment 1**  
**Initial Study**  
**&**  
**Mitigated Negative**  
**Declaration**



# **County of Calaveras Department of Planning**

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

# **Initial Study ENVIRONMENTAL CHECKLIST**

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

1. Project Title: 2023-00073 – Zoning Amendment for Shaman Nor Cal Properties Inc.
2. Lead Agency Name and Address: Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249
3. Contact Person and Phone Number: Ben Diamond, Department Analyst  
[bdiamond@calaverascounty.gov](mailto:bdiamond@calaverascounty.gov)  
209-754-6394
4. Project Location: 626 Outback Way, Railroad Flat, CA 95248, APN: 014-010-041 is 40 acres in the SW ¼ of SE ¼ of Section 27 T6R13 of the MDB&M
5. Project Sponsor’s Name and Address: Val Tarasov  
484 Chippendale DR. #207  
Sacramento, CA 95841
6. General Plan Designation: Working Lands (WL)
7. Zoning: Residential Agriculture (RA)
8. Project Description: The applicant proposes to amend the zoning of a 40-acre parcel (APN: 014-010-041) in Railroad Flat from Residential Agriculture (RA) to General Agriculture (A1) for the purpose of collocating an additional cannabis cultivation site on the parcel.
9. Surrounding land uses and setting:

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

10. Other public agencies whose approval is required: The Calaveras County Division of Cannabis Control, California Department of Cannabis Control
11. Have California Native American Tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code §21080.3.1?

YES or **NO**

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION (To be completed by Lead Agency):**

On the basis of this initial evaluation:

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

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

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

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

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



Ben Diamond  
Department Analyst



Date

## EVALUATION OF ENVIRONMENTAL IMPACTS

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

## **Environmental Impact Analysis:**

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

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

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

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

Ministerial cannabis cultivation permits under Ch. 17.18 of the Calaveras County Code are subject to the standards, restrictions, and regulations described in that ordinance. While the applicant is proposing to use the parcel for commercial cannabis cultivation, the zoning amendment would result in the potential for any of the above mentioned uses on the parcel. Therefore, all environmental impacts on the subject parcel will be evaluated with regards to these standards, and in relation to the permitted uses in the RA zone. As discussed below, to the extent the cannabis

related potential impacts of the project are within the scope of the environmental impact report and subsequent addenda prepared for Ch. 17.18, this study will refer to and rely on the analysis in those documents.

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

Ch. 17.18 of the Calaveras County Code allows for outdoor, mixed-light, and indoor cannabis cultivation and processing in the A1, AP, GF, U, and RA zones. Indoor cultivation is also permitted in the M1, M2, M4, and – in conjunction with a cannabis retail operation – CP zones. Ch. 17.18 also allows for cannabis testing laboratories in the M1, M2, and M4 zones, and distribution facilities in the M1, M2, M4 zones, and – when limited to one’s own cannabis in conjunction with a commercial cannabis cultivation permit – in the A1, AP, GF, U, RA, and CP zones. Cannabis distribution requires either a conditional use permit (CUP) or administrative use permit (AUP) when proposed in the M1 or M2 and M4 zones respectively; however, commercial cannabis cultivation permits under Ch. 17.18 are reviewed through a ministerial approval process for premises proposed in the A1, AP, GF, and U zones as long as the parcel is at least twenty acres in size. Premises proposed in those zones on parcels under twenty acres must obtain a CUP in addition to the ministerial cannabis cultivation permit. Additionally, Calaveras County Code Section 17.18.010.B allows qualified cannabis cultivation permit applicants “...to either apply for compatible zoning designations for their parcels, relocate to available parcels with compatible zoning, or transfer their permit or right to apply for their permit to another qualified person or entity with an eligible and compliant site.”

A program EIR and Addendum were prepared for the amendment to Ch. 17.18, and they were adopted and approved by the Board of Supervisors on October 22, 2019, in conjunction with the amendment to the ordinance. These documents as well as the subsequent addenda are available for review at: <https://cannabis.calaverasgov.us/CEQA/Cannabis-Ord-DEIR>, and at the Planning Department located at 891 Mountain Ranch Road, San Andreas, CA 95249, and are incorporated by reference. Potentially significant impacts of commercial cannabis cultivation were identified and studied in the EIR and Addendum. These impacts were either fully mitigated through the inclusion of various regulatory requirements in the ordinance amendment or were found to be significant and unavoidable. Impacts deemed to be significant and unavoidable were:

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

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

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

Study/Negative Declaration (IS/ND) appropriately relied on the analysis in the EIR and Addendum for the Cannabis Ordinance for consideration of impacts associated with cannabis cultivation that would be permitted as a result of this zoning amendment.

The CEQA guidelines suggest that when a site-specific later action is taken that relies on a program EIR, a checklist or similar device should be used to document that the environmental effects are within the scope of the EIR. Staff therefore modeled the below discussion on the checklist contained in the initial study. The applicant has indicated that the purpose of the zoning amendment is to collocate an additional cannabis cultivation site on the subject parcel. The mitigation measures identified in the EIR and Addendum were incorporated into the operating restrictions and other provisions of Ch. 17.18. Any commercial cannabis cultivation in the County must comply with those restrictions and provisions. The following analysis addresses compliance with the mitigation measures identified in the EIR and Addendum. No further discussion is provided where the EIR and Addendum found that there would be no impact or less than significant impact from adoption of the ordinance. When a box is checked this mark represents the preparer's analysis of all potential impacts – both cannabis-related and non-cannabis-related – that fall outside the scope of what was already analyzed in the Chapter 17.18 EIR and Addendum.



**Figure 1: Project Location**



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



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



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



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



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

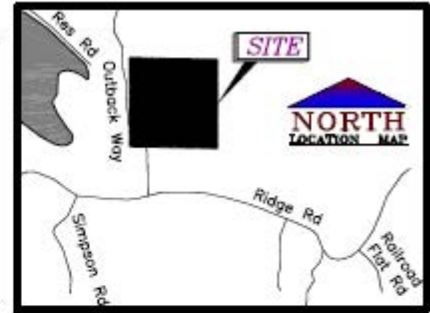


**LEGAL DESCRIPTION:**

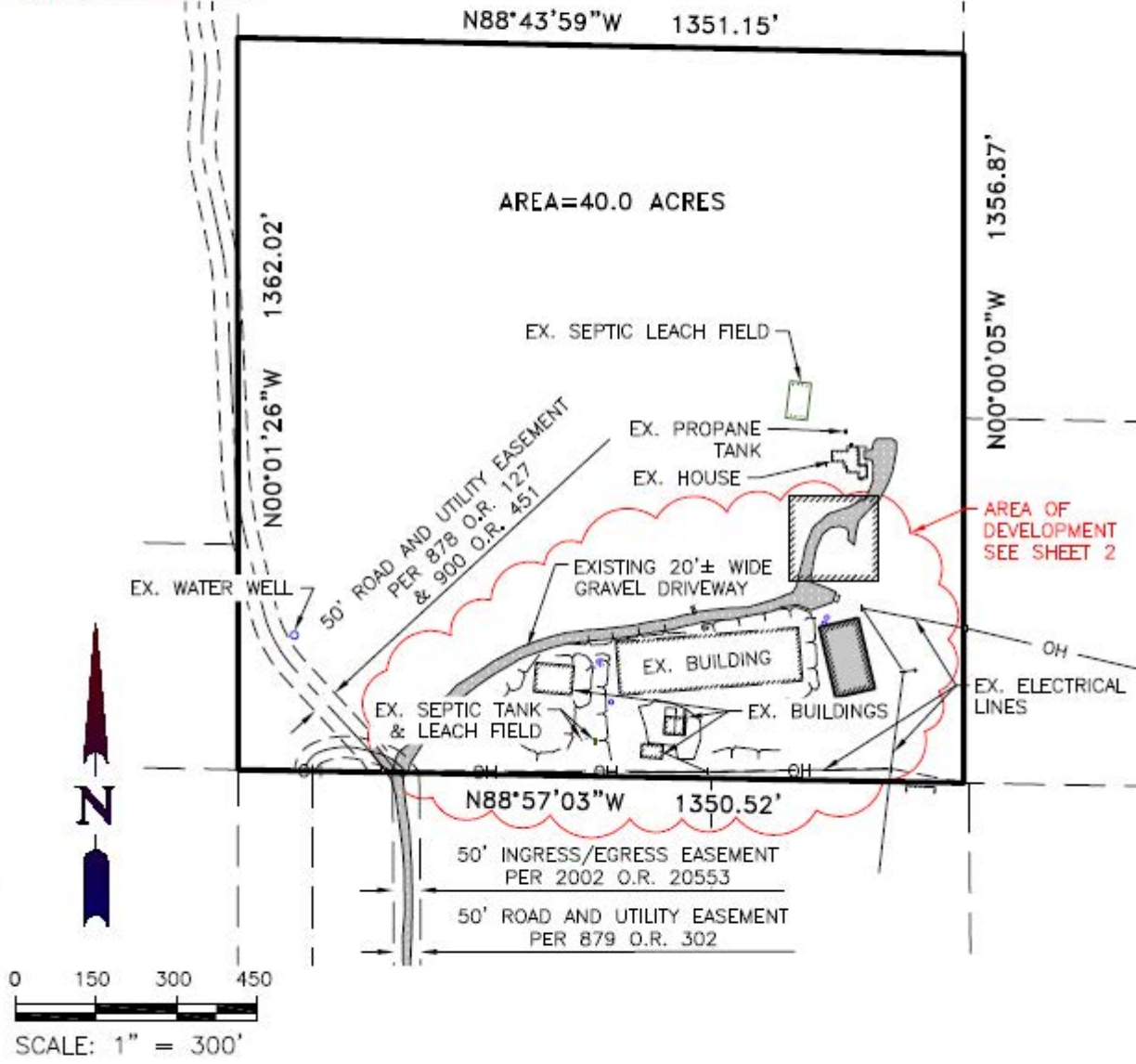
THE SOUTHWEST 1/4 OF THE  
SOUTHEAST 1/4 OF SECTION 27, T6N,  
R13E, M.D.B.&M.

**BOUNDARY NOTE:**

BOUNDARY SHOWN ON THIS EXHIBIT IS  
DRAWN PER DIMENSIONS AND  
BEARINGS FROM 7 PM 113.



DATE: 05-10-2024



**TOP ENGINEERING INC.**  
CIVIL ENGINEERING, LAND SURVEYING  
PLANNING, GENERAL ENGINEERING CONSTRUCTION  
PHONE: (916) 342-3657  
main@topcivileng.com

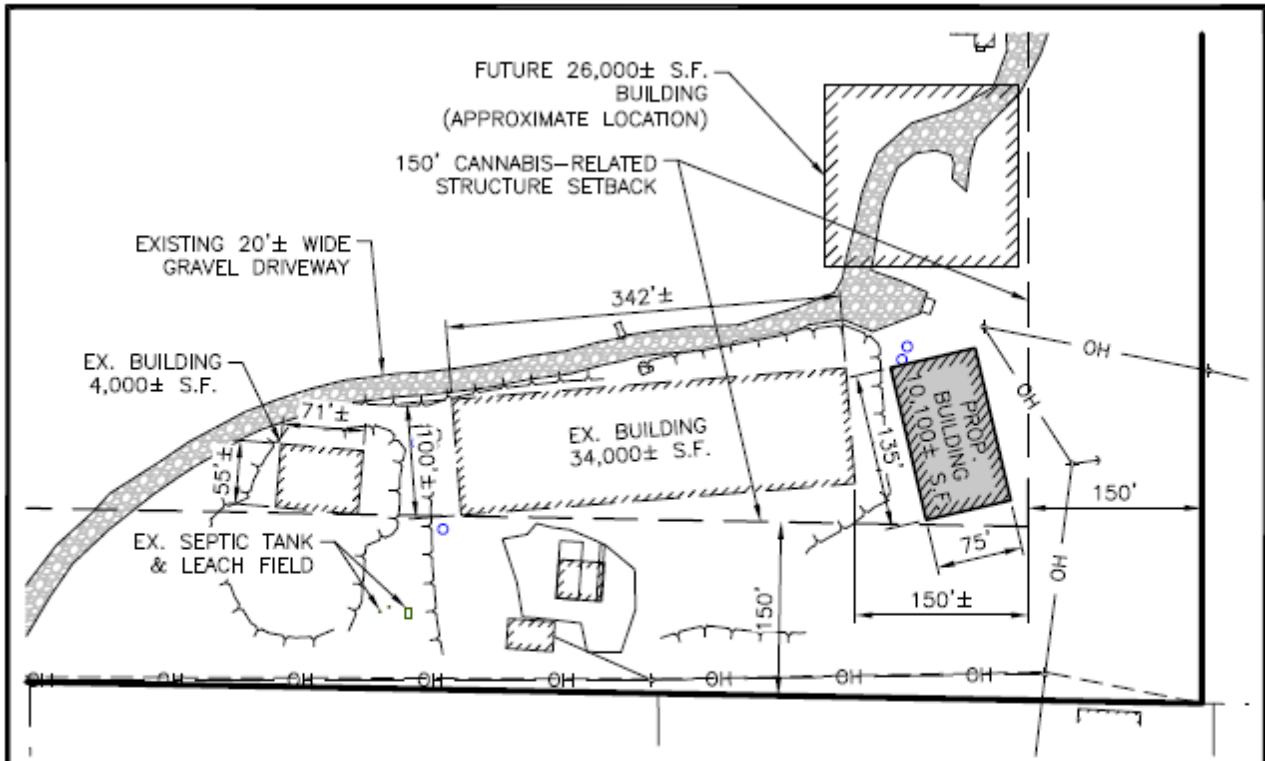
**DEVELOPMENT PLAN:**  
626 OUTBACK WAY  
ZONING AMENDMENT APPLICATION

SCALE:  
1"= 300'

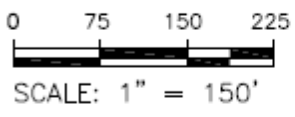
DATE:  
05-10-24

SHEET  
1 OF 2

Figure 7: Development Plan for ZA 2023-00073 (Sheet 1)



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



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

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



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



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

# I. AESTHETICS

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

## Program EIR and Addendum for Ch. 17.18

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

# II. AGRICULTURE AND FORESTRY RESOURCES

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

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

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

Would the project:

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

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

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

**III. AIR QUALITY**

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

Would the project:

- |   | <u>POTENTIALLY<br/>SIGNIFICANT<br/>IMPACT</u> | <u>LESS THAN<br/>SIGNIFICANT<br/>IMPACT<br/>WITH<br/>MITIGATION</u> | <u>LESS THAN<br/>SIGNIFICANT<br/>IMPACT</u> | <u>NO<br/>IMPACT</u>                |
|---|---|---|---|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/>                      | <input type="checkbox"/>  | <input type="checkbox"/>                    | <input checked="" type="checkbox"/> |

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

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

The EIR and Addendum for Ch. 17.18 discuss the potential for cannabis cultivation to generate objectionable odors. The cultivation and processing of cannabis generates odors associated with the plant itself, which during maturation can produce substantial odors. Setbacks are required by Ch. 17.18; however, they do not preclude the generation of odorous emissions in such quantities as to cause detriment, nuisance, or annoyance to a substantial number of people. This was determined to be a significant impact. Findings of overriding consideration were made by the Board of Supervisors when it certified the EIR, approved the addendum, and adopted the ordinance.

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

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

The effects of pollutants and similar emissions such as greenhouse gasses (GHG's) generated by cannabis activities that could impact air quality were also analyzed in the EIR and Addendum. These impacts were found to be less than significant due to Ch. 17.18 restricting the number of cultivation sites in the County and by requiring GHG offsets for cultivation permits. The additional cultivation site is subject to these restriction and requirements; therefore, the project is within the scope of the EIR and Addendum.

## IV. BIOLOGICAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Program EIR and Addendum Ch. 17.18

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

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

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

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

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

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

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

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

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

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

## V. CULTURAL RESOURCES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Program EIR and Addendum for Ch. 17.18

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

## VI. ENERGY

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

### Program EIR and Addendum for Ch. 17.18

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

## VII. GEOLOGY AND SOILS

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

result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

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

**VIII. GREENHOUSE GAS EMISSIONS**

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

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

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

# IX. HAZARDS AND HAZARDOUS MATERIALS

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Program EIR and Addendum for Ch. 17.18

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

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

## X. HYDROLOGY AND WATER QUALITY

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Program EIR and Addendum for Ch. 17.18

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

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

**XI. LAND USE AND PLANNING**

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

**DISCUSSION**

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

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

## XII. MINERAL RESOURCES

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

### Program EIR and Addendum for Ch. 17.18

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

## XII. NOISE

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

### Program EIR and Addendum for Ch. 17.18

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

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

## XIV. POPULATION AND HOUSING

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

### Program EIR and Addendum for Ch. 17.18

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

## XV. PUBLIC SERVICES

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

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

**XVI. RECREATION**

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

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

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

**XVII. TRANSPORTATION**

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

including transit, roadway, bicycle, and pedestrian facilities?

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| b) Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Result in inadequate emergency access?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

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

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

**XVIII. TRIBAL CULTURAL RESOURCES**

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

- |  | <u>POTENTIALLY SIGNIFICANT IMPACT</u> | <u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u> | <u>LESS THAN SIGNIFICANT IMPACT</u> | <u>NO IMPACT</u>                    |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or             | <input type="checkbox"/>              | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section | <input type="checkbox"/>              | <input type="checkbox"/>                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

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

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

**XIX. UTILITIES AND SERVICE SYSTEMS**

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

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

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

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

**XX. WILDFIRE**

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

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

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

# XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	<u>POTENTIALLY SIGNIFICANT IMPACT</u>	<u>LESS THAN SIGNIFICANT IMPACT WITH MITIGATION</u>	<u>LESS THAN SIGNIFICANT IMPACT</u>	<u>NO IMPACT</u>
a) Does the project have the potential to Substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## DISCUSSION

- a. Less than Significant Impact** – Through the use of best management practices and compliance with established County code and state requirements, the project does not have the potential to significantly degrade the quality of the environment, significantly reduce habitat, or threaten or eliminate plant and/or animal communities, except as identified in the Program EIR and for which findings of overriding considerations were made. Amending the zoning of the parcel from RA to A1 increases the emphasis on additional agricultural uses and preserves open space necessary for plants and animals to live.
- b. Less than Significant Impact** – The subject parcel is designated as Working Lands and is located in a rural portion of the County. Amending the zoning to A1 would not create a cumulative impact to any of the items discussed in this checklist. The project is consistent with the General Plan and Zoning Code. The impacts associated with this project are minor in nature or in compliance with County standards, and do not trip established thresholds or create significant and unavoidable impacts, except as identified in the Chapter 17.18 Program EIR and for which findings of overriding considerations were made.
- c. Less than Significant Impact** – The analysis of environmental issues contained in this Initial Study indicate that the project is not expected to have substantial adverse effects on human beings, either directly or indirectly, except as identified in the Chapter 17.18 Program EIR and

for which findings of overriding considerations were made. Best management practices and compliance with standard regulations will reduce any impacts to a level of less than significant.

## REFERENCES

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

**Attachment 1A  
Mitigated Negative  
Declaration**

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

**MITIGATED NEGATIVE DECLARATION**

**PROJECT NUMBER:** 2023-00073

**PROJECT TITLE:** Zoning Amendment for Shaman Norcal Properties Inc.

**APPLICANT/LANDOWNER:** Shaman Norcal Properties Inc.  
626 Outback Way  
Railroad Flat

**PROJECT DESCRIPTION:** The application proposes to amend the zoning of a 40-acre parcel, from Residential Agriculture 20-acre minimum (RA-20) to General Agriculture (A1) for the purpose of being able to apply to collocate an additional commercial cannabis cultivation site on the subject parcel.

**PROJECT LOCATION:** The subject parcel is located at 626 Outback Way in Railroad Flat. The parcel is located in the SW ¼ of the SE ¼ of Section 27, T6R13 of the MDB&M.

**GENERAL PLAN LAND USE DESIGNATION:** Working Lands

**ZONING DESIGNATION (Current, Requested):** Residential Agriculture Twenty Acre Minimum (RA-20), General Agriculture (A1)

**FINDING FOR MITIGATED NEGATIVE DECLARATION:**

1. Revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed Mitigated Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur.
2. On the basis of the whole record including the Initial Study and comments received, there is not substantial evidence in the public record that the project may cause a significant effect upon the environment and the Mitigated Negative Declaration reflects the Lead Agency's independent judgment and analysis.

**EVIDENCE:**

Pursuant to California Environmental Quality Act (CEQA) guidelines, County staff provided review and concurrence with the Initial Study evaluating the potential environmental effects of the project. The Initial Study identified potentially significant adverse effects under Biological Resources. Mitigation measures were incorporated into the Initial Study, which mitigated the potentially significant impacts to less than significant and a Mitigated Negative Declaration was prepared. The Initial Study/Mitigated Negative Declaration was distributed for a 30-day review and comment period between September 12, 2024, to October 14, 2024. Comment letters were received from Caltrans, the Central Valley Regional Water Quality Control Board,

the East Bay Municipal Utility District, the Department of Cannabis Control, and two adjacent property owners. These letters either had no comment, standard comments that did not specifically apply to the project or raised issues that have already been addressed by the EIR and Addendum that were certified with the adoption of Ch. 17.18 and therefore do not change the conclusions of the ISMND. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure compliance during project implementation.

**MITIGATION MEASURES FROM ENVIRONMENTAL DOCUMENT:**

**MITIGATION MEASURE BR-1**

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

**MITIGATION MEASURE BR-2**

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

**MITIGATION MEASURE BR-3**

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

PREPARED BY: Ben Diamond  
Ben Diamond, Planner II

APPROVED BY PLANNING COMMISSION

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

**Attachment 1B  
Comments  
Received**

## California Department of Transportation

OFFICE OF THE DISTRICT 10 Planning  
P.O. BOX 2048 | STOCKTON, CA 95201  
(209) 948-7325 | FAX (209) 948-7164 TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



October 3, 2024

Mr. Benjamin Diamond  
Planner II  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249

**CAL-26-PM R33.591 Zoning  
Amendment 2023-00073  
for Cannabis Cultivation  
SCH 2024090407 - Shaman**

Dear Mr. Diamonds,

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the application for Zoning Amendment 2023-00073 for Shaman Norcal Properties, Inc. amending the zoning of parcel 014-010-041 from Residential Agriculture with a 20-acre minimum (RA-20) to General Agriculture. If the zoning is amended from RA-20 to A1, then the applicant intends to pursue an additional commercial cannabis cultivation permit to be collocated on the parcel. The parcel is currently developed with a single-family residence and a commercial cannabis cultivation site under Calaveras County Code Chapter 17.18 Regulation of Commercial and Non-Commercial Cannabis Cultivation.

The project is located at 626 Outback Way, Railroad Flat, CA 95248 within Assessor Parcel Number (APN) 014-010-041.

**Caltrans has the following comments:**

The subject property is far from State Route (SR) 26 with no impact.

**Encroachment Permits**

If any project activities encroach into Caltrans ROW, the project proponent must submit an application for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office. Appropriate environmental studies must be submitted with this application. For more information, please visit the Caltrans Website at: <https://dot.ca.gov/programs/traffic-operations/ep/applications>

Mr. Ben Diamonds  
October 3, 2024  
Page 2

If you have any questions or concerns, please contact Shiferaw Jemberie (209) 986-9635 (email: Shiferaw.jemberie@dot.ca.gov) or me at (209) 483-7234 (email: Gregoria.Ponce@dot.ca.gov).

Sincerely,

A handwritten signature in blue ink that reads "Tom Dumas". The signature is written in a cursive style with a large initial "T".

Tom Dumas, for  
Gregoria Ponce'  
Deputy District Director (Acting)  
Planning, Local Assistance, and Environmental

cc: Peter Maurer, Planning Director, Calaveras County Planning Department  
State Clearinghouse

October 7, 2024

**RECEIVED**

**OCT 10 2024**

**Calaveras County  
Planning Department**

Ben Diamond, Department Analyst  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, California 95249

Re: Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration for the 2023-00073 Zoning Amendment for Shaman Nor Cal Properties Inc. Project, Calaveras County

Dear Mr. Diamond:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) for the 2023-00073 Zoning Amendment for Shaman Nor Cal Properties Inc. Project (Project) located at 626 Outback Way in the unincorporated City of Railroad Flat located in Calaveras County. In order to determine if the increase in groundwater use by the proposed Project has the potential to reduce flows into the Mokelumne River and impact EBMUD's water supply from Pardee Reservoir, EBMUD has the following comments.

### **GENERAL**

On page 25, under Section X. under Hydrology and Water Quality, it states that the applicant will "...estimate the average daily water usage of the operation during the months of July through September and demonstrate an adequate water supply by utilizing a 24-hour pumping test, or an equivalent pumping test as determined by a qualified professional." The IS/MND should additionally describe the annual, monthly, and peak water demand for the existing facilities and the proposed Project.

On page 30, under Section XIX. Utilities and Service Systems, it states, "The EIR and Addendum anticipated that the majority of cannabis related development would take place in parts of the County without public water and sewer." Please provide a comprehensive list of all public and private water sources, including the type of water source (e.g., groundwater or surface water) and estimated water usage of each source for the existing facilities and the proposed Project.

On page 31, under Section XIX. Utilities and Service Systems, it states that "there are already two wells and two septic systems on the subject parcel, and any new wells, septic systems, or expansions of the existing systems would be subject to the applicable State and local regulations." Please clarify the number of wells that will be constructed as part of the proposed Project.

Ben Diamond, Department Analyst

October 7, 2024

Page 2

If you have any questions concerning this response, please contact Sandra Mulhauser, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-7032.

Sincerely,



David J. Rehnstrom

Manager of Water Distribution Planning

DJR:WTJ:kn

wdpd24\_202 Zoning Amendment 2023-00073 for Shaman Norcal Properties Inc.docx

Calaveras County Planning Department,

October 8, 2024

I have been aware of the cannabis farming at 626 Outback Way Rail Road Flat, CA 95248. I have never been in favor of it being near our home. I wasn't even sure if it was legal. I had reported it but did not see any action taken on it being removed. In receiving the letter 'Notice Of Intent To Adopt A Negative Declaration" I definitely want to express that there not be an additional collocating of cannabis at the above address for the following reasons.

The preparation involved in an additional location with the semi-trucks and other large trucks will again add more damage to our narrow gravel road. Also, the influx of cars from the workers and harvesters coming and going and parking on Outback Way. While waiting for the gate to be unlocked to enter, they are leaving trash bottles and cans. This all-causes issues, undo stress, and insecurity for all the residents living nearby.

We also have existing issues since there is already another grower at 692 Outback Way. This has already been a problem with the cars frequently coming and going down our private road rather fast. We have young children here that ride their bikes. Pets that are near the road, also our livestock.

We as a neighborhood oppose to any additional expanding. There are already concerns and issues at hand with what is here. Our community here needs to feel safe.

Sincerely,

Dennis & Starlin Patrick

692 Outback Way

Rail Road Flat, CA 95248

A handwritten signature in blue ink that reads "Starlin Patrick". The signature is written in a cursive style and is positioned below the printed name and address.

RECEIVED

OCT 15 2024

Calaveras County  
Planning Department



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## NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

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

**2023-00073 Zoning Amendment for Shaman Norcal Properties, Inc.:**

The applicant proposes to amend the zoning of a 40-acre parcel (APN: 014-010-041) in Railroad Flat from Residential Agriculture (RA) to General Agriculture (A1) for the purpose of collocating an additional cannabis cultivation site on the parcel.

The subject parcel is located at 626 Outback Way, Railroad Flat, CA 95248. APN 014-010-041 is located in the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 27 T6R13 of the MDB&M.

**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 **Friday, September 13<sup>th</sup>, 2024**, and end on **Monday, October 14, 2024**, 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 – September 13, 2024

RECEIVED

OCT 11 2024

Calaveras County  
Planning Department

October 11, 2024

Ben Diamond, Planner 2  
Calaveras County Planning Department  
891 Mountain Ranch Rd.  
San Andreas, CA 95249  
(209) 754-2874  
[bdiamond@calaverascounty.gov](mailto:bdiamond@calaverascounty.gov)

Re: Initial Study/Mitigated Negative Declaration (SCH No. 2024090407)– Zoning  
Amendment 2023-00073 for Shaman Norcal Properties Inc.

Dear Mr. Diamond:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by Calaveras County for the proposed Zoning Amendment 2023-00073 for Shaman Norcal Properties Inc. (Proposed Project).

DCC has jurisdiction over the issuance of licenses to commercial cannabis businesses. DCC may issue a cultivation license to a business that meets all licensing requirements, and where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/cannabis-laws/dcc-regulations/>.

DCC expects to be a Responsible Agency for this project under the California Environmental Quality Act (CEQA) because the project will need to obtain one or more annual cultivation licenses from DCC. In order to ensure that the amended IS/MND is sufficient for DCC's needs at that time, DCC requests that a copy of the document, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to DCC. This should apply not only to this Project, but to all future CEQA documents related to cannabis business applications in Calaveras County.

DCC offers the following comments concerning the IS/MND.

### **General Comments (GCs)**

#### ***GC 1: Acknowledgement of DCC Regulations***

The IS/MND should include local street maps, topographic maps, aerial photographs, site plans, property diagrams, and/or other graphics to show the existing site conditions, the Proposed Project, and the surrounding area. The site plans that are provided in the IS/MND are not included at a resolution or scale that would allow the reviewer to understand the general location and surrounding features, or to visualize the layout of existing and proposed features of the Project. The IS/MND does not acknowledge that the project would require one or more cannabis cultivation licenses from DCC. The document could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cannabis business activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations related to cannabis cultivation and distribution (Bus. & Prof. Code, § 26012(a)). In particular, the analysis could benefit from discussion of the protections for environmental resources provided by DCC's cultivation and distribution regulations. The impact analysis for each of the following resource topics could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts for each applicable topic:

- Aesthetics (See 4 California Code of Regulations §16304(a).)
- Air Quality and Greenhouse Gas Emissions (See §§ 15020(e); 16304(a)(4); 16305; 16306.)
- Biological Resources (See §§ 15006(i); 15011(a)(11); 16304(a).)
- Cultural Resources (See § 16304(a)(3).)
- Energy (See §§ 15006(h)(6); 15011(a)(5); 15020(e); 16305; 16306.)
- Hazards and Hazardous Materials (See §§ 15006(h)(5)(c); 15011(a)(4); 15011(a)(12); 16304(a)(5)); 16307; 16310.)
- Hydrology and Water Quality (See §§ 15006(h); 15011(a)(3); 15011(a)(7); 15011(a)(11); 16304(a)(1); 16307; 16311.)
- Noise (See §§ 16304(a)(4); 16306.)
- Public Services (See §§15011(a)(10); 15036; 15042.)
- Utilities and Service Systems (See §§ 16311; 17223.)
- Wildfire (See § 15011(a)(10).)
- Cumulative Impacts (related to the above topics)

## ***GC 2: Acknowledgement of DCC Regulations***

The IS/MND does not acknowledge that the project would require one or more cannabis cultivation licenses from DCC. The document could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cannabis business activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations related to cannabis cultivation and distribution (Bus. & Prof. Code, § 26012(a)). In particular, the analysis could benefit from discussion of the protections for environmental resources provided by DCC's cultivation and distribution regulations. The impact analysis for each of the following resource topics could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts for each applicable topic:

- Aesthetics (See 4 California Code of Regulations §16304(a).)
- Air Quality and Greenhouse Gas Emissions (See §§ 15020(e); 16304(a)(4); 16305; 16306.)

- Biological Resources (See §§ 15006(i); 15011(a)(11); 16304(a).)
- Cultural Resources (See § 16304(a)(3).)
- Energy (See §§ 15006(h)(6); 15011(a)(5); 15020(e); 16305; 16306.)
- Hazards and Hazardous Materials (See §§ 15006(h)(5)(c); 15011(a)(4); 15011(a)(12); 16304(a)(5); 16307; 16310.)
- Hydrology and Water Quality (See §§ 15006(h); 15011(a)(3); 15011(a)(7); 15011(a)(11); 16304(a)(1); 16307; 16311.)
- Noise (See §§ 16304(a)(4); 16306.)
- Public Services (See §§ 15011(a)(10); 15036; 15042.)
- Utilities and Service Systems (See §§ 16311; 17223.)
- Wildfire (See § 15011(a)(10).)
- Cumulative Impacts (related to the above topics)

### ***GC 3: Evaluation of Cumulative Impacts***

It is important for CEQA analysis to consider the cumulative impacts of commercial cannabis business activities in Calaveras County. Of particular importance are topics for which the impacts of individual projects may be less than significant, but where individual projects may make a considerable contribution to a significant cumulative impact. These topics include, but are not limited to:

- cumulative impacts from groundwater diversions on the health of the underlying aquifer, including impacts on other users and impacts on stream-related resources connected to the aquifer;
- cumulative impacts related to noise;
- cumulative impacts related to transportation; and
- cumulative impacts related to air quality and objectionable odors.

The IS/MND would be improved by acknowledging and analyzing the potential for cumulative impacts resulting from the Project coupled with other commercial cannabis business projects being processed by the County and any other reasonably foreseeable projects in Calaveras County that could contribute to cumulative impacts similar to those of the Project.

### ***GC 4: Site-Specific Reports and Studies***

The IS/MND references several project-specific plans, studies, and reports, including a Biological Resources Assessment; Plant Survey; Letter from CDFW; SWRCB Notice of Applicability; Water Well Documentation and Pump Test Report; and Storm Water Management Plan. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the County advise applicants to provide copies of all project-specific plans and supporting documentation with their state application package for an annual cultivation license to DCC.

### **Specific Comments and Recommendations**

In addition to the general comments provide above, DCC provides the following specific comments regarding the analysis in the IS/MND.

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Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	DCC Comments and Recommendations
1	III	17	Air Quality	The <b>IS/MND</b> could be improved by identifying any sensitive receptors in the vicinity of the proposed project and the distance from the cultivation area to these receptors.
2	XVIII	29-30	Cultural	The <b>IS/MND</b> could be improved by including the following mitigation:  “Suspend Cultivation Immediately if Cultural Resources Are Discovered, Evaluate All Identified Cultural Resources for California Register of Historical Resources Eligibility, and Implement Appropriate Mitigation Measures for Eligible Resources.”
3	VII	21	Geology and Soils	The <b>IS/MND</b> would be improved if it disclosed the topography of the site and indicated how construction and operation activities would avoid or reduce significant impacts related to landslide, erosion, and slope instability.
4	VIII	22	Greenhouse Gas Emissions	The <b>IS/MND</b> would be improved if it quantified the projected emissions of the Proposed Project from each phase of development and provided an analysis of how the projected emissions relate to a specific threshold of significance.
5	XI	23-24	Hazards and Hazardous Materials	The <b>IS/MND</b> would be improved if it clearly identified and analyzed potential impacts resulting from the routine transport, use, and disposal of any hazardous materials during operations or routine maintenance at the site. This may include disclosure and discussion of anticipated hazardous materials to be used on site, predicted risk of upset conditions, and/or nearby sensitive receptors (e.g., schools, residences).

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	DCC Comments and Recommendations
6	XI	23-24	Hazards and Hazardous Materials	The <b>IS/MND</b> would be improved if it clearly identified and analyzed potential impacts resulting from reasonably foreseeable upset and accident conditions involving the release of any hazardous materials during operations or routine maintenance at the site.
7	X	24-25	Hydrology and Water Quality	The <b>IS/MND</b> could be more informative if it described some of the construction stormwater management measures as well post-construction controls included in the Stormwater Management and Pesticide Management Plans.
8	X	24-25	Hydrology and Water Quality	The <b>IS/MND</b> could be improved if it noted that applicants are required to provide a final copy of proof of a lake and streambed alteration agreement issued by CDFW or written verification that an agreement is not needed. (Cal. Code Regs., tit. 4 § 15011(a)(8).)
9	XVIII	29-30	Tribal Cultural Resources	The <b>IS/MND</b> would be more informative by providing details pertaining to tribal consultations that have occurred for the Proposed Project, as required by Assembly Bill 52.
10	XVIII	29-30	Tribal Cultural Resources	The <b>IS/MND</b> would be improved if it referenced state requirements that ground disturbing work must be halted in the event of inadvertent discovery of Tribal Cultural Resources. (Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94, 5097.98 and 5097.99).
11	XXI	32	Cumulative Impacts	The <b>IS/MND</b> could be more informative if it identified whether any other cannabis growing operations exist or have been proposed in the vicinity of the Proposed Project, and whether the Proposed

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	DCC Comments and Recommendations
12		34	Source List	<p>Project could make a considerable contribution to any cumulative impacts from these other projects.</p> <p>The Source List would be improved if it provided additional information regarding some of the references. For referenced documents, the author, title, and date of each document could be provided. For personal communications, the agency or organization, person contacted, date of contact, and method of contact should be provided. For websites, the URL and date visited should be provided. In addition, sources that are project-related studies could be made available via weblink or as attachments. Also, no source is identified for traffic-related information and estimates.</p>

## Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 247-1659 or via e-mail at [Kevin.Ponce@cannabis.ca.gov](mailto:Kevin.Ponce@cannabis.ca.gov).

Sincerely,

Ponce,  
Kevin@Cannabis

Digitally signed by Ponce,  
Kevin@Cannabis  
Date: 2024.10.11  
14:14:54 -07'00'

Kevin Ponce  
Licensing Program Manager (Acting)

## Benjamin Diamond

---

**From:** Peter Maurer  
**Sent:** Tuesday, October 15, 2024 8:12 AM  
**To:** Benjamin Diamond  
**Subject:** FW: FW RE 2023-00073 Zoning Amendment for Shaman Norcal Properties, Inc

**From:** BOS Clerk Account <BOSClerk@calaverascounty.gov>  
**Sent:** Tuesday, October 15, 2024 8:05 AM  
**To:** Board of Supervisors Email Group <BOSDept@calaverascounty.gov>  
**Cc:** Peter Maurer <pmaurer@calaverascounty.gov>  
**Subject:** FW RE 2023-00073 Zoning Amendment for Shaman Norcal Properties, Inc

FYI

**From:** NoReply <[noreply@calaverascounty.gov](mailto:noreply@calaverascounty.gov)>  
**Sent:** Monday, October 14, 2024 9:26 AM  
**To:** BOS Clerk Account <[BOSClerk@calaverascounty.gov](mailto:BOSClerk@calaverascounty.gov)>  
**Cc:** [jesus.adina@gmail.com](mailto:jesus.adina@gmail.com)  
**Subject:** Email from Member of the Public via the Calaveras County Website

Email from Member of the Public via the Calaveras County Website

### Your Contact Information:

First Name: Jesus  
Last Name: Quintanilla  
Email Address: [jesus.adina@gmail.com](mailto:jesus.adina@gmail.com)

### Message Details:

**Subject:** RE: 2023-00073 Zoning Amendment for Shaman Norcal Properties, Inc  
**Message:** Honorable Members of the Board.

I am writing in support of the Planning Department's negative declaration for this application. I am neighbor residing directly adjacent to the property requesting this zoning amendment and would be gravely impacted by any further expansions to this operation. As of right now, my quality of life and economic value of my property has been diminished due to the existing operation. This business generates a great deal of noise, environmental fumes that are carried over to my property, and is a visible nuisance noticeable from my residence. Any expansion to these operations would exacerbate the impacts on the environment in my neighborhood, my property and quality of life.

As a resident directly neighboring this property, I urge you to accept the Planning Department's recommendation to Deny the application.

Should you have any further questions, please do not hesitate to contact me directly.

Sincerely,

JESUS QUINTANILLA  
831 201 7850



## Central Valley Regional Water Quality Control Board

14 October 2024

Ben Diamond  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, CA 95249  
[bdiamond@calaverascounty.gov](mailto:bdiamond@calaverascounty.gov)

RECEIVED  
OCT 14 2024  
Calaveras County  
Planning Department

### COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, ZONING AMENDMENT 2023-00073 FOR SHAMAN NORCAL PROPERTIES INC. PROJECT, SCH#2024090407, CALAVERAS COUNTY

Pursuant to the State Clearinghouse's 12 September 2024 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Zoning Amendment 2023-00073 for Shaman Norcal Properties Inc. Project, located in Calaveras County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

#### I. Regulatory Setting

##### Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_2018\\_05.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Cannabis General Order**

Cannabis cultivation operations are required to obtain coverage under the State Water Resources Control Board's *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities Order No. WQ 2023-0102-DWQ* (the Cannabis General Order). Cultivators that divert and store surface water (stream, lake, subterranean stream, etc.) to irrigate cannabis also need a valid water right.

The Water Boards Cannabis Cultivation Programs offer an easy to use online Portal for cultivators to apply for both Cannabis General Order coverage and a Cannabis Small Irrigation Use Registration (SIUR) water right, if needed. Visit the Water Boards Cannabis Cultivation Programs Portal at:

<https://public2.waterboards.ca.gov/CGO>

Additional information about the Cannabis General Order, Cannabis SIUR Program, and Portal can be found at:

[www.waterboards.ca.gov/cannabis](http://www.waterboards.ca.gov/cannabis)

For questions about the Cannabis General Order, please contact the Central Valley Water Board's Cannabis Permitting and Compliance Unit at: [centralvalley.cannabis@waterboards.ca.gov](mailto:centralvalley.cannabis@waterboards.ca.gov) or (530) 224-4845. For questions about Water Rights (Cannabis SIUR), please contact the State Water Board's Division of Water Rights at: [CannabisReg@waterboards.ca.gov](mailto:CannabisReg@waterboards.ca.gov) or (916) 319-9427.

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/)

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<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

**Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml)

**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality\\_certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/)

**Waste Discharge Requirements – Discharges to Waters of the State**

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website

at: [https://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_surface\\_water/](https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/)

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)

### **Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2018-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf)

### **Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

**NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.



Peter G. Minkel  
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,  
Sacramento

**Attachment 1C**  
**Mitigation Monitoring**  
**and**  
**Reporting Program**

2023-00073 Zoning Amendment

**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Timing	Responsibility	Verification
<p><b>BR-1:</b> A late-season special-status plant survey shall be conducted to coincide with the timing of late flowering plant species, typically May through early June. If special-status plant species are found in the project area, the applicant shall consult with a qualified biologist and/or CDFW to determine appropriate steps for mitigation. If the species is found is special-status but not listed as Threatened or Endangered by State of Federal governments, a qualified biologist shall prepare a mitigation plan that details steps to move the affected population, if feasible, to a suitable location elsewhere on the property. The plan shall include additional propagation as well as success criteria to ensure there is no net loss of individuals of the species. If the species found is listed by the State or Federal government as Threatened or Endangered, the applicant shall stop work in the affected area and consult with CDFW and/or USFWS to create an approved mitigation plan that will mitigate and compensate for any project-related impacts to this species.</p>	<p>Plan check or prior to final approval of either the Grading Permit or Cannabis Cultivation Permit necessary for the project, whichever is applied for first.</p>	<p>Applicant</p>	<p>Planning</p>
<p><b>BR-2:</b> If native trees greater than 5" Diameter at Breast Height (DBH) are to be removed, they shall be replaced onsite at the following ratios, in accordance with Calaveras County General Plan Measure COS-4D: 5-12" DBH 1:1 ratio; 12-24" DBH 1:2 ratio; &gt;24" DBH 1:3 ratio. Trees shall be replaced with the same</p>	<p>Plan check or prior to final approval of either the Grading Permit or Cannabis Cultivation Permit necessary for the project, whichever is applied for first.</p>	<p>Applicant</p>	<p>Planning</p>

<p>species or other appropriate native species from local Calaveras County genotypes and planted onsite in areas lacking tree cover, if possible.</p>			
<p><b>BR-3:</b> If vegetation clearing is required including removal of small trees or shrubs, a preconstruction survey for nesting migratory birds and raptors is to be conducted within 7 days of ground disturbance if disturbance is to occur during the typical nesting period, from February 1 to October 31. If nesting birds are observed in the project area and the species is not listed by the State or Federal government as Threatened or Endangered, appropriate buffers shall be established by a qualified biologist around each nest, and no disturbance shall occur inside the buffer area until the nest is no longer active, e.g. eggs have hatched, and young have fledged. A buffer of 100 feet shall be used for passerine birds and 250 feet for raptors. Buffers shall be demarcated with construction fencing and no disturbance shall be allowed inside the buffer until all young have fledged and the nest is no longer active. If the species observed is listed by the State or Federal government as Threatened or Endangered (e.g. NSO) then work shall stop in the project area and applicant shall consult with CDFW and/or USFWS to prepare a mitigation plan that will ensure no project-related impacts occur to this species.</p>	<p>Plan check or prior to final approval of either the Grading Permit or Cannabis Cultivation Permit necessary for the project, whichever is applied for first.</p>	<p>Applicant</p>	<p>Planning</p>

**Attachment 1D  
Correspondence  
from Consultant  
Regarding Bats**

**From:** [Constantin Ciortan](#)  
**To:** [Benjamin Diamond](#)  
**Subject:** Fwd: Bat Roosting Information, ZA 2023-00073  
**Date:** Thursday, September 19, 2024 11:15:35 AM

---

**CAUTION:** This email comes from outside the County. Do not click on links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, use the Phish Alert button.

---

Hello Ben,  
Please advise if this works.

Begin forwarded message:

**From:** "Dr. Christopher DiVittorio" <[chris@pinecrestenvironmental.org](mailto:chris@pinecrestenvironmental.org)>  
**Date:** September 19, 2024 at 11:12:09 AM PDT  
**To:** Constantin Ciortan <[constantinciortan2016@gmail.com](mailto:constantinciortan2016@gmail.com)>  
**Subject: Re: Bat Roosting Information, ZA 2023-00073**

Hi Constantin,

I can confirm that we found no evidence of special-status bat species or suitable habitat on the project site. If this email suffices for the County you can forward to them, or I can prepare an addendum to the biological assessment too if need be.

Best,  
Chris

On Sep 19, 2024, at 9:02 AM, Constantin Ciortan  
<[constantinciortan2016@gmail.com](mailto:constantinciortan2016@gmail.com)> wrote:

Hello Chris,  
Please advise

Begin forwarded message:

**From:** Benjamin Diamond  
<[BDiamond@calaverascounty.gov](mailto:BDiamond@calaverascounty.gov)>  
**Date:** September 19, 2024 at 8:59:58 AM PDT  
**To:** Constantin Ciortan  
<[constantinciortan2016@gmail.com](mailto:constantinciortan2016@gmail.com)>

**Subject: Bat Roosting Information, ZA 2023-00073**

Good morning,

While preparing the staff report for the Zoning Amendment, I realized that the biological study prepared for your project doesn't directly acknowledge whether any evidence of special status bat species was observed on the parcel. The County General Plan (Implementation measure COS-4P) requires that discretionary entitlements under CEQA review, like this zoning amendment, check for special status bat species as a part of the biological review. It's assumed that there was no mention of bats in the bio study because no evidence of any was observed during the surveys; however, we need to confirm whether this is the case. Please contact the consultant that you contracted to do the biological study for your project and ask them to confirm that no evidence of special status bat species was found or observed on the parcel.

Please feel free to contact me if you have any questions.

Regards,

Ben Diamond  
Planner 2  
Calaveras County Planning Department  
891 Mountain Ranch Road, Bldg E  
San Andreas, CA 95249  
209-754-6394

**Disclaimer**

This electronic mail message and any attachments are intended only for the use of the addressee(s) named above and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an intended recipient, or the employee or agent responsible for delivering this e-mail to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail message in error, please immediately notify the sender by replying to this message or by telephone. Thank you.

**Attachment 2**  
**Planning**  
**Commission**  
**Resolution No.**  
**2025-0005**

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

**RESOLUTION NO. 2025-0005**

>>A RESOLUTION RECOMMENDING THE BOARD OF SUPERVISORS ADOPT THE SUBSEQUENT MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AND ADOPT AN ORDINANCE TO APPROVE 2023-00073 ZONING AMENDMENT OF APN 014-010-041 FROM RA-20 (RESIDENTIAL AGRICULTURE 20-ACRE MINIMUM) TO A1 (GENERAL AGRICULTURE) FOR SHAMAN NORCAL PROPERTIES INC.

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WHEREAS, the Planning Department of the County of Calaveras received an application from Shaman Norcal Properties Inc., requesting a Zoning Amendment from RA-20 (Residential Agriculture 20-acre minimum) to A1 (General Agriculture), for a 40-acre parcel for the specific purpose of adding an additional commercial cannabis cultivation site; and

WHEREAS, the proposed project is located on real property in the unincorporated portions of the County of Calaveras, at 626 Outback Way in Railroad Flat, and more particularly described as APN: 014-010-041, in the SW ¼ of the SE ¼ of Section 27, T6R13 of the MDB&M; and

WHEREAS, an Initial Study and Subsequent Mitigated 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 impacts associated with the proposed project; and

WHEREAS, the project is a later discretionary approval requested for the purpose of establishing a commercial cannabis activity described in Chapter 17.18 of the Zoning Code (formerly Ch. 17.95 prior to the July 16, 2024 update to the Zoning Ordinance), Regulation of Commercial and Non-Commercial Cannabis Cultivation (“Cannabis Ordinance”), which was adopted by the Board of Supervisors on October 22, 2019, and for which a Program EIR and Addendum was prepared—bringing its analysis within the ambit of Section 15168(c)(1) and (d) of the State CEQA Guidelines; and

WHEREAS, during a duly noticed public hearing held on December 12, 2024, the Planning Commission considered all the information presented to it, including its staff report, and information presented by the project proponent; and

BE IT THEREFORE RESOLVED that the Planning Commission recommends that the Board of Supervisors adopt the Mitigated Negative Declaration, adopt an ordinance amending the zoning of APN: 014-010-041 from RA-20 to A1 as shown in Exhibit A, and approve the Mitigation Monitoring and Reporting Program as shown in Exhibit B, based on the following findings:

**CEQA Findings**

1. The project was processed consistent with the requirements of the California Environmental Quality Act, California Public Resources Code §21000 et seq. Based on the whole record; there is no substantial evidence that the project as designed will have a significant effect on the environment, nor would it substantially worsen the three cannabis related impacts (exposure to objectionable odors, long term increase in traffic, and degradation or removal of sensitive natural communities) that were determined by the County to be subject to overriding considerations in the previously-approved programmatic Environmental Impact Report (EIR). A Subsequent Mitigated Negative Declaration has been prepared in accordance with CEQA Guideline 15168(c)(1)

**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 Chapter 17.18 (previously Ch. 17.95 prior to the July 16, 2024, update to the Zoning Ordinance). Cannabis cultivation is permitted in both the original and requested zoning district, but the zoning amendment would make the applicant eligible to apply under Ch. 17.18 to collocate an additional commercial cannabis cultivation permit on the subject parcel. While the original zoning does permit commercial cannabis cultivation, the RA zone does not allow for collocation of more than one cultivation site on the same parcel. Pursuant to the CEQA guidelines, County staff prepared an Initial Study/ Subsequent Mitigated Negative Declaration (ISMND) to analyze the site-specific impacts against those impacts identified in the program EIR. The Subsequent ISMND was distributed for a 30-day review and comment period from September 12, 2024, to October 14, 2024. Comment letters were received from Caltrans, the Central Valley Regional Water Quality Control Board, the East Bay Municipal Utility District, the Department of Cannabis Control, and two adjacent property owners. These letters either had no comment, standard comments that did not specifically address impacts related to the identified site, or raised issues that have already been addressed by the EIR and Addendum that were certified with the adoption of Ch. 17.18 and do not change the conclusions of the ISMND. Potential site-specific impacts to special-status plants, native trees, and nesting migratory birds were identified and mitigation measures are incorporated into the conditions of approval for the project which reduce the potential additional site-specific impacts to less than significant. The Subsequent Mitigated Negative Declaration reflects the judgment and analysis of the County.

2. 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 §21166 and CEQA Guidelines §15162 exists in connection with the proposed zoning 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 impacts or substantial increase in the severity of previously identified

significant environmental effects would occur through the approval of this project that cannot be mitigated to the level of insignificance through the adoption of a Subsequent ISMND; 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 all site-specific impacts can be mitigated to the level of insignificance through the adoption of a Subsequent MND; and
  - c. No new information of substantial importance, which was not known and could not have been known at the time of the October 22, 2019 Final EIR and Addendum were certified and adopted, shows that this proposed zoning amendment on this one parcel would cause or substantially worsen significant environmental impacts discussed in the EIR and Addendum, that mitigation measure or alternatives found infeasible in the EIR and Addendum would in fact be feasible in the EIR and Addendum or that considerably different measures or alternatives would substantially reduce one or more significant environmental effects found in the EIR and Addendum. The identification of site-specific mitigation measures for this one project would not substantially alter the analysis of the countywide impacts identified in the EIR.
3. For the reasons discussed above, under Findings 1 and 2, the preparation of the Subsequent Mitigated Negative Declaration analyzing site-specific impacts of a zoning amendment requested for the specific purpose of developing a second cannabis cultivation site on the property is appropriate under CEQA. This finding incorporates by reference in their entirety the Initial Study/Subsequent Mitigated Negative Declaration provided by Planning Staff, the staff report, the Final EIR and Addendum certified and adopted 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 17.18 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 zoning districts, 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 relocated from one location to another. No substantial changes or new information that could not have been known at the time the County approved Ch. 17.18 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 being able to apply to collocate a single additional commercial cannabis cultivation site on the subject parcel, which is restricted by state law and Ch. 17.18 of the Zoning Code – is within the bounds of what was contemplated by the EIR and Addendum. As discussed in the Initial Study/Mitigated 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. As provided in Guideline 15168(c)(1), a later activity of a type analyzed in a program EIR that gives rise to potentially significant impacts requiring mitigation—but which does not trigger any of the factors described in Guideline 15162 that would require a change to the program EIR itself—may be approved through the preparation of a subsequent ISMND that relies on the conclusions of the program EIR.

The project for which the October 22, 2019, EIR and Addendum were adopted is an ordinance amendment (Chapter 17.18 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 commercial 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 in 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; 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 applicant will qualify for a commercial cannabis cultivation permit, and they would still be subject to all of the regulations and restrictions imposed by state and local cannabis cultivation laws as well as any site-specific conditions imposed by the state on the cannabis cultivation license. No additional uses of the property besides commercial cannabis cultivation have been proposed as a part of this project.

4. The proposed Zoning Amendment is consistent with the land use map and the applicable policies of the County's General Plan and the standards of the Calaveras County Zoning Code, Title 17.

**Evidence:** The subject parcel is currently designated in the County General Plan as Working Lands, identifying areas suitable for agriculture and forestry practices on parcels smaller than those designated Resource Production. A Zoning Amendment

from RA-20 to the A1 zone is being requested. The proposed parcel meets the minimum site development standards of the A1 zone pertaining to lot size, density, and water/sewage disposal requirements. In addition, the project is consistent with standards set forth in the Commercial Cannabis Ordinance, Ch. 17.18.

The project is consistent with applicable policies and implementation measures of the General Plan including General Plan Policies LU 3.6 (conforms to density, land use intensity and water and sewage disposal standards set forth in table LU-1), COS 3.1 (use site planning techniques to protect biological resources), COS 3.2 (avoid impacts to habitats), COS 3.3 (require new development to identify and mitigate impacts to wildlife habitat) and Implementation Measures COS-4D (oak woodlands) and COS-4H (require project applicants to enlist the services of a qualified biologist and to minimize, avoid and/or mitigate significant impacts to special-status species). The subject parcel is not located within a Special, Specific or Community Plan area.

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

**Evidence:** Neighboring and adjacent parcels are zoned AP (Agricultural Preserve), RA (Residential Agriculture), and RR (Rural Residential). The parcels range in size from roughly 1 to 75 acres, and are used residentially, for ranching, and for grazing. The purpose of this zoning amendment is to rezone the subject parcel from RA-20 to A1 in order to have the ability to apply to collocate an additional commercial cannabis cultivation site on the parcel. The subject parcel is already being used by right for commercial cannabis cultivation by right, and this zoning amendment would simply authorize the propagation of additional cannabis plants on the site.

PASSED AND ADOPTED by the Planning Commission of the County of Calaveras, at a regular meeting of the Planning Commission held on March 27, 2025, on a motion by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_.

AYES:  
NOES  
ABSTAIN:  
ABSENT:

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Chair, Planning Commission

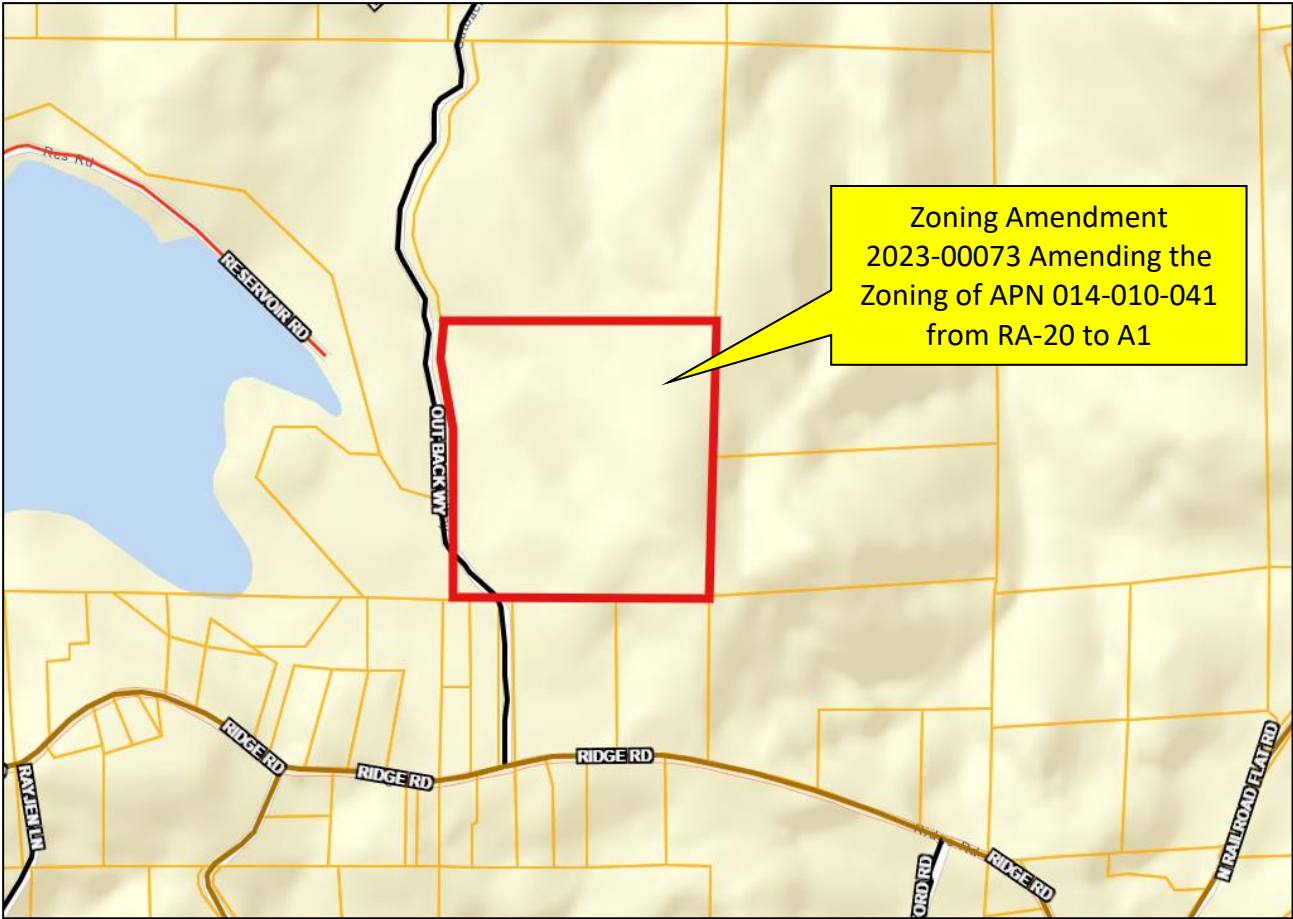
ATTEST:

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Ben Diamond, Planner II

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**



**EXHIBIT “B”**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Timing	Responsibility	Verification
<p><b>BR-1:</b> A late-season special-status plant survey shall be conducted to coincide with the timing of late flowering plant species, typically May through early June. If special-status plant species are found in the project area, the applicant shall consult with a qualified biologist and/or CDFW to determine appropriate steps for mitigation. If the species is found is special-status bit not listed as Threatened or Endangered by State of Federal governments, a qualified biologist shall prepare a mitigation plan that details steps to move the affected population, if feasible, to a suitable location elsewhere on the property. The plan shall include additional propagation as well as success criteria to ensure there is no net loss of individuals of the species. If the species found is listed by the State or Federal government as Threatened or Endangered, the applicant shall stop work in the affected area and consult with CDFW and/or USFWS to create an approved mitigation plan that will mitigate and compensate for any project-related impacts to this species.</p>	<p>Plan check or prior to final approval of either the Grading Permit or Cannabis Cultivation Permit necessary for the project, whichever is applied for first.</p>	<p>Applicant</p>	<p>Planning</p>
<p><b>BR-2:</b> If native trees greater than 5” Diameter at Breast Height (DBH) are to be removed, they shall be replaced onsite at the following ratios, in accordance with Calaveras County General Plan Measure COS-4D: 5-12” DBH 1:1 ratio; 12-24” DBH 1:2 ratio; &gt;24” DBH 1:3 ratio. Trees should be replaced with the same species or other appropriate native species from local Calaveras County</p>	<p>Plan check or prior to final approval of either the Grading Permit or Cannabis Cultivation Permit necessary for the project, whichever is applied for first.</p>	<p>Applicant</p>	<p>Planning</p>

genotypes and planted onsite in areas lacking tree cover, if possible.			
<p><b>BR-3:</b> If vegetation clearing is required including removal of small trees or shrubs, a preconstruction survey for nesting migratory birds and raptors is to be conducted within 7 days of ground disturbance if disturbance is to occur during the typical nesting period, from February 1 to October 31. If nesting birds are observed in the project area and the species is not listed by the State or Federal government as Threatened or Endangered, appropriate buffers shall be established by a qualified biologist around each nest, and no disturbance should occur inside the buffer area until the nest is no longer active, e.g. eggs have hatched, and young have fledged. A buffer of 100 feet shall be used for passerine birds and 250 feet for raptors. Buffers shall be demarcated with construction fencing and no disturbance shall be allowed inside the buffer until all young have fledged and the nest is no longer active. If the species observed is listed by the State or Federal government as Threatened or Endangered (e.g. NSO) then work shall stop in the project area and applicant should consult with CDFW and/or USFWS to prepare a mitigation plan that will ensure no project-related impacts occur to this species.</p>	Plan check or prior to final approval of either the Grading Permit or Cannabis Cultivation Permit necessary for the project, whichever is applied for first.	Applicant	Planning

**Attachment 3**  
**Initial Routing**  
**Comments**  
**Received**



## Calaveras County Environmental Management Agency

**Lisa Medina** ♦ Agency Administrator / Director of Environmental Health  
891 Mountain Ranch Road, San Andreas, CA 95249  
Phone: 209-754-6399 Fax: 209-754-6722

TO: Planning Department

FROM: Hany F. Benjamin, R.E.H.S. *Hany B.*  
Environmental Health Department

DATE: May 21, 2024

RE: 2023-00073 ZA for Shaman NorCal Properties Inc.

The Environmental Health Department has reviewed the subject Land Use and has no objection to the proposed ZA provided the following condition is adhered to:

- All cannabis cultivation sites shall complete and adhere to the "EMA Review Checklist," which can be obtained by contacting our department.

The above comments were e-mailed to the Planning Department. The signed copy is in the Environmental Health Department office file.

RECEIVED

MAY 21 2024

Calaveras County  
Planning Department



# *Calaveras County*

## *Air Pollution Control District*

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**891 Mountain Ranch Road, San Andreas, CA 95249**  
**Phone: 209-754-6399 Fax: 209-754-6722**

TO: Planning Department  
FROM: Air Pollution Control District *MT*  
DATE: May 21, 2024  
RE: 2023-00073 Zoning Amendment for Shaman NorCal Properties Inc.

The Air Pollution Control District (APCD) has reviewed the suggested zoning amendment and has no objection.

If the resulting cannabis cultivation site includes an emergency backup diesel generator that is 50 brake horsepower or larger, an Authority to Construct and annual Operating Permits will be required by the APCD.

**RECEIVED**  
**MAY 21 2024**  
Calaveras County  
Planning Department



# COUNTY OF CALAVERAS DEPARTMENT OF PUBLIC WORKS

Robert J. Pachinger, Director

## MEMORANDUM

Date: June 6, 2024  
To: Ben Diamond, Department Analyst  
From: Monica Remus, Analyst *MR*  
Subject: 2023-00073 Zoning Amendment for Shaman NorCal Properties Inc.

### **BACKGROUND**

The applicant proposes to amend the zoning of a parcel in Railroad Flat from RA (Residential Agriculture) to A1 (General Agriculture) for the purpose of collocating an additional cannabis cultivation site on the parcel. The project parcel is located at 626 Outback Way, Railroad Flat (APN: 014-010-041) in the SW ¼ of the SE ¼ of Sec 27., T6., R13E., M.D.M.

### **DISCUSSION**

Public Works has no comments regarding the zoning amendment request.

### **NOTES**

At the time of development of this property, the developer will be required to meet the provisions of all applicable codes in effect at the time. These include the Road Impact Mitigation (RIM) fee, County Road Ordinance (Chapter 12.02), the Encroachment Ordinance (Chapter 12.08), the Storm Water Quality Ordinance (Chapter 13.01), the Grading and Drainage Ordinance (Chapter 15.05), and the requirements of other agencies having jurisdiction.

**RECEIVED**

JUN 10 2024

Calaveras County  
Planning Department