



## COUNTY OF LAKE

### COMMUNITY DEVELOPMENT DEPARTMENT

#### Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

Telephone 707/263-2221 FAX 707/263-2225

October 15, 2020

Kochagorn Sinsukthaworn and James Hopkins  
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Via Email: [thaigerann@gmail.com](mailto:thaigerann@gmail.com) and [ridethedirt@msn.com](mailto:ridethedirt@msn.com)

Subject: Mitigation Measures Agreement for Initial Study, IS 20-04 for [Minor Use Permit (MUP 20-01) and Early Activation (EA 20-04)].

Pursuant to the California Environmental Quality Act (*CEQA*), Article 6, Section 15070 (*Decision to prepare a Negative or Mitigated Negative Declaration*), the applicant must review the revisions and/or the proposed mitigation measures of the Initial Study before the Initial Study is released for public review. In order to avoid any significant effects on the environment, the *Initial Study, IS 20-04* for [Minor Use Permit (MUP 20-01) and Early Activation (EA 20-04)]. However, based on the Initial Study, the Community Development is recommending following Mitigation Measures for the proposed Minor Use Permit. Please review this letter, including the enclosed initial study and check the appropriate box at the end with your response.

#### **Aesthetics:**

- **An Outdoor Lighting Plan that meets the darkskies.org lighting recommendations shall be submitted for review and approval prior to operation.**
- **All greenhouses incorporating artificial lighting shall be equipped with blackout film/material to be used at night for maximum light blockage to lessen the impact on the surrounding parcels and the dark skies. Applicant shall submit a Blackout Film/Materials Plan to the Community Development Department for review and approval prior to issuance of any permits.**

#### **Air Quality:**

- **All Mobile diesel equipment used for construction and/or maintenance shall be compliance with State registration requirements. Portable and stationary diesel powered equipment must meet the requirements of the State Air Toxic Control Measures for CI engines as well as Lake County Noise Emission Standards.**
- **Construction and/or work practices that involve pavement, masonry, sand, gravel, grading, and other activities shall be managed by adequate dust control to mitigate airborne emission during and after site development.**

- The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials to the Lake County Air Quality Management District.
- All vegetation during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, including waste material is prohibited.
- The applicant shall have the primary access and parking areas surfaced with chip seal as a temporary measure, and asphalt or an equivalent all weather surfacing for long term occupancy to reduce fugitive dust generation. All areas subject to semi-truck/ trailer traffic shall require asphaltic concrete paving or equivalent to prevent fugitive dust generation. The use of white rock as a road base or surface material for travel routes and/or parking areas is prohibited.
- All areas subject infrequent use of driveways, over flow parking, etc., shall be surfaced with gravel. Applicant shall regularly maintain and require palliative treatment at the graveled area to reduce fugitive dust generations.

### **Biological Resources:**

- If project activities occur during the breeding season (February 1 through August 31), a qualified biologist shall conduct a breeding survey no more than 14 days prior to project activities to determine if any birds are nesting in trees on or adjacent to the study area. This shall include areas where water wells and security fencing will be installed. If active nests are found close enough to affect breeding success, the qualified biologist shall establish an appropriate exclusion zone around the nest. This exclusion zone may be modified depending upon the species, nest location, and existing visual buffers.
- No construction activities shall occur during rain events (October 15 through April 15), defined as ¼ inch of rain falling within a 72-hour period. Construction activities shall resume 72 hours after the end of the rain event. All work areas shall be checked daily prior to the start of work to ensure that no special-status species are within the proposed work zone.
- Placement of any fill and/or any project improvements/ development that results in the discharge of dredged and/or fill material into potential jurisdictional areas on the project sites shall require authorization from the following agencies, which included but is not limited to the following:
  - U.S Army Corps of Engineers Nationwide Permit.
  - Regional Water Quality Control Board pursuant to Sections 404 and 401 of the Clean Water Act.
  - California Department of Fish and Wildlife – 1601/1604 Stream Alteration Agreement.
- Prior to any work occurring in and/or near any waterway, the applicant shall submit Erosion and Sediment Control Plans and a Storm Water Management Plan to the Community Development Department for review and approval. Said Plans shall protect the local watershed from runoff pollution through the implementation of appropriate Best Management Practices (BMPs) in accordance with the Grading Ordinance. [Coverage under the National Pollutant Discharge Elimination System (NPDES), General Permit for Storm Water Discharges associated with a Construction Activity (General Permit) and a Storm Water Pollution Prevention Plan (SWPPP) may be required.



## **Cultural Resources and Tribal Cultural Resources:**

- Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the applicant shall notify the local overseeing Tribe, and a qualified archaeologist to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, the applicant shall notify the Sheriff's Department, the local overseeing Tribe, and a qualified archaeologist for proper interment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.
- If any human remains are encountered during site preparation and construction activities, the applicant shall halt all work and immediately contact the Lake County Sheriff's Department and the Community Development Department. If any artifacts or remains are found, the local overseeing Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds.
- All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the local overseeing Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds

## **Geology/Soils**

- Prior to any ground disturbance, the permitted shall submit Erosion Control and Sediment Plans to the Community Development Department for review and approval. Said Erosion Control and Sediment Plans shall protect the local watershed from runoff pollution through the implementation of appropriate Best Management Practices (BMPs) in accordance with the Grading Ordinance. Typical BMPs include the placement of straw, mulch, seeding, straw wattles, silt fencing and the planting of native vegetation on all disturbed areas. No silt, sediment or other materials exceeding natural background levels shall be allowed to flow from the project area. All BMP's shall be maintained for life of the project.
- Excavation, filling, vegetation clearing or other disturbance of the soil shall not occur between October 15 and April 15 unless authorized by the Community Development Director. The actual dates of this defined grading period may be adjusted according to weather and soil conditions at the discretion of the Community Development Director.
- The permit holder shall monitor the site during the rainy season (October 15 to May 15), including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed.

## **Hazards**

- All hazardous waste shall not be disposed of on-site without review or permits from Environmental Health Department, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material.
- The storage of potentially hazardous materials shall be located at least 100 feet from any existing water well. These materials shall not be allowed to leak onto the ground or



contaminate surface waters. Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such materials.

- Any spills of oils, fluids, fuel, concrete, or other hazardous construction material shall be immediately cleaned up. All equipment and materials shall be stored in the staging areas away from all known waterways.
- The storage of hazardous materials equal to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.
- The project design shall incorporate appropriate BMPs consistent with County and State Storm Water Drainage regulations to prevent or reduce discharge of all construction or post-construction pollutants and hazardous materials offsite or into the creek. The site shall be monitored during the rainy season (October 15-April 15) and erosion controls maintained.

### **Noise**

- All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00am and 7:00pm to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.
- Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 7:00PM and 45 dBA between the hours of 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.
- The operation of the Air Filtration System shall not exceed levels of 57 dBA between the hours of 7:00AM to 10:00PM and 50 dBA from 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.2) measured at the property lines.

### **Transportation**

- Prior to this use permit having any force or effect, the applicant will be required to submit and have approved a timeline to make all necessary road improvements to comply with Public Resource Code (PRC) section 4290 and 4291. The building official will inspect this road following completion of the road to assure PRC compliance.

### **Wildfire**

- All regulations on the State of California's Public Resource Code, Division, and all Sections in 4290 and 4291 (4001-4958) shall apply to this application/construction.
- All regulations of California Code Regulations Title 14, Division 1.5, Chapter 7, Subchapter 2, and Article 1 through 5 shall apply to this application/construction.
- All regulations of California Building Code, Chapter 7A, Section 701A, 701A.3.2.A.

- All regulations in the California Government Code, Title 5. Local Agencies [50001- 57550], Part 1. Powers and Duties Common to Cities and Counties [50001 - 51189], Section 51182.
- This shall include, but not be limited to property line setbacks for structures that are a minimum of 30 feet, addressing on-site water storage for fire protection, driveway/roadway types and specifications based on designated usage, all weather driveway/roadway surfaces engineered for 75,000 lbs vehicles, maximum slope of 16%, turnouts, gates (14 foot wide minimum), gate setbacks (minimum of 30 feet from the road), parking, fuels reduction, including a minimum of 100 feet of defensible space. If this property will meet the criteria to be, or will be a CUPA reporting facility/entity to Lake County Environmental Health (see hyperlink below), it shall also comply specifically with PRC4291.3 requiring 300 feet of defensible space and fuels reduction around said structure.

Please note. Additional Conditions of Approval will be required pursuant to County Code.

- ☒ I agree to the proposed Mitigation Measures
- ☒ I am opposed to one or more of the proposed Mitigation Measures and have proposed the attached alternative mitigation(s) to reduce the potential impact(s) to a less than significant level.

Owner/Applicant Signature: \_\_\_\_\_

Owner/Applicant Name: \_\_\_\_\_

Date: 10/15/2020

Owner/Applicant Signature: \_\_\_\_\_

Owner/Applicant Name: \_\_\_\_\_

Date: 10-15-20

Please complete this form and return the original document to the Community Development Department. If you have any questions please contact me at (707) 263-2221 or [victoria.kim@lakecountycalifornia.gov](mailto:victoria.kim@lakecountycalifornia.gov).

Sincerely,



Assistant Planner