



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
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MEMORANDUM

TO: Planning Commission, Mary Darby, County Legal Counsel

FROM: Eric Porter, Associate Planner

SUBJECT: CEQA Assessment for file no. MMU 21-22, Cali Green Bear

DATE: October 28, 2021

ATTACHMENTS: A. Original Initial Study, IS 18-43
B. Initial Study Addendum to IS 18-43

SUMMARY:

The Applicant, Cali Green Bear / Wais Amin has applied for an amendment to a previously approved use permit to allow 16 new greenhouses on his land.

The California Environmental Quality Act (CEQA) sets forth regulations for determining a projects' cumulative impacts on the environment. A complete environmental review for this expansion was undertaken and resulted in a second Initial Study (Addendum), which evaluated the cumulative impacts of the original and revised project scope. CEQA section 15162 applies to this amendment, and states the following. The bolded portions are applicable to this project.

§ 15162. Subsequent EIRs and Negative Declarations.

(a) When an EIR has been certified or **a negative declaration adopted for a project**, no subsequent EIR shall be prepared for that project **unless the lead agency determines**, on the basis of substantial evidence in the light of the whole record, **one or more of the following**:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) **Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the**

previous EIR or **negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects**; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, **unless further discretionary approval on that project is required.** Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, **a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project**, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) **A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072.** A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed. End of CEQA section 15162.

Project Characteristics and Changes to the IS/MND that resulted from this project.

- Original approval: twenty (20) 2,304 sq. ft. greenhouses, 3,000 sq. ft. processing building
- Revision: sixteen new (additional) 2,304 sq. ft. greenhouses
- No change to the cultivation area would occur. The canopy area used was approximately 2/3 of what was approved due to plant density
- Greenhouse location is flat and previously disturbed by agricultural uses
- A full Addendum to the Initial Study was prepared and sent to the State Clearinghouse on Sept. 10, 2021
- The Addendum assessed the cumulative impacts of the project, including the sixteen new greenhouses that were proposed. Some minor changes to mitigation measures required in the original Initial Study / Mitigated Negative Declaration resulted as follows:
 - Aesthetics: the original IS required screening trees. Those trees are now in place.
 - Air Quality: the original IS required an Odor Control Plan (AQ-6); that plan is in place. The original IS required surfacing of parking and access aisles; that surfacing is in place (AQ-7). Both were omitted from the Addendum.
 - Cultural / Tribal: The original IS did not require training for employees in order to identify potentially significant artifacts during ground disturbance. The Addendum added CUL-2, which requires all employees to be trained by the interested Tribe in recognizing potentially significant artifacts
 - Hazards and Hazardous Materials. The original IS required a lockable shed be available on site for fertilizer, pesticide and other potentially harmful chemical storage (primarily fuel; HHM-1). This was done, and the mitigation measure removed from the Addendum.

Biological Resources. The applicant provided an update to the Biological Study, prepared by Pinecrest Environmental Consulting, and dated June 24, 2021. This update stated that no threatened or endangered flora or fauna would be impacted by this project, and had no further recommendations for mitigation of the site in the expanded project area.

Cultural / Tribal Resources. The applicant provided an update to the Cultural Resource Evaluation undertaken on the site, prepared by Wolf Creek Archaeological Services and dated June 26, 2021. The Evaluation concluded that it was unlikely that the site contained significant relics, artifacts or human remains, and that the project should proceed.

Site Plans. The site plans, prepared by Vanderwall Engineering, were updated to reflect the expansion area requested with this project.

Property Management Plan. The Property Management Plan was updated and reflects the corrected number of greenhouses, as well as the cultivation and canopy areas assuming the project is approved.

Water Availability Analysis. A cumulative Water Availability Analysis, prepared by Stevenson Water Treatment and Distribution Services, undated but received by the County on August 8, 2021 was submitted. This was not required for the original 2018 application, but is required for this amendment.

Conclusions

1. All aspects of the original and amended project can be mitigated to ‘less than significant’ levels with the mitigation measures that are required as Conditions of Approval.
2. The 54 acre parcel is large enough to accommodate the cumulative proposal (original and amended).
3. The project has met the requirements of the General Plan, the Kelseyville Area Plan and Articles 27(at) and 60.33 of the Zoning Ordinance.
4. The property is properly zoned to accommodate the commercial cannabis use.