

Grading / Earth Movement / Dust / Air quality:

Illegal grading: The appealing party has claimed that there was illegal grading, soil movement, and furrowing. As described during both the July 8th hearing as well as the July 22nd hearing, the reported violations were two-fold and included 1) encroachment onto the setback from designated water ways, and 2) ground disturbance through the unmarked tributaries. Prior to discussing these points, it is important to provide an overview of the permits' issues, subsequent site investigations, and remedial actions taken by SourzHVR, in coordination with resource agencies to mitigate the reported encroachment. This is provided immediately following and details regarding points 1) and 2) are provided further below.

Subsequent to the reported violations, the encroachment and disturbance were investigated through multiple site visits by representatives of California Department of Fish and Wildlife (CDFW), California Department of Food and Agriculture (CDFA), the Regional Water Quality Control Board (RWQCB), and Lake County personnel including Code Enforcement. Site visits were conducted on (March 3rd, June 22nd, and July 14th, 2021) During the site visits, the agencies were provided full site access to the project site.

Part of the investigation by the agencies focused on grading through drainages within Field 3. It should be noted that the project site (including Field 3) had been the subject of a biological resources survey and previous evaluation by CDFA as well as CDFW. During this time, the site was vegetated, and the surface elevations were not completely exposed. However, once the site had been cleared and prepared for planting, this provided a complete view of the contours within these areas. It was not until this time that CDFW questioned the original finding that the areas of proposed disturbance did not contain any drainage features.

Accordingly, it is important to note that the clearing and grading in Field 3 was in compliance with the original CDFW issued Lake and Streambed Alteration Agreement (LSAA), dated April 20, 2021. The original LSAA, stated in part the following:

“CDFW finds the Project will not substantially divert or obstruct the natural flow of any river, stream, or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit or dispose of debris, waste, or other material where it may pass into any river, stream, or lake.”

It is further critical to note that SourzHVR worked closely and openly with CDFW, CDFA, and RWQCB representatives to ameliorate this previously unanticipated issue. To remedy this, SourzHVR worked with the listed agencies and their hydrology engineers, hired an outside engineering firm, and developed a revised drainage plan to remediate the areas, create and vegetate new drainages, and protect downstream resources per the recommendation of the aforementioned agencies.

More specifically, regarding issue 1 (encroachment onto the setback from designated water ways), this point was addressed through remediation actions approved by CDFW. Remediation included remarking and re-establishment of the setbacks, reseeding with approved native plant seed mixture of the disturbed areas, installation of straw waddle, and adjustment to some of the cultivation area setbacks. As agreed upon with input from CDFW, reseeding will occur during the early fall, prior to the first rain to help ensure the largest germination rate for the native seeds. The setback, in many areas has already been established with the erecting of fence that is beyond the mandated setback set forth by CDFW and the County.

For issue number 2, as articulated in the hearing and as provided in the background information above, this was not the fault of SourzHVR. The tributaries were not delineated by the applicant's biologist and were not identified by CDFW during multiple desk top reviews and 1 site visit. It was only after a neighbor complaint that CDFW then identified the unmarked tributaries and proceeded to issue the violation. As discussed above, the SourzHVR team has been very proactive in remedying these after the fact issues and has worked with all applicable regulating bodies to come to a mutually agreeable solution to address the issues.

This is evidenced by the Letter authored by Supervising Environmental Scientist Kursten Sheriden on July 7, 2021. In part, the letter stated:

"Tom and his team recognized the deviations to the site plan and had already made plans to reestablish the appropriate setback for the cultivation, compact the ground between the tributaries and install erosion control measures. **Proactively**, Tom's team had already flagged the unapproved stream crossings and were planning to remove sediment and restore the channel to its existing condition..."

"CDFW is confident that Tom and the Sourz Farms group are committed to remediating the issues we brought forward and have already shown considerable effort in fulfilling their obligations. We do not have any objections to the project..."

Thus, the assertion by the appealing party that there was no oversight by a public entity is patently false. To summarize, the SourzHVR team submitted a biological resource assessment, outlining water ways as well as proposed plans to both CDFW as well as Lake

county prior to the commencement of any work. Furthermore, SourzHVR had undergone the CEQA process and an additional agency review. No issues related to incorrect identification of water-ways or issues with the project layout as it relates to earth work were mentioned. All the required steps and procedures as it relates to the application process and submittal materials was adhered to per Article 27 of the Lake County Zoning Ordinance and the now California Department of Cannabis Control's (DCC) guidance on Cannabis permit application submittals.

- Dust Mitigation: The appealing party's assertion that the applicant did nothing to mitigate dust is false. The applicant worked to mitigate dust in multiple ways including through soil compaction measures, the use of water trucks to dampen the soil, and through the application of an organic dust control treatment. The soil compaction efforts were noted by CDFW Supervisor Sheridan during a site visit on (June 22nd and mentioned in his July 7th email. SourzHVR also has provided billing statement(s) that show the equipment used for dust control and labor costs associated with the work efforts. SourzHVR has used the water truck(s) to continually mist the disturbed ground. Importantly, SourzHVR has even gone so far as to buy their own water truck to utilize in the same capacity. Receipts for this purchase and work have been provided as well.
- Lastly, the applicant also contracted with a dust suppression company to layout an organic dust application. Receipts for this work are attached as well. The applicant acknowledges that there has been some dust, which is to be expected during any agricultural operation. Furthermore, as the applicant stated in both hearings, most of the dust was attributed to the fact work was unable to commence until later in the year when less moisture was contained within the soil and associated cover crop. The applicant has done everything in their power to address the dust concerns. The listed dust control measures will continue through the continued operations of the project and SourzHVR is confident that this issue is under control.

Odor:

The issue of odor has been addressed in numerous ways both through voluntary measures taken by SourzHVR, as well as through compliance with all applicable regulations and standards. During the crafting of Proposition 64 and MAUCRSA odor regulation was left to the local municipality (i.e. Lake County) to regulate. In 2019 the Lake County board of Supervisors voted down a measure that would allow for the permitting and regulation of Cannabis grows by the Lake County Air Quality Management District. (Lake County Record Bee, June 12th, 2019). Furthermore, as Commissioner Moke Simon stated at that same meeting, once cannabis becomes federally legal, odors from the crop would become exempt from regulation. As also stated in that same meeting by LCAQMD Director Douglas Gearhart, there were less than 5 odor complaints received during 2019.

In regard to the proposed project, SourzHVR has designed the project to exceed the minimum setback from offsite residences. The nearest residence is approximately 300

feet from the nearest originally planned cultivation areas. The County setback requirement is 100 feet (Lake County Zoning Ordinance Article 27, SEC. 21-27 Table 1. Development standards, general requirements, and restrictions - i. Development standards). Sourz HVR, as stated in the July 22, 2021 hearing has even gone as far as to remove an entire garden area for 2021. This area will further be planted with sunflowers to not only reduce odors but further reduce any potential changes in the visual landscape. This voluntary alteration makes the closest garden more than a quarter mile from any neighboring residence. Hence, SourzHVR has shown considerable compromise in removing this garden and working to offset any potential odors. Furthermore, much of what the appealing party argued has to do with specific county process, procedures, and legislation, or lack thereof and is not specific to this project. To this end, SourzHVR has complied with and will continue to comply with Lake County Zoning Ordinance Article 27 in relation to the Property Management Plan subsection (3)(f) which requires the applicant to prepare an odor response program that includes (but is not limited to):

- a. Designating an individual(s) who is/are responsible for responding to odor complaints 24 hours per day/seven (7) days a week, including holidays.
- b. Providing property owners and residents of property within a 1,000-foot radius of the cannabis facility, with the contact information of the individual responsible for responding to odor complaints.
- c. Policies and procedures describing the actions to be taken when an odor complaint is received, including the training provided to the responsible party on how to respond to an odor complaint.
- d. The description of potential mitigation methods to be implemented for reducing odors, including add-on air pollution control equipment.
- e. Contingency measures to mitigate/curtail odor and other emissions in the event the methods described above are inadequate to fully prevent offsite nuisance conditions.

Thus, consistent with Lake County Zoning Ordinance Article 27 regarding odors, the project is consistent with the requirement that,

“Cannabis related permits shall not propagate objectionable odors which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any of those persons or the public.”

Water availability:

Hydrology of the project site and within the overall area of High Valley Ranch, and Lake County as a whole as it pertains to the project have been evaluated in two Hydrology reports prepared for the proposed project. The first Hydrology report (dated February 2, 2021 and titled - *Hydrogeology Technical Memorandum High Valley Ranch Project, Lake County, CA*) was included to the CEQA analysis and attached to the CEQA Mitigated

Negative Declaration (MND) that was circulated for public review. At the request of the Lake County Planning Commission at the July 7th Hearing a subsequent Hydrology report with supplemental information also was prepared. This report was dated July 14, 2021 and is entitled (*REVISED Hydrogeology Technical Memorandum Sourz High Valley Ranch Project, Lake County, CA*).

Prior to discussion of the context of these reports in the context of the appeal it is important to make a few notes.

Since approval of the SourzHVR project at the second Planning Commission Hearing on July 22nd, the Lake County Board of Supervisors (Board) passed Emergency Ordinance 3106. This ordinance specifies that due to the drought, any land use approval is required to provide adequate information regarding water use and potential impacts to surrounding areas.

Although these are new requirements set forth by the Board subsequent to project approval – because of the previous requests of the Planning Commission for additional information related to Hydrology, SourzHVR inadvertently, conformed to the new requirement and provided the information required by the then, unpublished Emergency Ordinance. In other words, even though the Emergency Ordinance was not in place at the time of original project approval, SourzHVR nonetheless complied with the new requirements. These issues were addressed by the revisions (based on requests from the Planning Commission) made to the original Hydrology Report that was prepared for the project.

Thus, all the points and questions that are made and posed by the appealing party were addressed either in the applicants submitted documents or during one of the two hearings (July 8, 2021 hearing as well as the July 22, 2021) at which time the information was presented physically in the form of the Hydrology reports or verbally by SourzHVR.

Furthermore, much of what is mentioned in the appeal document has nothing to do with this particular project, but rather are policy/procedural suggestions the appealing party is making to the Board of Supervisors and other regulating bodies. These policy and procedural change requests were not in place throughout the planning and development process for the SourzHVR project and, hence, were not directly relevant to and should not be applied to this particular project or associated appeal.

Aquifer draw down / effect on neighboring wells: The potential for aquifer drawdown was analyzed and determined to not be a significant adverse impact. This was found and is consistent with the reviewed hydrology studies and reports. The appealing party makes mention of an abbreviated hydrology report that SourzHVR willingly supplied to neighbors during one of their outreach events. This abbreviated report was prepared before the two hydrology reports that were prepared for the project, and provided a

synopsis of information contained within a larger document. The appeal references information, as stated on page 7 of the referenced *Hydrogeology Technical Memorandum High Valley Ranch Project, Lake County, CA* dated December 16, 2020,:

“The Quaternary Alluvium and Holocene Volcanics aquifers are both productive water-bearing zones within the High Valley Ground Water Basin. Preliminary estimates suggest that the Alluvium aquifer has a transmissivity of over 500,000 ft²/day in the vicinity of the High Valley Ranch. Furthermore, the storage capacity of the Alluvium aquifer is reported to be over 9,000 acre-feet. Data from wells installed into the Holocene Volcanics aquifer at the Brassfield Estate Winery, immediately west of High Valley Ranch, suggest that the aquifer is capable of meeting the irrigation demands of the proposed cannabis growing operation.”

Regarding the 9,0000 acre-feet of reported storage. It is important to note that this volume was for the Quaternary Alluvium aquifer and was based on a California Department of Water Resources report that provided information on California aquifers with information available during the 1960's. As time passed and more information has become available it is now know that this information is outdated. As noted in the second Hydrology Report (based in part on a EBA Engineering report that was prepared for the adjacent property and Brassfield Winery in 2016 and that has been made available for review) the following is true of the water storage within the aquifer and shows the overall storage capacity to be 27,799-acre feet, not the outdated value of 9,000 acre-feet.

“The EBA Engineering September 2016 report provides conservative estimates for the groundwater availability within the High Valley cumulative area of impact. The report estimates that the combined storage capacity of the Quaternary alluvium and Holocene volcanics is approximately 27,799-acre feet. Additionally, EBA estimated the groundwater recharge to the Valley to be approximately 2,321-acre feet. This conservative recharge estimate accounts for three ponds located at the winery.”

Mention of Drought/CEQA consideration: There is an assertion by the appealing party that there is no mention of drought in the hydrology analysis. While the word drought might not itself be contained within the report, drought conditions are surely considered in the analysis. California has routinely experienced drought conditions for centuries and is part of the climate of the state. Per the California Department of Water Resources (CDWR) website on drought,

“California is no stranger to drought; it is a recurring feature of our climate. We recently experienced the 5-year event of 2012-2016, and other notable historical droughts included 2007-09, 1987-92, 1976-77, and off-and-on dry

conditions spanning more than a decade in the 1920s and 1930s. Paleoclimate records going back more than 1,000 years show many more significant dry periods.” (<https://water.ca.gov/water-basics/drought>)

As you can see, the word drought does not need to appear in the document as it is a feature of the climate. The appealing party makes a comment regarding the hydrology report not being included within the CEQA analysis. As a matter of fact, the hydrology report was prepared in part to inform the CEQA analysis. Per the Hydrology memorandum dated December 16, 2020;

“The purpose of this memorandum is to provide information related to surface and groundwater for the proposed project described below. For surface water resources, the memo summarizes the surface drainage characteristics, discusses potential impacts to the surface water conveyances to support analysis under the California Environmental Quality Act (CEQA), and provides preliminary recommendations for minimizing potential impacts to surface water and drainage conveyances in the project area. Next, this memo summarizes the prevailing hydrogeology at the site and assesses the ability for on-site groundwater to meet the water use and irrigation demands.”

Qualifications of Professional, methodology for EBA report: The hydrology report was prepared by Jason Sheasley who is a groundwater scientist with 30 years of experience. Mr. Sheasley prepared the hydrology report in concert with Sam McWhorter who is a licensed state of California Engineer. Mr. Sheasley has expertise in environmental compliance, ground water resource management, hydrogeologic investigations and ground water modeling.

To touch back on the metrics used in the EBA report, it outlines the metrics that were used to determine baselines stating:

“The calculation of aquifer storage capacity is accomplished by multiplying the volume of the aquifer by its specific yield. The areas of the aquifers were estimated based on information shown on the geologic map (Figure 4), findings from the site reconnaissance, and WWDR information. The thicknesses of the aquifers, in turn, were based on the average static groundwater level in the units from measurements taken during the site reconnaissance and the maximum aquifer depth, which was based on the average basal depth of each unit from the WWDR information. Finally, the specific yield or secondary porosity volume for each aquifer was conservatively estimated based on documented literature values for similar Quaternary alluvial deposits and fractured volcanic units. As such, the specific yields were conservatively estimated to be 15 percent for the alluvium aquifer and seven percent for the volcanic aquifer (CDWR, 2003).

The storage capacity was then calculated by multiplying the respective values.” (EBA report page 8)

Recharge: The appealing party question the validity of the recharge calculations. The recharge calculations were performed in concert with the development of a water balance. Per the EBA report,

“...groundwater recharge estimates for a defined cumulative impact area are calculated by assuming that precipitation represents the primary source of potential inflow into the system, and run-off, evapotranspiration, evaporation and spring flow represent the primary outflow variables. In regard to this project, run-off from the surrounding Franciscan rocks were identified as an additional source of inflow into the basin, therefore, Franciscan run-off was added to the precipitation volume to represent the total inflow into the system. As for other secondary sources of inflow (e.g., groundwater inflow from upgradient boundaries, recharge from irrigation, etc.) and outflow (e.g., groundwater outflow along downgradient boundaries, etc.) that contribute to the overall groundwater recharge characteristics, they were assumed to be relatively equal, resulting in no net gain or loss. Based on this approach, the following equation was used to calculate potential groundwater recharge:

Groundwater Recharge = $(P + KJf) - (R + ETa + ECI + ER)$ - Where “P” is equal to precipitation (in AF/yr), “KJf” is equal to run-off from the Franciscan unit into the basin (in AF/yr), “R” is equal to total run-off from the basin (in AF/yr), “ETa” is equal to actual evapotranspiration (in AF/yr), “ECI” is equal to evaporative losses related to canopy interception (in AF/yr), and “ER” is equal to evaporative losses from irrigation reservoirs (in AF/yr).” (EBA Report page 9).

Furthermore, as describe in the summary of water balance calculations, the historical average for recharge is 2,425 AF in a given year. The proposed project is using less than 360 AF per year. Per the EBA report,

“While a number of estimates or assumptions are factored into the analysis, the nominal percentage of water demand versus the potential groundwater recharge volume provides an appreciable factor of safety to compensate for any variables that might deviate from said estimates and/or assumptions”...

The EBA report, while prepared for Brassfield estate winery at a directly adjacent site is relevant to the proposed project as it provides a current and more realistic evaluation of the hydrology and groundwater characteristics of the basin in which both projects are located. The report determined that the total water use of Brassfield, 378.7 AF/year (20 acre feet greater than that proposed by SourzHVR) was suitable in this ground water basin.

“The amount of potential groundwater recharge significantly exceeds the groundwater use demands for the proposed scenario.”(EBA report page.13)

Even if you add the cumulative AF usage of Brassfield estate winery as well as the SourzHVR project, the total of 730.29 acre feet is only 30 percent of the recharge per year. It also is important to reiterate that combined both property owners cumulatively own approximately 56% of the impact area and are only using 30 percent of the annual recharge.

Pipe from Brassfield, inclusion in CEQA analysis: The pipe that was shown from Brassfield’s pond to the High Valley Ranch is not being used to irrigate cannabis. This pipe supports the irrigation needs of the sunflowers that are planted in the largest garden on the property as well as to provide water for the cows. As articulated and shown within in the irrigation diagram provided by Lodi Pump and Irrigation, the line from Brassfield feeds into the garden area planted with sunflowers.

Regarding inclusion to the CEQA analysis for the proposed project, it is critical to note that because this line is not related to the cannabis operation of SourzHVR, but rather for the landholding entity Aviona LLC, a separate entity as part of a separate project, this is not required nor is it appropriate to be included in the CEQA analysis as part of the proposed project. This is not a part of “the project,” and further both separate projects exhibit independent utility. In other words, the proposed project does not require the separate line to function and that the Aviona LLC project does not require the SourzHVR project to be viable. Thus the new line was not needed to be, or required to be studied. In addition, the work that was done in regards to the pipe is temporary. That pipe was rented and was not placed underground, but rather on top of the soil. Lastly, issuance of the encroachment permit for the pipe was of a ministerial nature, was not discretionary, was appropriately applied for, appropriately issued by the county, subsequently obtained by the landholding entity, and thus inclusion of this water source within the CEQA document is not applicable.

Biology:

There is nothing contained within this appeal that wasn’t already addressed, especially as it relates to the biology portion. The proper biological survey’s were performed and were submitted to the applicable state agencies including CDFW (discussed in detail above). SourzHVR provided a 78-page Biological Resource Assessment performed as part of our project, and as part of the CEQA process and disclosed as part of the environmental review process. This BRA included the applicable CEQA checklist questions and addressed all biological resource questions. CDFW reviewed the applicant’s studies and did not object or raise any concerns during the LSAA submittal, the county’s agency review period, nor during the review period while the documents were uploaded to CEQANET.

The appealing party makes a claim that the BRA does not comply with County policy or CDFW protocol, however have not provided any information as to what criteria they are referring to. The subject BRA was conducted in accordance with standard biological reporting and reviewed by the County as well as other state agencies with no comments at any given time throughout the public review process. The project was evaluated with consideration given to all applicable governing agencies and policies beyond just the county and CDFW including the Federal Endangered Species Act, The Migratory Bird Treaty Act of 1918, The US Army Corps of Engineers- Clean Water Act- Section 404, California Environmental Quality Act, California Endangered species act, California Fish and Game Code – Section 1600 – Lake or Streambed Alteration Agreement, California fish and Game Code – Section 3500 – Nesting Bird protection, California Fish and Game Code – Fully Protected species, the Regional Water Quality Control Board – Clean Water Act – Section 401 and Porter – Cologne Water Quality Control Act, and lastly Lake County Code of Ordinances.

Security:

There is no particular issue raised here by the appealing party, but rather just commentary about the importance of security. The applicant agrees that security is important, as such they have instituted various policies including hiring a guard to man the entrance gate, installed security cameras, and performed background checks on all employees to name a few.

The appealing party is referred to Lake County Zoning Ordinance Article 27 Subsection (3)(iii)(a) which details the requirements of the Security Plan all of which have been included in the Property Management Plan submitted to the County, reviewed, and approved as part of the project.

Noncompliance with the Zoning Ordinance – Article 51, Section 51.4 (a) 1 through 6:

The appealing party notes that because the materials submitted to the county were prepared by SourzHVR and their associated consultants that somehow the documents are not valid.

To clarify the document submittal process and to satisfy disclosure requirements to the County as part of the application process and all CEQA disclosures to the County, responsible and trustee agencies, as well as other stakeholders and members of the public, it is the responsibility of any applicant to provide the documents needed for submittal for a cannabis cultivation permit. As part of this process, all application materials including the biological assessment, site plans etc., are available for review to all aforementioned parties.

It is further noted, that the County has primary review responsibility of said documents and ensures the accuracy and validity of the information provided. The appealing party makes the statement that,

“the Community Development Department staff and the Planning Commission had an obligation to review this project in an impartial way, not to just take the applicants word for it.” (page 7 appeal)

This is a completely baseless statement and is contrary to the fact that the SourzHVR project has been, and appropriately so, highly scrutinized by the dedicated staff of the County, CDD, and all other permitting agencies. This is exemplified by the fact that the SourzHVR project and the submitted materials have been through numerous reviews, both internal and external, and has been diligently reviewed by multiple parties, and then subsequently evaluated by the Planning Commission at two separate hearings. It is noted that Planning Commission diligently listened to, reviewed, and asked serious questions regarding the submitted materials, and applied the disclosures to their ultimate decision to approve the project. Further, SourzHVR has now responded to additional informational requests, prepared these additional responses to largely previously asked questions and previously made complaints, all of which will now be presented to the Board for a final decision.

Thus, not only is the claim that the CDD was not impartial or did not do a complete review patently false, it is further noted, in evidence of how much additional work SourzHVR has performed, whereas every commissioner made it a point to say how much effort was done to provide them the information needed for a thorough review. In Commissioner Chavez’s closing remarks he stated,

“Compared to other projects we’ve seen, they’ve put in a lot of work and continue to go far and beyond to make sure neighbors and public concerns are addressed.”(Hour/Minute 2:53, planning commission hearing 7/22.)

Commissioner Hess, the longest standing commissioner stated,

“I’m the last standing commissioner who was part of writing the cannabis ordinance and I’ve been present from the very first vote on the very first application and I’ve seen lots of applications, large and small and this is truly, in terms of my review, one of the most comprehensive and carefully crafted applications that I’ve seen.”(Hour/Minute 2:50, planning commission hearing 7/22..Commissioner John Hess)

Thus, the assertion that the application materials are not adequate or incomplete is inaccurate, false, misleading, and frankly disrespectful to the county employees and planning commissioners who diligently reviewed the project.

Cultural Resources:

Notice was sent out to all tribes on 3 separate occasions as documented in the July 22nd hearing. If there was a cause for concern it was not raised by the tribes, nor Lake County’s

foremost expert on archeological history, John Parker, nor was it a cause for concern for Commissioner Batsulwin Brown- who visited the site. All applicable regulations were adhered to.

Traffic:

The appealing party makes a statement that there was no independent review of the traffic report nor was it reviewed by a qualified member of the CDD or the County public works department or by an independent qualified traffic engineer. The traffic study was based on a request from the Planning Commission at the July 7th hearing in response to public comment questioning the potential for the project to increase vehicle trips and potential for safety impacts to occur.

In general, as discussed in additional detail below, a traffic study to evaluate the Vehicle Miles Travelled (VMT) is not required unless a project would exceed 110 average daily trips. Nonetheless, the Planning Commission requested such an evaluation and SourzHVR complied with the request. Using the previous VMT from the PSI Seminars use, it was determined that the proposed project would result in fewer average trips per day than the previous use.

This evaluation was based on a proper analysis methodology and was completed per CEQA guidance and in conformance with Senate Bill 743. This methodology was based on the 2019 Natural Resource Agency adoption of changes to the CEQA Guidelines and what were substantial changes as it relates to traffic analysis. As the applicant's consultant mentioned during the hearing on the 22nd, the newly adopted methodology of assessing traffic impacts is done through a VMT assessment, the Governor's Office of Planning and Research (OPR), as noted in SB 743 frequently asked questions, per the Technical Advisory on evaluating transportation impacts in CEQA,

"Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, **projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact.**" (GOPR, Technical advisory on evaluating transportation impacts in CEQA pg14).

As discussed above, SourzHVR has demonstrated through analysis of data supplied by the former property owner that the VMT would be less for the project than the previous owner.

Lastly, and equally important, SourzHVR also has gone above and beyond what would typically be mandated for a project such as this, and is working with the County, and has gone as far as to contact CDD, to address and pay for various road improvements.