COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone: (707) 263-2221 FAX: (707) 263-2225

March 14, 2023

CALIFORNIA ENVIRONMENTAL QUALITY ACT
ENVIRONMENTAL CHECKLIST FORM
INITIAL STUDY (UP 20-46, IS 20-58)

1. Project Title:	Bottle Rock Holdings, Inc.
2. Permit Numbers:	Major Use Permit UP 20-46 Initial Study IS 20-58
3. Lead Agency Name and Address:	County of Lake Community Development Department Courthouse, 3rd Floor, 255 North Forbes Street Lakeport, CA 95453
4. Contact Person:	Andrew Amelung, Program Manager (707) 263-2221
5. Project Location(s):	9260 Kelsey Creek Drive, Kelseyville, CA APN: 011-004-14 and 011-004-40 (cultivation sites); APN: 011-004-50 (clustering site)
6. Project Name & Address:	Bottle Rock Holdings, Inc. 7325 La Jolla Blvd La Jolla, CA 92307
7. General Plan Designation:	Rural Lands
8. Zoning:	RL – Rural Lands (APNs 011-004-14 and -50) APZ-WW – Agricultural Preserve; Waterway Combining District (APN 011-004-40)
9. Supervisor District:	District 3
10. Flood Zone:	"X" Areas of minimal flooding – not in a special flood hazard area (all APNs); "D": Areas of undetermined, but possible, flood hazard risk (eastern portion of APN 011-004-14)
11. Slope:	Slopes in the cultivation area are less than 10%
12. Fire Hazard Severity Zone:	Kelseyville Fire Protection District: Moderate Risk; Very High Risk
13. Earthquake Fault Zone:	None

14. Dam Failure Inundation Area: Not located within Dam Failure Inundation Area

15. Parcel Size: 90.37 acres (APN 011-004-14)
179.79 acres (APN 011-004-50)
102.21 acres (APN 011-004-40)

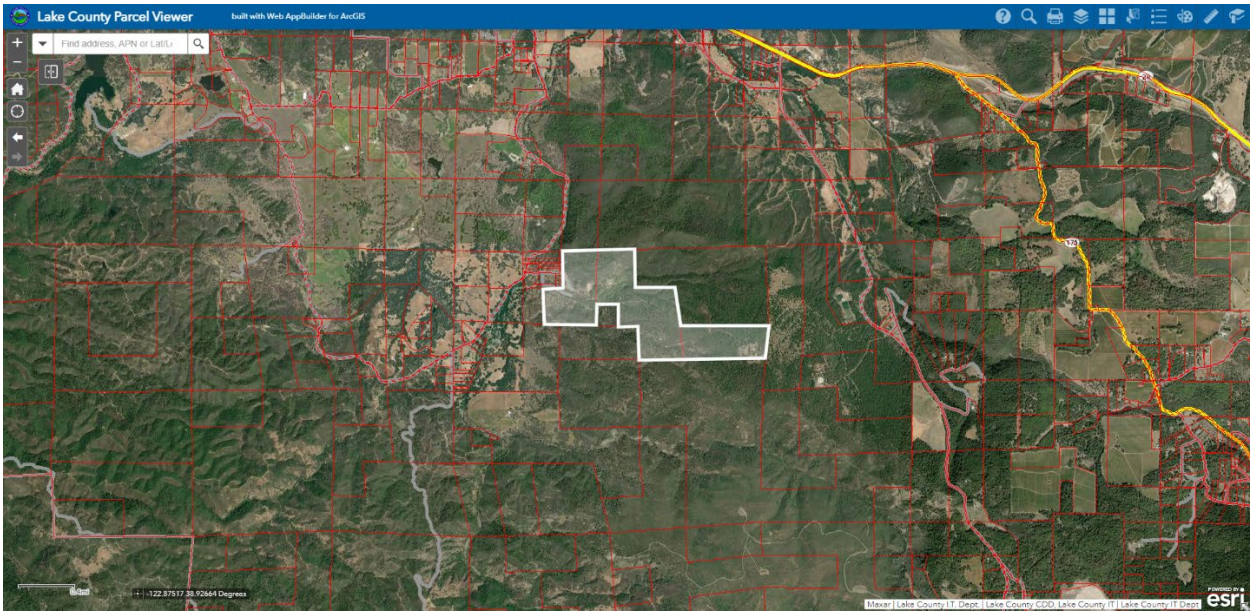
16. Description of Project:

The applicant, Bottle Rock Holdings, is requesting discretionary approval from Lake County for a Major Use Permit, UP 20-46, for commercial cannabis cultivation at 9260 Kelsey Creek Drive, Kelseyville (APNs: 011-004-14 and 011-004-40 (cultivation sites); APN: 011-004-50 (clustering site)), as described below:

Six (6) A-Type 3: "Outdoor" licenses: Outdoor cultivation for adult-use cannabis under direct sunlight. The applicant proposes six (6) acres [261,360 square feet (sq. ft.)] of commercial cannabis canopy area.

One (1) A-Type 13 Self-distribution License: In the "RL" and "APZ" zoning districts the Type 13 Distributor Only, Self-distribution State licenses are an accessory use to an active cannabis cultivation or cannabis manufacturing license site with a valid minor or major use permit. Per Article 27 Section 11 (ay), the parcel where the distributor transport only, self-distribution license is issued shall front and have direct access to a State or County maintained road or an access easement to such a road, the permittee shall not transport any cannabis product that was not cultivated by the permittee, and all non-transport related distribution activities shall occur within a locked structure. Furthermore, all guidelines for Distributor Transport Only License from the California Department of Cannabis Control's Title 4, Division 19, Chapter, as described in §15315, must be followed.

Figure 1. Vicinity Map (Source: Lake County GIS Portal)



The proposed cultivation canopy areas would be located on two different parcels: APN 011-004-14 and APN 011-004-40, referred to as the Bottle Rock Site and Kelsey Creek Site, respectively.

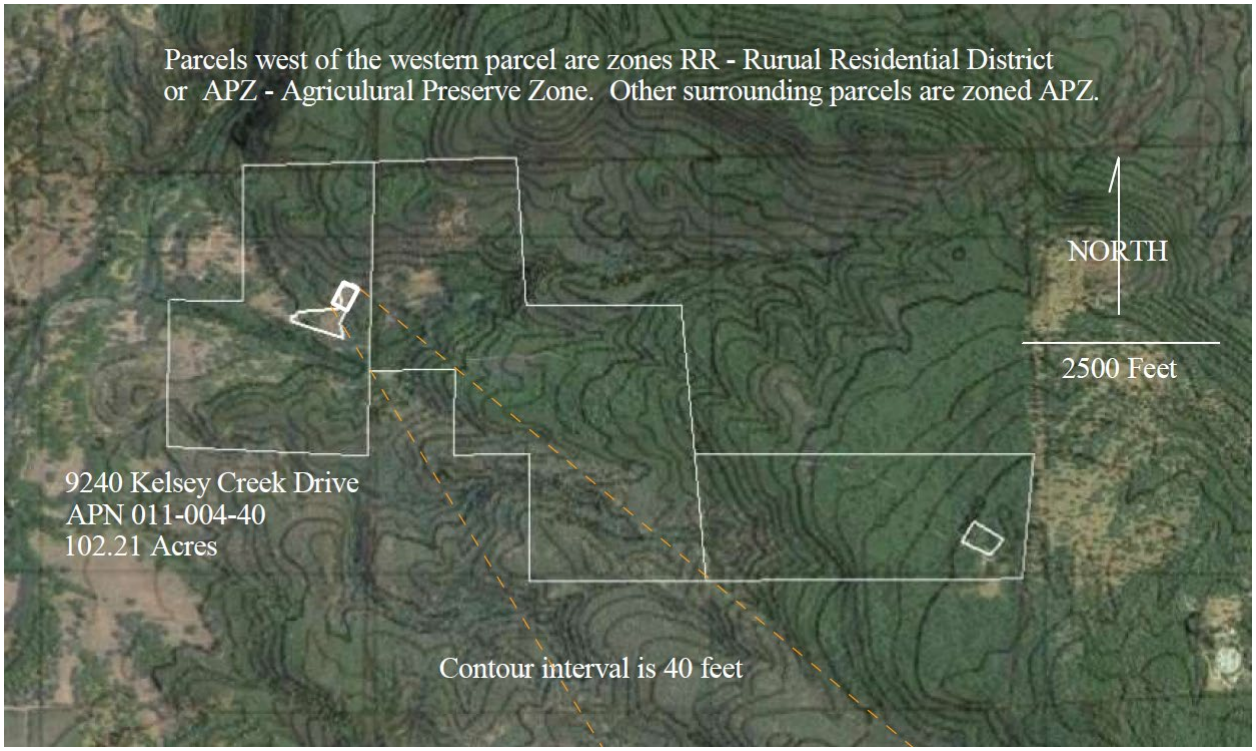
Five (5) acres of outdoor canopy will occur on the Bottle Rock Site. The canopy will be inside a 323,125 sq. ft. fenced canopy enclosure bordered by an eight-foot tall metal fence with locked gates on one legal lot. Existing structures include a 40 ft. x 26 ft. dwelling, a 17 ft. x 27 ft. storage shed to be used as a drying and processing room, a 12 ft. x 22 ft. shed of to be used for hazardous material storage, a 35 ft. x 11 ft. storage building to be used for cannabis production waste, and a 20 ft. x 23 ft. storage shed. The shed and the storage buildings are not included in the cultivation area.

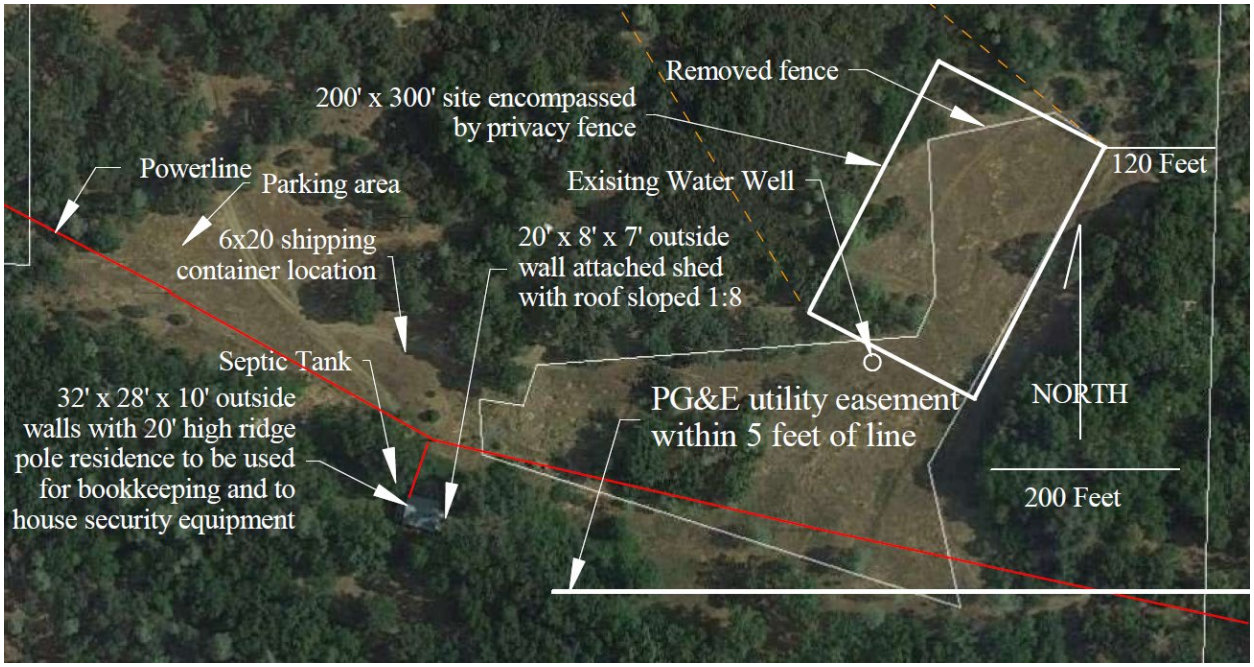
One (1) acre of outdoor canopy will occur on the Kelsey Creek Site. The canopy will be inside a 60,000 sq. ft. area bordered by an eight-foot tall metal fence with locked gates on one legal lot. Existing structures include a dwelling, fence for the cultivation area; a drip irrigation system, and a 48 sq. ft. small shed to be used as hazardous material storage. The shed and the dwelling are not factored into the cultivation area.

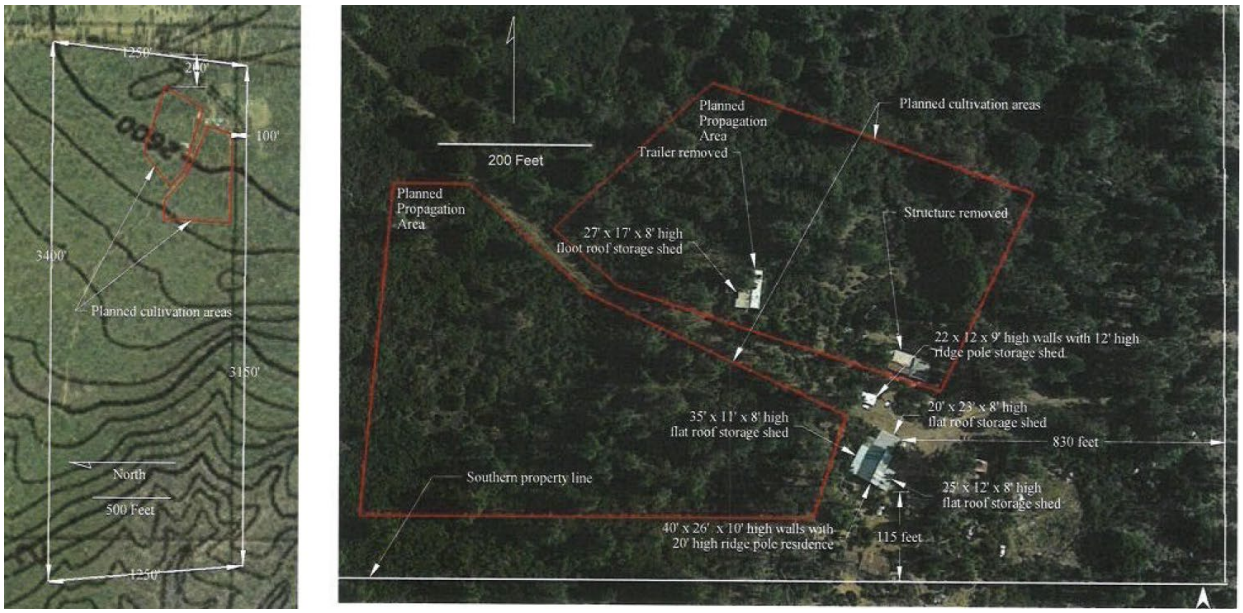
The Project proposes the following:

- A 217,800 sq. ft. outdoor canopy area (Bottle Rock)
- A 43,560 sq. ft. outdoor canopy area (Kelsey Creek)
- An existing 17’ x 27’ drying/processing shed (Bottle Rock)
- An existing 12’ x 22’ hazardous material storage shed (Bottle Rock)
- An existing 35’ x 11’ cannabis waste storage shed (Bottle Rock)
- An existing 20’ x 23’ storage shed (Bottle Rock)
- An existing 48 sq. ft. hazardous material storage shed (Kelsey Creek)
- Fencing and a security system
- An existing well located at Kelsey Creek
- Thirty (30) 2,500-gallon water storage tanks (Bottle Rock)
- An existing 25,000-gallon water cistern (Bottle Rock)
- Ten (10) 2,500-gallon water storage tanks (Kelsey Creek)

Figure 2. Site Plans







The application material submitted indicates that no new structures are proposed, and that construction activities are limited to installation of a new fence, security cameras and wiring, and irrigation pipe installation. The applicant states that construction activities would last about 2 to 3 weeks to complete, and would occur between 8 a.m. and 4 p.m. Monday through Saturday. The applicant states that a small skid steer will be used to set fence posts and to drill holes for the in-ground plants. The applicant estimates a total of 4 weekly trips during construction. Staging areas for construction equipment are not identified, but must occur in previously-disturbed areas on site.

The growing medium proposed cultivation areas would be an amended native soil mixture, with composted soil and other vegetation waste compost generated on site added to the soil as an amendment. Imported soil amendments would include locally sourced oyster shell flour, gypsum, and soft rock phosphate. Outdoor cultivation would occur in full sunlight with no artificial lighting, and would utilize drip irrigation systems to conserve water resources.

Organic wastes will be composted on site and stored in the designated compost shed until it is incorporated into the soils of the cultivation areas as a soil amendment. Cannabis waste would be minimized to the extent possible through grinding and mulching root balls, stocks, and stems, and would be stored in a secured cannabis waste container. Chemicals stored and used for cultivation operations include fertilizers/nutrients, pesticides, petroleum products, and cleaning products. All pesticides would be securely stored inside the proposed pesticide storage shed. Yellow and well-marked hazardous waste lockers would be maintained in the agricultural building, which would store all potentially hazardous materials. All materials would be maintained in their original containers.

Water for the cultivation activities will be supplied from an existing groundwater well located at the Kelsey Creek site. During a well performance test that was conducted on October 20th, 2021, the well pumped between 40 and 60 gallons per minute (gpm), and the water level in the well completely recovered to the pre-test level in less than 24 hours. The Hydrology Report prepared for this Project, prepared by Realm Engineering and dated December 17, 2021, calculated the well to have at least 1.6 gpm/foot of drawdown.

For cultivation irrigation, water will be pumped from the well into 40 2,500-gallon water storage tanks and a 25,000-gallon water cistern and transferred to the cultivation sites using a system of plastic pipes fitted with outlets for water emitters. The water will be delivered to the cultivation area using a drip irrigation technique. The annual water usage requirement for the Bottle Rock site is expected to be approximately 10 acre-feet, and the annual water usage requirement for the Kelsey Creek site is expected to be approximately 3 acre-feet, totaling 13 acre-feet (3,584,366 gallons) for the total cultivation project. It is estimated that the proposed cultivation operation would have a maximum water use requirement of approximately 35,000 gallons per day, with an average water demand of approximately 17,650 gallons per day during the cultivation season.

The outdoor cultivation season for the proposed cannabis cultivation operation would begin in early April and end around mid-November of each year. Normal operational hours would be Monday through Friday 7:00 a.m. to 4:00 p.m. The Lake County Zoning Ordinance restricts deliveries and pickups to 9:00 a.m. to 7 p.m., Monday through Saturday, and Sunday from 12 noon to 5:00 p.m. The facility would also operate on Saturdays and Sundays during peak season. It is anticipated that four employees would be required per shift, with up to 15 required during the peak season.

The Bottle Rock Site is accessed from Helen Road, a private gravel road, which connects with Bottle Rock Road, a paved County-maintained road, which connects with Highway 29, a State Highway. The Kelsey Creek Site is accessed from Conklin Lane, a private gravel road, which connects with Kelsey Creek Drive, a paved County-maintained road, which then connects with Highway 29, a State Highway.

The cultivation sites at both the Bottle Rock Site and Kelsey Creek Site will be surrounded by an eight-foot tall metal fence with locked gates. The proposed Project would implement a security alarm system and be monitored by a 24-hour commercial alarm monitoring service. Cameras and motion censored-lights would be installed on the fence line to provide complete coverage of the perimeters. The video and motion detection system would be installed in a secure room with recording equipment and would allow remote access.

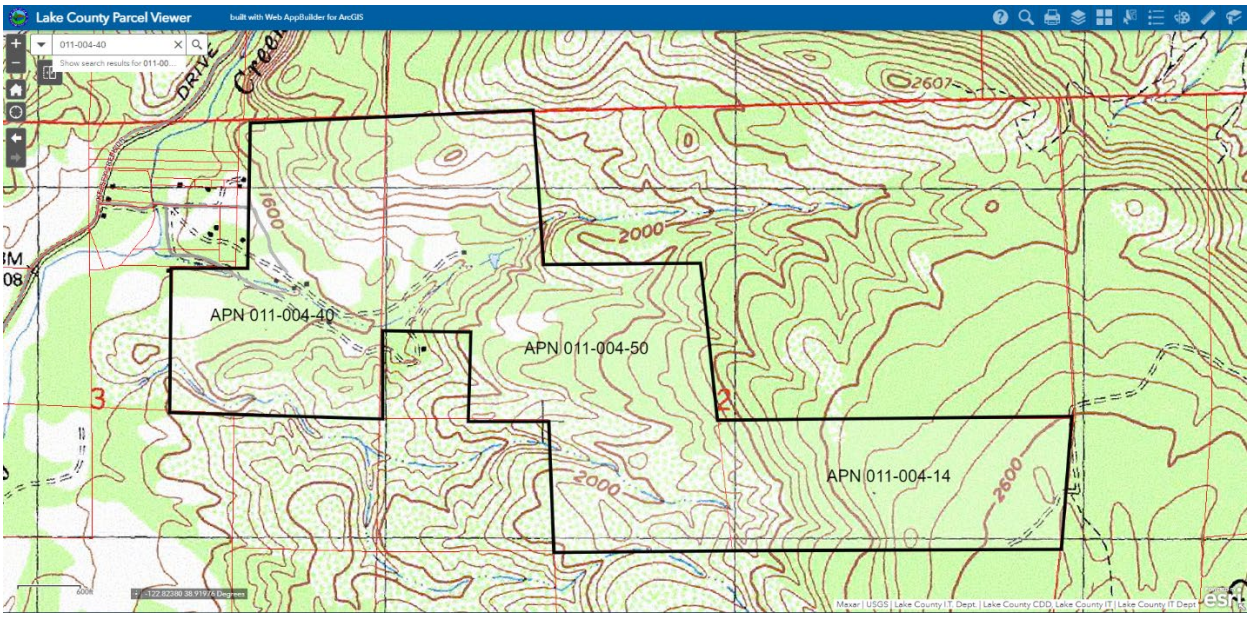
Cultivation is not located within 100 feet of any spring, creek, wetlands, vernal pool or seasonal stream. Erosion control/water run-off preventative methods includes sand bags, sediment logs and straw to be placed on any disturbed areas that may pose any risk of run-off in and around the perimeter of the cultivation area. Winterization steps required by the water board will be held to the highest standard to manage storm water and prevent any items, nutrients, or trash from cultivation to enter waterways or pollute surrounding areas.

17. Environmental Setting and Existing Conditions:

The proposed Bottle Rock Holdings cannabis Project is located at 9260 Kelsey Creek Drive, Kelseyville (APN: 011-004-14 and 011-004-40 (cultivation sites); APN: 011-004-50 (clustering site)). The proposed Project is located in the Cobb Mountain Planning Area (APNs: 011-004-15 and 011-004-50) and the Kelseyville Planning Area (APN: 011-004-40).

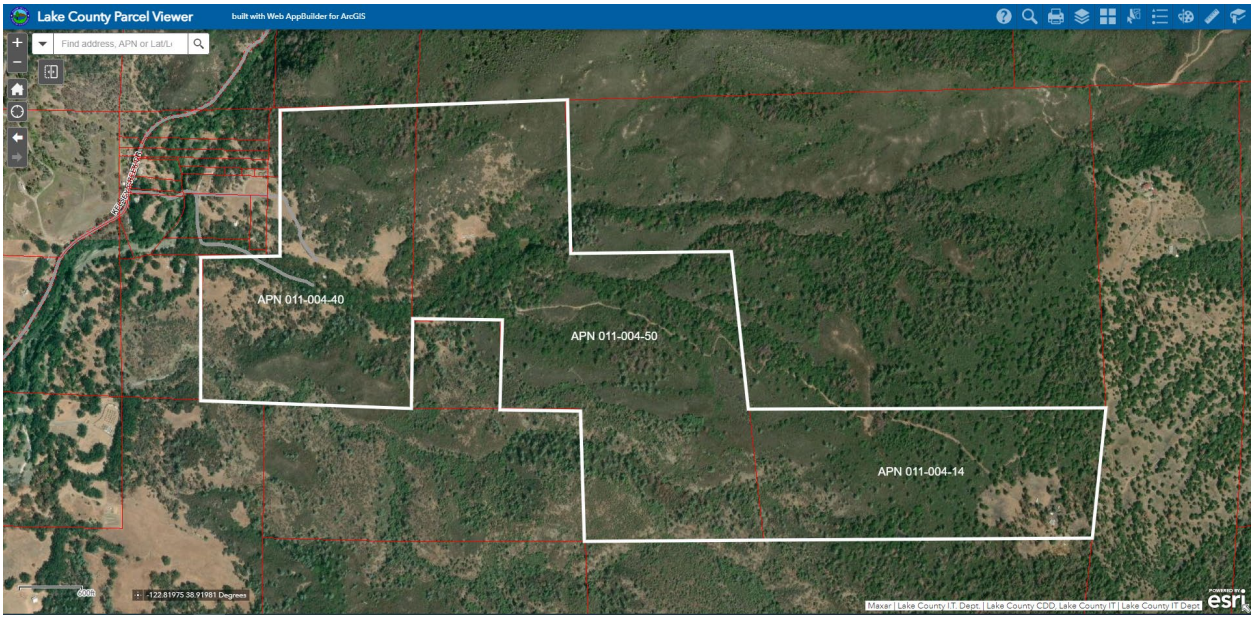
The surrounding land uses are largely open space and rural land. The property consists of rugged topography with elevations ranging from 1,600 feet to 2,600 feet. No watercourses have been identified within 100 feet of any of the cultivation areas.

Figure 3. USGS Topography and Drainage (Source: Lake County GIS Portal)



The subject site and surrounding area contains rural land, rural residential land, and open space areas. The Bottle Rock Site is accessed from Helen Road, a private gravel road, and the Kelsey Creek Site is accessed from Conklin Lane, a private gravel road.

Figure 4. Lake County Aerial Image (Source: Lake County GIS Portal)



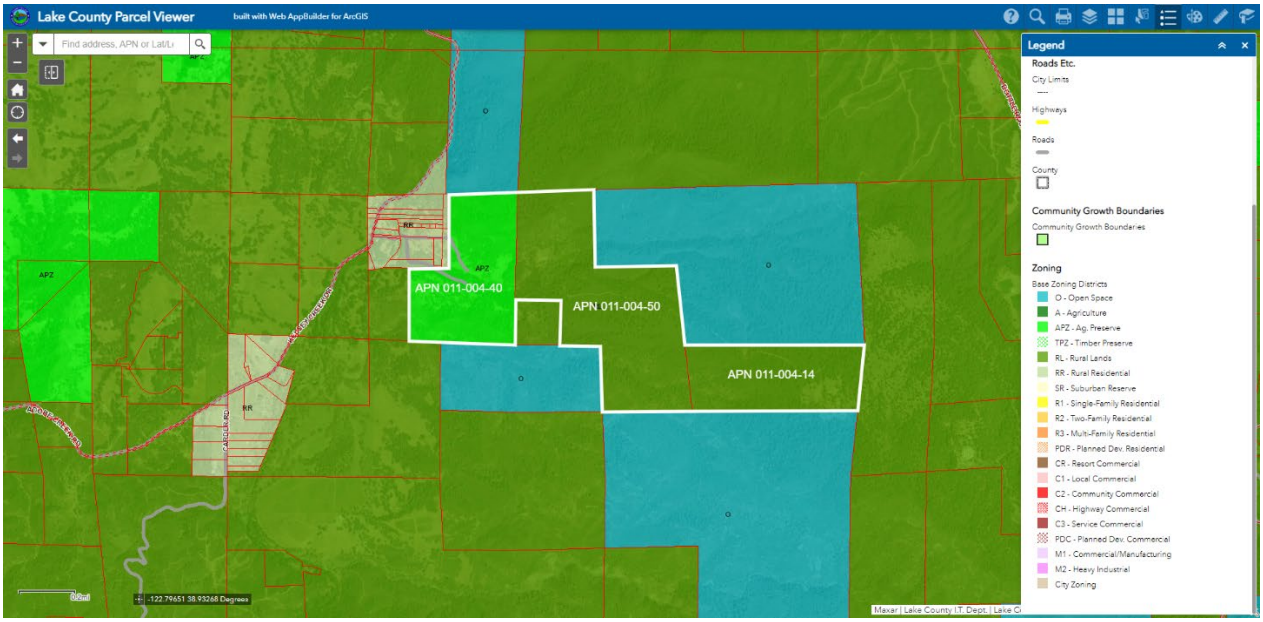
18. Surrounding Land Uses and Setting:

As the parcel for the proposed Project is over five (5) acres in size, neighboring parcels that fall within a 725-foot buffer will be notified of the Project. These parcels include the following zoning designations:

- North: O 'Open Space' and RL 'Rural Lands'
- West: RR 'Rural Residential,' O 'Open Space,' and RL 'Rural Lands'
- East: O 'Open Space' and RL 'Rural Lands'
- South: O 'Open Space' and RL 'Rural Lands'

Several parcels surrounding the proposed Project are publicly owned land. The County of Lake applies a 1,000-foot setback for Project areas from publicly owned lands that are actively used and/or accessible by the public. According to Ordinance 3096, Lake County defines these lands as "public lands, where, because of development or other actions, it is clear that the public is invited to use such locations as places of recreation and other destination activities, including but not limited to, hiking, bird-watching, equestrian activities, and camping." While the cultivation areas do fall within the 1,000-foot setback of public lands, these public lands do not have development or other actions that make it clear the public is invited to use them. Therefore, the Project complies with Ordinance 3096.

Figure 5. Lake County Base Zoning District (Source: Lake County GIS Portal)



19. Other public agencies whose approval is required (e.g., Permits, financing approval, or participation agreement).

The extent of this environmental review falls within the scope of the Lead Agency, the Lake County Community Development Department, and its review for compliance with the Lake County General Plan, the Northshore Area Plan, the Lake County Zoning Ordinance, and the Lake County Municipal Code. Other organizations in the review process for permitting purposes, financial approval, or participation agreement can include but are not limited to:

Lake County Department of Environmental Health
Lake County Air Quality Management District
Lake County Department of Public Works
Lake County Department of Public Services
Lake County Agricultural Commissioner

Lake County Sheriff Department
Northshore Fire Protection District
Department of Motor Vehicles
Central Valley Regional Water Quality Control Board
California Water Resources Control Board
California Department of Food and Agricultural
California Department of Pesticides Regulations
California Department of Public Health
California Bureau of Cannabis Control
California Department of Consumer Affairs
California Department of Fish & Wildlife (CDFW)
California Department of Forestry & Fire Protection (CALFIRE)
California Department of Transportation (CALTRANS)

20. Have California Native American tribes traditionally and culturally affiliated with the Project area requested consultation pursuant to Public Resources Code section 21080.3.1? 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.?

    Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and Project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process, per Public Resources Code §21080.3.2. Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3 (c) contains provisions specific to confidentiality.

    An "AB52 Notice" was sent to area tribes on November 20, 2020. This notice, which is required by Assembly Bill AB52, allowed culturally-affiliated tribes the opportunity to request a formal consultation with the County to discuss potential impacts on tribal resources associated with the Project.

    The County received one letter from the Upper Lake Habematolel Tribe, who indicated that the Project was located within the Big Valley Tribe's cultural area of interest. However, the Big Valley Tribe has not commented on this Project to date.

    The County has reached out to the Big Valley Tribe regarding two sites that are identified within the Cultural Resource Evaluation (CRE) that was undertaken by Wolf Creek Archaeological Research for this Project. The CRE concluded that there are two Prehistoric Sites located near or within portions of the cultivation areas.

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.

☒ Aesthetics	☐ Greenhouse Gas Emissions	☐ Public Services
☐ Agriculture & Forestry Resources	☒ Hazards & Hazardous Materials	☐ Recreation
☒ Air Quality	☒ Hydrology / Water Quality	☒ Transportation
☒ Biological Resources	☐ Land Use / Planning	☒ Tribal Cultural Resources
☒ Cultural Resources	☐ Mineral Resources	☒ Utilities / Service Systems
☐ Energy	☒ Noise	☒ Wildfire
☒ Geology / Soils	☐ Population / Housing	☒ Mandatory Findings of Significance

DETERMINATION: (To be completed by the 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 proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Initial Study Prepared By: Reviewed By:
LACO Associates; Andrew Amelung, Program Manager

_____ Date: 3/14/2023
SIGNATURE AWA

_____
Community Development Department

SECTION 1

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, and 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 Section XVII, "Earlier Analyses," 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

I. AESTHETICS	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Except as provided in Public Resource Code Section 21099, would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☒	☐	☐	1, 2, 3, 4, 5, 6, 9
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐	2, 3, 4, 9
c) 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 point). If the project is in an urbanized area would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐	1, 2, 3, 4, 5, 6, 9
d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐	1, 2, 3, 4, 5, 6, 9

Discussion:

a) The cultivation sites are not located within or near a designated scenic vista or scenic corridor, according to the Lake County Zoning Ordinance. Additionally, it is not visible from a public road due to its proximity, the large parcel sizes, and the terrain. The applicant is proposing outdoor cultivation, which has less visual impact than a greenhouse cultivation project due to the lack of structures involved. However, any potential visual impacts can be mitigated through Mitigation Measure AES-1.

   Less than Significant Impact with Mitigation Measure AES-1 incorporated:

   AES-1: The cultivation areas shall be screened from public view. Methods of screening may include, but are not limited to, topographic barriers, vegetation, or solid (opaque) fences.

b) The applicant states that no trees will be removed with this Project, and there are no rock outcroppings or historic buildings on the site.

   Less than Significant Impact

c) The site is not accessible by the public; the road serving the site is a private driveway that will be gated. The site is 372 acres in size, and the cultivation areas are significantly far enough from any public roads that visual impacts are not probable.

Less than Significant Impact

d) The proposed use is an outdoor cultivation operation. The Project does not involve cultivation using proposed greenhouses incorporating artificial lighting. The Project has some potential to create additional light and/or glare through exterior security lighting. The following mitigation measures will be implemented which would reduce the impacts to less than significant:

Less than Significant Impact with Mitigation Measures AES-2 through AES-4 incorporated:

AES-2: All outdoor lighting shall be directed downward onto the Project site and not onto adjacent properties. All lighting equipment shall comply with the recommendations of www.darksky.org.

AES-3: All indoor lighting shall be fully contained within structures or otherwise shielded to fully contain any light or glare. Artificial light shall be completely shielded between sunset and sunrise.

AES-4: Security lighting shall be motion activated and all outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the lot of record upon which they are placed.

II. AGRICULTURE AND FORESTRY RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
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?	☐	☐	☐	☒	1, 2, 3, 4, 7, 8, 11, 13, 39
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1, 2, 3, 4, 5, 7, 8, 11, 13
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))?	☐	☐	☐	☒	1, 2, 3, 4, 5, 7, 8, 11, 13

d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1, 2, 3, 4, 5, 6, 9
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?	☐	☐	☐	☒	1, 2, 3, 4, 5, 7, 8, 11, 13

Discussion:

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

a) According to the California Department of Conservation Farmland Mapping and Monitoring Program the Project site is not mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and falls within the classification of Other Land. The Project would not be converting farmland that is high quality or significant farmland to a non-agricultural use.

   No Impact

b) APNs 011-00414 and 011-004-50 are zoned Rural Lands. Under Article 27.11 of the Lake County Zoning Ordinance, Outdoor Cannabis Cultivation is permitted on parcels with a Base Zoning District of Rural Lands.

   APN 011-004-40 is zoned Agricultural Preserve District and is under a 1965 Williamson Act contract. However, as the proposed Project would involve the cultivation of cannabis and associated structures, which is similar to an agricultural use, the site would not be converted into a non-agricultural use.

   The cultivation portion of the site would not interfere with the ability of the owner or neighbors to use the remaining land for more traditional crop production and/or grazing land.

   No Impact

c) Public Resources Code §12220(g) defines "forest land" as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

Public Resources Code §4526 defines “timberland” as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees.

Government Code §51104(g) defines “timberland production zone” as an area that has been zoned pursuant to Government Code Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses.

The cultivation sites are not zoned forest land or timberland. Because no lands on the Project site are zoned for forestland or timberland, the Project has no potential to impact such zoning. The Project does not propose a zone change that would rezone forest land, timberland, or timberland zoned for Timberland Production. No impact would occur.

No Impact

d) The proposed Project would not result in the loss or conversion of forest land to a non-forest use. No trees would be removed or disturbed as part of the Project, and the parcel is not zoned “forest land”. Because forest land is not present on the Project site or in the immediate vicinity of the Project site, the proposed Project has no potential to result in the loss of forest land or the conversion of forest land to non-forest use. No impact would occur.

No Impact

e) Given the absence of farmland or forest land on the Project site, the proposed Project would have no potential to convert farmland to non-agricultural use or forest land to non-forest use. No impact would occur.

No Impact

III. AIR QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐	1, 3, 4, 5, 21, 24, 31, 36
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under and applicable federal or state ambient air quality standard?	☐	☐	☒	☐	1, 2, 3, 4, 5, 21, 24, 31, 36

c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	1, 2, 3, 4, 5, 10, 21, 24, 31, 36
d)	Result in other emissions (such as those leading to odors or dust) adversely affecting a substantial number of people?	☐	☒	☐	☐	1, 2, 3, 4, 5, 21, 24, 31, 36

Discussion:

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

a) The Project site is located within the Lake County Air Basin, which is under the jurisdiction of the Lake County Air Quality Management District (LCAQMD). The LCAQMD applies air pollution regulations to all major stationary pollution sources and monitors air quality. The Lake County Air Basin is in attainment with both state and federal air quality standards.

According to the Lake County Parcel Viewer, serpentine soils are mapped in the southern portions of APN 011-004-40 and 011-004-50 and the southwestern portion of APN 011-004-14. However, no serpentine soils are mapped within the cultivation sites and would pose no threat of asbestos exposure during either the construction phase or the operational phase. Mitigation measure AQ-7 has been incorporated to ensure no serpentine soils are disturbed as a result of the Project.

Due to the fact that the Lake County Air Basin is in attainment of both state and federal air quality standards, LCAQMD has not adopted an Air Quality Management Plan, but rather uses its Rules and Regulations to address air quality standards.

According to the Lake County Zoning Ordinance section on Commercial Cannabis Cultivation (§27.11), Air Quality must be addressed in the Property Management Plan. The intent of addressing this is to ensure that “all cannabis permittees shall not degrade the County’s air quality as determined by the Lake County Air Quality Management District” and that “permittees shall identify any equipment or activity that may cause, or potentially cause the issuance of air contaminates including odor and shall identify measures to be taken to reduce, control or eliminate the issuance of air contaminants, including odors”. This includes obtaining an Authority to Construct permit pursuant to LCAQMD Rules and Regulations.

The proposed Project has the potential to result in short- and long-term air quality impacts from construction and operation of the proposed Project.

During construction, there is some potential for dust to result from drilling fence holes and from importing soil for the above-ground pots. Construction impacts would be temporary in nature and would occur over about a two (2) to three (3) week period. Ongoing field management is considered an operational, not construction, activity.

Operational impacts would include dust and fumes from site preparation of the cultivation area and vehicular traffic, including small delivery vehicles that would be contributors during and after site preparation and construction. Odors generated by the plants will likely not be significant to sensitive receptors given the very sparse population in this vicinity.

Implementation of mitigation measures would reduce air quality impacts to less than significant. Dust during site preparation would be limited during periods of high winds (over 15 mph). All visibly dry, disturbed soil and road surfaces would be watered to minimize fugitive dust emissions.

Dust and fumes may be released as a result of vehicular traffic, including small delivery vehicles. Minor grading is proposed. Additionally, implementation of mitigation measures below would further reduce air quality impacts to less than significant.

Less than Significant Impact with Mitigation Measures AQ-1 through AQ-6 incorporated:

AQ-1: Prior to obtaining the necessary permits and/or approvals for any phase, applicant shall contact the Lake County Air Quality Management District (LCAQMD) and obtain an Authority to Construct (A/C) permit for all operations and for any diesel-powered equipment and/or other equipment with potential for air emissions. Or provide proof that a permit is not needed.

AQ-2: All mobile diesel equipment used must be in compliance with state registration requirements. Portable and stationary diesel-powered equipment must meet all federal, state, and local requirements, including the requirements of the State Air Toxic Control Measures for compression ignition engines. Additionally, all engines must notify LCAQMD prior to beginning construction activities and prior to engine use.

AQ-3: 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. Said information shall be made available upon request and/or the ability to provide the LCAQMD such information in order to complete an updated Air Toxic emission Inventory.

AQ-4: 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.

AQ-5: The applicant shall have the primary access and parking areas surfaced with chip seal, asphalt, or an equivalent all weather surfacing to reduce fugitive dust generation. The use of white rock as a road base or surface material for travel routes and/or parking areas is prohibited.

AQ-6: All areas subject to infrequent use of driveways, overflow parking, etc., shall be surfaced with gravel, chip seal, asphalt, or an equivalent all weather surfacing. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations.

AQ-7: No ground disturbance shall occur in any mapped serpentine soils across the properties.

b) The Project area is in the Lake County Air Basin, which is designated as in attainment for state and federal air quality standards for criteria pollutants (CO, SO_2, NO_x, O_3, PM_{10}, $PM_{2.5}$, VOC, ROG, Pb). Any Project with daily emissions that exceed any of the thresholds of significance for these criteria pollutants should be considered as having an individually and cumulatively significant impact on both a direct and cumulative basis.

The Lake County Air Basin is designated as an attainment area for all applicable federal and state ambient air quality standards. Therefore, the Proposed Project would not generate emissions of any criteria air pollutant for which the project region is nonattainment. As emissions will be minimal, it is unlikely that this use would generate enough particulates during and after construction to violate any air quality standards.

Less than Significant Impact

c) Sensitive receptors (i.e., children, senior citizens, and acutely or chronically ill people) are more susceptible to the effects of air pollution than the general population. Land uses that are considered sensitive receptors typically include residences, schools, playgrounds, childcare centers, hospitals, convalescent homes, and retirement homes.

There are no schools, parks, childcare centers, convalescent homes, or retirement homes located in proximity to the Project site. The nearest off-site residences are about 2,500 feet from the cultivation sites, well over the 200-foot setback for offsite residences from commercial cannabis cultivation as described in Article 27.11 of the Lake County Zoning.

The cultivation areas will be surrounded by a fence in order to prevent off-site drift of pesticides. Additionally, no demolition or renovation will be performed which would cause asbestos exposure, and no serpentine soils have been detected or are mapped within the cultivation areas.

Impacts would be Less than Significant with Mitigation Measure AQ-8 incorporated:

AQ-8: The cultivation areas will be surrounded by a fence during the application of pesticides in order to prevent off-site drift.

d) Due to the fact that the closest neighboring residence is about 2,500 feet away, odors generated by the plants will likely not be significant to sensitive receptors. There is some potential for dust to be impactful during site preparation, although the amount of earth that needs to be disturbed is minimal. Mitigation Measures AQ-1 and AQ-8 would reduce potential dust migration during site disturbance.

Less than Significant Impact with Mitigation Measures AQ-1 and AQ-8

IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number

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 Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐	2, 5, 11, 12, 13, 16, 24, 29, 30, 31, 32, 33, 34
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐	1, 2, 3, 4, 5, 11, 12, 13, 16, 17, 29, 30, 31, 32, 33, 34
c)	Have a substantial adverse effect on state or federally protected wetlands (including, not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐	1, 2, 3, 4, 5, 11, 12, 13, 16, 17, 21, 24, 29, 30, 31, 32, 33, 34
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?	☐	☐	☒	☐	13
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1, 2, 3, 4, 5, 11, 12, 13
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?	☐	☐	☐	☒	1, 2, 3, 5, 6

Discussion:

a) A Botanical Assessment (BA) was prepared for the Project by TransTerra Consulting dated April 2020. The BA only evaluated APNs 011-004-14 and 40; APN 011-004-50 was not assessed since there is no site disturbance proposed or needed for that parcel. The Field Survey of these sites occurred on April 30, 2021 by Principal Biologist Tami Camper.

The BA determined that vegetation in the Project area was disturbed grassland species due to clearing and historical impacts. The area associated with cannabis cultivation was mostly bare soil with scattered grasses and forbs. The adjacent areas were either chapparal dominated by various manzanita (Arctosptaphylos sp.) and chamise (Adenostoma fasciculatum). Oak woodlands and Broadleaved uplands with scattered conifers were also distributed throughout the site. Riparian woodland and scrub was present along watercourses.

Appendix B of the BA contains a list of all special-status plant species that may have the potential to occur within the Project area. Rare species with a high probability to occur within the Project Area include the following: *Hesperolinon didymocarpum, Plagiobothrys lithocaryus, Streptanthus glandulosus ssp. Hoffmanii, Leptosiphon jepsonii, Calystegia collina ssp. Tridactylosa, Collomia diversifolia, Delphinium uliginosum, Clarkia gracilis ssp. Tracyi, Trichostema ruygtii, Astragalus rattanii var. jepsonianus, Astragalus breweri, Streptanthus hesperidis, Tracyina rostrata, Antirrhinum subcordatum, Micropus amphiboles, Eriastrum brandegeeae, Piperia michaelii, Cordylanthus tenuis ssp. Brunneus, Ceanothus divergens, Streptanthus brachiatus ssp. Brachiatus, Calystegia collina ssp. Oxyphylla, Arctostaphylos stanfordiana ssp. Raichei, Ceanothus confuses, Calamagrostis ophitidis, Layia septentrionalis, Horkelia bolanderi, Grimmia torenii, Streptanthus brachiatus ssp. Hoffmanii, Hesperolinon adenophyllum, Penstemon newberryi var. sonomensis, Viburnum ellipticum, Brodiaea rosea ssp. Rosea, Calycadenia micrantha, Leptosiphon acicularis, Astragalus clevelandii, Lupinus sericatus, Arctostaphylos manzanita ssp. Elegans, Navarretia leucocephala ssp. Bakeri, Asclepias solanoana, Mielichhoferia elongate, Antirrhinum virga, Calyptridium quadripetalum, Cypripedium montanum*, and *Fritillaria purdyi*.

The BA recommends the following: Follow all recommendations outlined by existing agency policies for minimizing impacts to natural resources. Impacts from light, noise and chemicals can be addressed in the operations plan and best management practices can be employed to minimize impacts. Additional disturbance, clearing, and road cuts could modify existing groundwater, and surface water patterns and could impact water quality and/or hydrophytic species. As the BA contains sensitive habitats and the likelihood of rare species in the BA is high, it is recommended that before any further vegetation removal occurs a certified biologist survey the area for listed terrestrial plants and wildlife. These recommendations have been incorporated as Mitigation Measures Bio-1 and BIO-2 to reduce impacts to special-status species to less than significant.

Less than Significant Impact with Mitigation Measures BIO-1 and BIO-2 incorporated:

BIO-1: If the establishment of cultivation operations requires the destruction of chapparal habitat, a pre-construction survey for special-status species should be performed by a qualified biologist to ensure that special-status species are not present. If any listed species or special-status species are detected, construction should be delayed, and the appropriate wildlife agency, either the California Department of Fish and Wildlife or the US Fish and Wildlife Service, should be consulted, and Project impacts and mitigation should be reassessed.

BIO-2: If construction activities require the removal of trees or shrubs, or disturbance to riparian habitat, and if these activities occur during the nesting season (usually March to September), a pre-construction survey for the presence of special-status bird species or any nesting bird species should be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, the California Department of Fish and Wildlife or the US Fish and Wildlife Service should be consulted to develop measures to avoid a “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

b) According to the Lake County General Plan Chapter 9.1 Biological Resources, “the County should ensure the protection of environmentally sensitive wildlife and plant life, including those species designated as rare, threatened, and/or endangered by State and/or Federal government,” and upon review of the BA on the parcel, it was determined that no substantial adverse effect will result from the Project.

There is an above-ground drainage retention pond located on APN 011-004-50, where no cultivation activities are proposed. Additionally, according to the Hydrology Report prepared for the Project, an intermittent watercourse runs in a westerly direction on APN 011-004-40, located over 200 feet from the Kelsey Creek site, and multiple ephemeral Class III watercourses form on the Project property, flowing west into the intermittent watercourse and other tributaries of Kelsey Creek. There is some potential for species that are sensitive but that were not identified in the BA to be present, however Mitigation Measures BIO-1 and BIO-2 would enable a Biologist to identify and protect these specie(s) if they are present prior to site disturbance, which will be minimal. No tree removal is proposed for this Project.

No development is proposed within 100-feet of the identified watercourses, which is consistent with Article 27 of the Lake County Zoning Ordinance that regulates commercial cannabis cultivation. Additionally, the Applicant has incorporated stormwater management strategies to protect watercourses from any water quality degradation. Erosion control/water run-off preventative methods includes sandbags, sediment logs and straw to be placed on any disturbed areas that may pose any risk of run-off in and around the perimeter of the cultivation area. Winterization steps required by the water board will be held to the highest standard to manage storm water and prevent any items, nutrients, or trash from cultivation to enter waterways or pollute surrounding areas.

Less Than Significant Impact

c) There is an above-ground drainage retention pond located on APN 011-004-50, where no cultivation activities are proposed. Additionally, according to the Hydrology Report prepared for the Project, an intermittent watercourse runs in a westerly direction on APN 011-004-40, located over 200 feet from the Kelsey Creek site, and multiple ephemeral Class III watercourses form on the Project property, flowing west into the intermittent watercourse and other tributaries of Kelsey Creek. No conversion of aquatic habitat would occur with this Project. The project design includes stormwater management strategies and erosion control measures, described in Section IV(b), to prevent chemicals, sediment, or impaired runoff from entering surface water sources. No development is proposed within 100-feet of the identified watercourses. This is consistent with setbacks identified in the State Water Resources Control Board Requirements for cannabis cultivation.

Refer to Section IV(a) and (b).

Less Than Significant Impact

d) Although the Project area may be used by wildlife for movement or migration, the proposed Project would not have a significant impact on this movement because it would not create any unpassable barriers and the majority of the Project area will still be available for corridor and migration routes.

Implementation of the Project will not 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. The cultivation areas will be fenced in to prevent animals from disturbing the cannabis crop. The fenced areas however are comparatively small. There are no obvious conflicts with migratory wildlife associated with this Project.

Less than Significant Impact

e) In Article 27 of the County of Lake, CA Zoning Ordinance, under §27.13 on Conditions for Commercial Cannabis Cultivation, Tree Removal is listed under Prohibited Activities, whereas "(the) removal of any commercial tree species as defined by the California Code of Regulations section 895.1, Commercial Species for the Coast Forest District and Northern Forest District, and the removal of any true oak species (Quercus species) or Tan Oak (Notholithocarpus species) for the purpose of developing a cannabis cultivation site should be avoided and minimized."

Furthermore, the County of Lake General Plan Policy OSC-1.13 states the County shall support the conservation and management of oak woodland communities and their habitats, and Resolution Number 95-211 was adopted as a Management Policy for Oak Woodlands in Lake County, whereas the County of Lake aims to monitor oak woodland resources, pursue education of the public, federal, state and local agencies on the importance of oak woodlands, promote incentive programs that foster the maintenance and improvement of oak woodlands, and, through federal, state, and local agency land management programs, foster oak woodlands on their respective lands within the county.

As such, the Property Management Plan for the Project has incorporated conservation and mitigation measures similar to those that have been included in other county oak woodlands conservation plans used in the State of California, which follow Assembly Bill 242, referred to as the Oak Woodlands Conservation Act. The Project does not propose to remove any trees greater than 6-inches DBH, and trees must be inspected for the presence of active bird nests before tree felling or ground clearing. If active nests are present in the Project area during construction of the Project, the California Department of Fish and Wildlife will be consulted to develop measures to avoid "take" of active nests prior to the initiation of any construction activities. Larger trees with a diameter of 6-inches have been identified and will be preserved, including one large, old-growth oak tree that will remain in place within one of the proposed canopy areas.

Implementation of the Project does not conflict with any county or municipal policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Less than Significant Impact

f) There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans that cover the two cultivation parcels. Therefore, the Project would not conflict with an established or proposed conservation plan.

No Impact

V. CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☒	☐	☐	1, 3, 4, 5, 11, 14c, 15
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?	☐	☒	☐	☐	1, 3, 4, 5, 11, 14, 15
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐	1, 3, 4, 5, 11, 14, 15

Discussion:

a) A Cultural Resource Evaluation (CRE), dated April 1, 2020, was completed for the proposed cultivation Project by Wolf Creek Archaeological Research to identify potentially significant cultural resources. A California Historical Resources Information System (CHRIS) records search was completed for the Project area, and a request was sent to the California Native American Heritage Commission (NAHC) for a review of their Sacred Lands File (SLF). Additionally, Project information letters were sent to the tribes affiliated with the Project area. Finally, Wolf Creek Archaeological Research conducted a field inspection within the Project area.

The CHRIS records search indicates that the Project area has not been inspected for cultural resources in the past; However, two nearby inspection have been conducted that indicate there are 17 prehistoric sites recorded within one mile of the Project area. The SLF search indicated that no sacred sites have been recorded for the Project area.

During the field inspection, the presence of artifacts was detected in two specific areas within the Kelsey Creek cultivation site, located outside of the canopy area, The CRE recommends that the proposed Project stipulate that no ground disturbance activities would take place within the prehistoric site boundaries as defined in the CRE. The CRE also recommends that if future ground disturbance activities are planned for the prehistoric site, a mitigation plan should be developed to protect the information contained within the prehistoric sites. This

has been included as Mitigation Measure CUL-1.

Staff notified local tribes about the Project. The County received one letter from the Upper Lake Habematolel Tribe, who indicated that the Project was located within the Big Valley Tribe's cultural area of interest. However, no comments were received from the Big Valley Tribe or any other tribes.

Based on the findings of the field survey and the incorporation of Mitigation Measure CUL-1 through CUL-3, the Project is not expected to impact historical or archaeological resources as defined under CEQA Section 15064.5 or tribal cultural resources as defined under Public Resources Code Section 21074. It is possible, but unlikely, that significant artifacts or human remains could be discovered during Project construction. If, however, significant artifacts or human remains of any type are encountered it is recommended that the Project sponsor contact the culturally affiliated tribe and a qualified archaeologist to assess the situation. The Sheriff's Department must also be contacted if any human remains are encountered.

Less than Significant Impacts with Mitigation Measures CUL-1 through CUL-3 incorporated:

CUL-1: No ground disturbance activities shall take place within the prehistoric site boundaries as defined in the Cultural Resource Evaluation. If future ground disturbance activities are planned for the prehistoric site areas, it will be necessary to develop a mitigation plan to protect the information contained in the prehistoric sites in accordance with CEQA. Such a mitigation plan could include capping the site with fill, recovering the cultural information from the site before impacts occur, and/or avoiding the site by moving the project off the site area.

CUL-2: 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 culturally affiliated 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 culturally affiliated Tribe, and a qualified archaeologist for proper internment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.

CUL-3: 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 culturally affiliated Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such findings.

b) While the CRE identified two prehistoric sites in the Project area, the CRE made recommendations for the Project to avoid impacting the prehistoric sites. These recommendations have been incorporated into Mitigation Measures CUL-1 through CUL-3. As such, a less than significant impact would occur.

Less than Significant Impact with Mitigation Measures CUL-1 through CUL-3

c) The Project site does not contain a cemetery and no known formal cemeteries are located within the immediate site vicinity. In the event that human remains are discovered on the Project site, the Project would be required to comply with the applicable provisions of Health and Safety Code §7050.5, Public Resources Code §5097 et. seq. and CEQA Guidelines §15064.5(e). California Health and Safety Code §7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Pursuant to California Public Resources Code §5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner.

If the Coroner determines the remains to be Native American, the California Native American Heritage Commission must be contacted and the Native American Heritage Commission must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code §5097.98. Mandatory compliance with these requirements would ensure that potential impacts associated with the accidental discovery of human remains would be less than significant.

Less than Significant Impacts with Mitigation Measure CUL-1 through CUL-3

VI. ENERGY	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resource, during construction or operation?	☐	☐	☒	☐	5
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐	1, 3, 4, 5

Discussion:

a) Construction and operation of the proposed Project would require minimal on-grid power. The applicant intends on using solar power for the security system and some security lighting. The existing dwellings use on-grid power, but are not part of this commercial cannabis Project. The Project would not require any additional on-grid amperage.

Less than Significant Impact

b) While the Project is not required to provide renewable energy, which is not a requirement in California until 2024 for projects of this type, the applicant intends on using solar power for the security system and some security lighting.

Less than Significant Impact

VII. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Directly or indirectly cause potentially 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. ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides?	☐	☐	☒	☐	1, 2, 3, 4, 5, 18, 19
b) Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐	1, 3, 4, 5, 19, 21, 24, 25, 30
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐	1, 2, 3, 5, 6, 9, 18, 21
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?	☐	☒	☐	☐	5, 7, 39
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☒	☐	2, 4, 5, 7, 13, 39
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐	1, 2, 3, 4, 5, 14, 15

Discussion:

a) The Project site is located in a seismically active area of California and is expected to experience moderate to severe ground shaking during the lifetime of the Project. That risk

is not considered substantially different than that of other similar properties and projects in California.

Earthquake Faults (i)
Although the cultivation sites are located in an area that may be subject to seismic ground shaking in the future, there are no mapped surface faults on the property that would have the potential to rupture. The nearest mapped fault is located about 1-1/2 miles to the east of the subject site. Because there are no known faults located on the Project site, there is no potential for the Project site to rupture during a seismic event. Thus, no rupture of a known earthquake fault is anticipated and the proposed Project would not expose people or structures to an adverse effects related rupture of a known earthquake fault as no structures for human occupancy are being proposed.

Seismic Ground Shaking (ii) and Seismic–Related Ground Failure, including liquefaction (iii)
Faults exist throughout the County; therefore, there will always be the potential for seismic ground shaking. However, the Project site does not contain any mapped unstable soils. It is unlikely that ground failure or liquefaction would occur on the two cultivation sites in the future given the relatively flat terrain on both cultivation areas.

Landslides (iv)
Due to low slopes and relatively stable soils on the cultivation sites, the two cultivation areas would not be significantly prone to landslides and would not result in an increased risk of landslides. As such, the Project would not likely expose people or structures to substantial adverse effects involving landslides, including losses, injuries or death.

Less Than Significant Impact

b) No major grading is proposed to prepare the Project site for cultivation. Soils on the sites' cultivation areas are classified as Type 117, Bottle Rock-Glenview-Arrowhead soil. The materials submitted by the applicant show the Bottle Rock site using above-ground pots. The Kelsey Creek site initially intended on 'in-ground' planting, however given the archaeological sensitivity of the sites, the applicant is changing to above-ground pots to avoid further disturbance of the ground.

The Air Quality section of this document discusses the use of palliatives, primarily water, to suppress dust during the estimated two-week construction period needed to install fencing and security systems. Additionally, erosion control methods, including placing sand bags, sediment logs and straw on any disturbed areas that may pose any risk of run-off in and around the perimeter of the cultivation area, would be incorporated. Topsoil erosion is not anticipated with this Project based on the minimal site disturbance that would occur along with dust suppression, erosion control, and Mitigation Measures GEO-1 through GEO-4.

Less Than Significant Impacts with Mitigation Measures GIO-1 through GEO-4 incorporated:

GEO-1: Prior to any ground disturbance for building construction, the permittee shall submit erosion control and sediment plans to the Water Resource Department and 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. The natural background level is the level of erosion that currently occurs from the area in a natural, undisturbed state. Vegetative cover and water bars shall be used as permanent erosion control after project installation.

GEO-2: 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 Department 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.

GEO-3: The permit holder shall monitor the site during the rainy season (October 15 – May 15), including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed.

GEO-4: If greater than fifty (50) cubic yards of soils are moved, a Grading Permit shall be required as part of this Project. The project design shall incorporate Best Management Practices (BMPs) to the maximum extent practicable to prevent or reduce the discharge of all construction or post-construction pollutants into the County storm drainage system. BMPs typically include scheduling of activities, erosion and sediment control, operation and maintenance procedures, and other measures in accordance with Chapters 29 and 30 of the Lake County Code.

c) According to the Lake County Soil Survey provided for the subject site, the cultivation areas contain type 117 soil; this soil type is not unstable, and the cultivation areas are flat and would not be prone to landslides, liquefaction, lateral spreading or collapse. There would be a less than significant impact.

Less Than Significant Impacts with Mitigation Measures GIO-1 through GEO-4

d) The soils within the cultivation areas are generally stable and are not classified as having a high shrink-swell potential, and the cultivation sites are relatively flat (less than 10% slope). Therefore, the Project would not expose people or structures to substantial adverse effects from expansive soil. Impacts would be less than significant.

Less Than Significant Impact with Mitigation Measures GEO-1 through GEO-6 incorporated:

GEO-5: Prior to operation, all buildings, accessible compliant parking areas, routes of travel, building access, and/or bathrooms shall meet all California Building Code Requirements.

GEO-6: Prior to operation, all structure(s) used for commercial cultivation shall meet accessibility and CALFIRE standard. Please contact the Lake County Community Development Department's Building Division for more information.

e) No new septic systems are proposed or needed. The existing dwellings already have septic systems. The applicant has indicated that portable restrooms will be added to the site for employee use; one of these must be ADA compliant; be cleaned regularly, and an ADA compliant hand-wash station must be added. This is a standard condition of approval for all cannabis cultivation projects. Additionally, the Project was referred to the County Division of Environmental Health, and no adverse comments were received. Therefore, the proposed Project will not have soils incapable of adequately supporting the use of septic tanks for the disposal of wastewater.

Less Than Significant Impact

f) The CRE prepared by Wolf Creek Archaeology Research indicated that there are two potentially significant 'Prehistoric Sites'. The CRE also included recommendations for the Project to avoid impacting the prehistoric sites. These recommendations have been incorporated into the Project as Mitigation Measures CUL-1 through CUL-3. Additionally, staff notified local tribes about the Project. The County received one letter from the Upper Lake Habematolel Tribe, who indicated that the Project was located within the Big Valley Tribe's cultural area of interest. However, no comments were received from the Big Valley Tribe or any other tribes.

Less than Significant Impact with Mitigation Measures CUL-1 through CUL-3

VIII. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	1, 3, 4, 5, 36
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	1, 3, 4, 5, 36

Discussion:

a) The Project site is located within the Lake County Air Basin, which is under the jurisdiction of the Lake County Air Quality Management District (LCAQMD). The LCAQMD applies air pollution regulations to all major stationary pollution sources and monitors countywide air quality.

The Lake County Air Basin is in attainment for all air pollutants with a high air quality level, and therefore the LCAQMD has not adopted thresholds of significance for Greenhouse Gase (GHG) emissions.

The BAAQMD threshold for GHGe (including CO_2, CH_4, N_2O, HFCs, PFCs, SF_6) for projects other than stationary sources (power generating plants, mining sites, petroleum facilities, chemical plants, etc.) that are not under a GHG Reduction Plan is 1,100 metric

tons of CO_2e per year. On-site construction is likely to occur over a relatively short period (estimated 2 to 3 weeks). The potential particulate matter could be generated during construction activities and build-out of the site, however, in general, construction activities that last for less than one year, and use standard quantities and types of construction equipment, are not required to be quantified and are assumed to have a less than significant impact. Additionally, operational emissions would primarily occur from motor vehicle operation. As emissions will be minimal, it is unlikely that this use would exceed the BAAQMD threshold for GHGe.

Less than Significant Impact

b) For purposes of this analysis, the Project was evaluated against the following applicable plans, policies, and regulations:

- The Lake County General Plan
- The Lake County Air Quality Management District

Policy HS-3.6 of the Lake County General Plan on Regional Agency Review of Development Proposals states that the "County shall solicit and consider comments from local and regional agencies on proposed projects that may affect regional air quality. The County shall continue to submit development proposals to the Lake County Air Quality Management District for review and comment, in compliance with the California Environmental Quality Act (CEQA) prior to consideration by the County." The proposed Project was sent out for review from the LCAQMD and no adverse comments were received.

The Lake County Air Basin is in attainment for all air pollutants with a high air quality level, and therefore the LCAQMD has not adopted an Air Quality Management Plan, but rather uses its rules and regulations for the purpose of reducing the emissions of greenhouse gases. The proposed Project does not conflict with any existing LCAQMD rules or regulations and would therefore have no impact at this time.

Less than Significant Impact

IX. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☒	☐	☐	1, 3, 5, 13, 21, 24, 29, 31, 32, 33, 34
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐	1, 3, 5, 13, 21, 24, 29, 31, 32, 33, 34

c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	1, 2, 5
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?	☐	☐	☐	☒	2, 40
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?	☐	☐	☐	☒	1, 3, 4, 5, 20, 22
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	1, 3, 4, 5, 20, 22, 35, 37
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐	1, 3, 4, 5, 20, 35, 37

a) Materials associated with the proposed cultivation of commercial cannabis, such as gasoline, pesticides, fertilizers, alcohol, hydrogen peroxide and the equipment emissions may be considered hazardous if unintentionally released and could create a significant hazard to the public or the environment if done so without intent and mitigation. However, all fertilizers, pesticides, and other hazardous materials would to be properly stored in their manufacturer's original containers and placed within a well-marked hazardous waste storage locker within lockable sheds.

The Project will comply with Section 41.7 of the Lake County Zoning Ordinance that specifies that all uses involving the use or storage of combustible, explosive, caustic, or otherwise hazardous materials shall comply with all applicable local, state, and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment.

The Lake County Division of Environmental Health, which acts as the Certified Unified Program Agency (CUPA) for Hazardous Materials Management, has been consulted about the Project. In addition, the Project will require measures for employee training to determine if they meet the requirements outlined in the Plan and measures for the review of hazardous waste disposal records to ensure proper disposal methods and the amount of wastes generated by the facility.

The applicant will also adhere to the following practices:

Bulk fertilizers will be incorporated into the soil shortly after delivery and will not typically be stockpiled or stored on site. Should bulk fertilizers need to be stockpiled, they will be placed on a protective surface, covered with tarps, and secured with ropes and weights. Dry and liquid fertilizers will be stored in a stormproof shed inside each cultivation compound.

All other pesticides and fertilizers will be stored within one of the stormproof storage sheds, in their original containers with labels intact, and in accordance with the product labeling. Agricultural chemicals and petroleum products will be stored in secondary containment, within separate storage structures alongside compatible chemicals. The pesticide, fertilizer, chemical, and petroleum product storage buildings will have impermeable floors. The storage building will be located over 100 feet from any watercourses.

Any petroleum products brought to the site, such as gasoline or diesel to fuel construction equipment, will be stored and covered in containers deemed appropriate by the Certified Unified Program Agency. All pesticides and fertilizers products will be stored a minimum of 100 feet from all potentially sensitive areas and watercourses.

Cannabis waste will be chipped and spread on site or composted as needed. The burning of cannabis waste is prohibited in Lake County and will be not take place as part of Project operations.

A spill containment and cleanup kit will be kept on site in the unlikely event of a spill. All employees would be trained to properly use all cultivation equipment, including pesticides. Proposed site activities would not generate any additional hazardous waste.

All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of in accordance with applicable local, state, and federal regulations.

As long as the Project is in operation, the Certified Uniform Program Agency and Lead Agency will conduct regular and/or annual inspections and monitor activities to ensure that the routine transport, use, and disposal of hazardous materials will not pose a significant impact.

Less Than Significant Impact with Mitigation Measures HAZ-1 through HAZ-2 incorporated:

HAZ-1: All equipment will be maintained and operated to minimize spillage or leakage of hazardous materials. All equipment will be refueled in locations more than 100 feet from surface water bodies. Servicing of equipment will occur on an impermeable surface. In an event of a spill or leak, the contaminated soil will be stored, transported, and disposed of consistent with applicable local, state, and federal regulations.

HAZ-2: With 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, a Hazardous Materials Inventory Disclosure Statement and 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.

b) All fertilizers, pesticides, and other hazardous materials are proposed to be properly stored in their manufacturer's original containers and placed within a well-marked hazardous waste storage locker within the agricultural building. The cultivation sites are not located within a flood zone or inundation area, nor is it in area mapped as having unstable soils according to the USDA Web Soil Survey.

Serpentine soils are mapped in the southern portions of APN 011-004-40 and 011-004-50 and the southwestern portion of APN 011-004-14. However, no serpentine soils are mapped within the cultivation sites and would pose no threat of asbestos exposure during either the construction phase or the operational phase.

A spill kit would be kept on site in the unlikely event of a spill of hazardous materials. All equipment shall be maintained and operated in a manner that minimizes any spill or leak of hazardous materials. Hazardous materials and contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state, and federal regulations.

Less than Significant Impact with Mitigation Measures HAZ-1 through HAZ-7 incorporated:

HAZ-3: Prior to operation, the applicant shall schedule an inspection with the Lake County Code Enforcement Division within the Community Development Department to verify adherence to all requirements of Chapter 13 of the Lake County Code, including but not limited to adherence with the Hazardous Vegetation requirements.

HAZ-4: Prior to operation, all employees shall have access to restrooms and hand-wash stations. The restrooms and hand wash stations shall meet all accessibility requirements.

HAZ-5: The proper storage of equipment, removal of litter and waste, and cutting of weeds or grass shall not constitute an attractant, breeding place, or harborage for pests.

HAZ-6: All food scraps, wrappers, food containers, cans, bottles, and other trash from the Project area should be deposited in trash containers with an adequate lid or cover to contain trash. All food waste should be placed in a securely covered bin and removed from the site weekly to avoid attracting animals.

HAZ-7: 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. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information to complete an updated Air Toxic Emission Inventory.

c) The cultivation sites are located in a rural area and are not located within one-quarter mile of an existing or proposed school. Impacts would be less than significant and no mitigation measures would be required.

No Impact

d) The California Environmental Protection Agency (CALEPA) has the responsibility for compiling information about sites that may contain hazardous materials, such as hazardous waste facilities, solid waste facilities where hazardous materials have been reported, leaking underground storage tanks and other sites where hazardous materials have been detected. Hazardous materials include all flammable, reactive, corrosive, or toxic substances that pose potential harm to the public or environment.

The following databases compiled pursuant to Government Code §65962.5 were checked for known hazardous materials contamination within ¼-mile of the Project site:

- The SWRCB GeoTracker database
- The Department of Toxic Substances Control EnviroStor database
- The SWRCB list of solid waste disposal sites with waste constituents above hazardous waste levels outside the waste management unit.

The Project site is not listed in any of these databases as a site containing hazardous materials as described above.

No Impact

e) The proposed Project is not located within an airport land use plan or within two miles of a public airport or private airstrip. Therefore, there would be no hazard for people working in the Project area from the airport.

No Impact

f) No changes to the existing road network are proposed, nor do any appear to be needed. The sites are accessed by Kelsey Creek Drive via private driveway that already exists. The driveway has already been brought up to CalFire private road standards according to the applicant by email received 1-25-2022. A site visit to confirm will occur prior to any cultivation activities being undertaken, and is a standard condition of approval for commercial cannabis cultivation projects. Furthermore, the Project would not result in a substantial alteration to the design or capacity of any public road that would impair or interfere with the implementation of evacuation procedures. The Project does not interfere with an adopted emergency response or evacuation plan, impacts are less than significant and no mitigation measures are required.

Less than Significant Impact

g) The Project site sits in an area of moderate-to-very high fire risk. The Project will result in two areas that will have new plant materials added (cannabis), and will be located in areas that were previously cleared of fuel load, which may exacerbate the potential for new fuels to be introduced onto the site. However, the applicant has indicated that excess fuel load has already been removed from the site, which would reduce the potential for new fuels. Additionally, the applicant will have four 2,500-gallon water tanks on site for fire-suppression purposes, along with a 25,000-gallon water cistern that can be used for fire suppression if needed, as well as an additional thirty-six 2,500-gallon irrigation water storage tanks.

The applicant would adhere to all federal, state, and local fire requirements and regulations for setbacks and defensible space required for any new buildings that require a building permit. All proposed construction will comply with current State of California Building Code construction standards. To construct the proposed processing structure, the applicant will be required to obtain a building permit with Lake County to demonstrate conformance with local and state building codes and fire safety requirements.

Less than Significant Impact

X. HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☒	☐	☐	1, 2, 3, 5, 6, 29, 30
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☒	☐	☐	1, 2, 3, 5, 6, 29, 30
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 that would: i) Result in substantial erosion or siltation on-site or off-site; ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; 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 iv) Impede or redirect flood flows?	☐	☐	☒	☐	1, 2, 3, 5, 6, 7, 15, 18, 29, 32
d) In any flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐	1, 2, 3, 5, 6, 7, 9, 23, 32
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☒	☐	☐	1, 2, 3, 5, 6, 29

Discussion:

a) There is an above-ground drainage retention pond located on APN 011-004-50, where no cultivation activities are proposed. Additionally, according to the Hydrology Report prepared for the Project, an intermittent watercourse runs in a westerly direction on APN 011-004-40, located over 200 feet from the Kelsey Creek site, and multiple ephemeral Class III watercourses form on the Project property, flowing west into the intermittent watercourse and other tributaries of Kelsey Creek. No development is proposed within 100-feet of the

identified watercourses, which is consistent with Article 27 of the Lake County Zoning Ordinance that regulates commercial cannabis cultivation.

Potential adverse impacts to water resources could occur during construction by modification or destruction of stream banks or riparian vegetation, the filling of wetlands, or by increased erosion and sedimentation in receiving water bodies due to soil disturbance. Project implementation will not directly impact any channels or wetlands. Soil disturbance from project implementation could increase erosion and sedimentation. To address these potential impacts and protect the watercourses from any water quality degradation, the applicant has incorporated stormwater management strategies into the Project. Erosion control/water run-off preventative methods includes sandbags, sediment logs and straw to be placed on any disturbed areas that may pose any risk of run-off in and around the perimeter of the cultivation area. Winterization steps required by the water board will be held to the highest standard to manage storm water and prevent any items, nutrients, or trash from cultivation to enter waterways or pollute surrounding areas.

The County's Cannabis Ordinance requires that all cultivation operations be located at least 100-feet away from all waterbodies (i.e. spring, top of bank of any creek or seasonal stream, edge of lake, wetland or vernal pool). As described above, the current cultivation site has been placed over 200 feet away from waterbodies to reduce the potential for water pollution and erosion.

Less Than Significant Impact with Mitigation Measures HYD-1 incorporated:

HYD-1: Before this permit shall have any force or effect, the permittee(s) shall adhere to the Lake County Division of Environmental Health requirements regarding on-site wastewater treatment and/or potable water requirements. The permittee shall contact the Lake County Division of Environmental Health for details.

b) Due to the existing exceptional drought conditions, on July 27, 2021, the Lake County Board of Supervisors passed an Urgency Ordinance (Ordinance 3106) requiring land use applicants to provide enhanced water analysis during a declared drought emergency. Ordinance 3106 requires that all project that require a CEQA analysis of water use include the following items in a Hydrology Report prepared by a licensed professional experienced in water resources:

- Approximate amount of water available for the project's identified water source,
- Approximate recharge rate for the project's identified water source, and
- Cumulative impact of water use to surrounding areas due to the project

Water Demand and Source

A Hydrology Report was prepared for this Project by Realm Engineering, dated December 17, 2021. According to the Hydrology Report, the annual water usage requirement for the Bottle Rock site is expected to be approximately 10 acre-feet, and the annual water usage requirement for the Kelsey Creek site is expected to be approximately 3 acre-feet, totaling 13 acre-feet (3,584,366 gallons) for the total cultivation project. It is estimated that the proposed cultivation operation would have a maximum water use requirement of approximately 35,000 gallons per day, with an average water demand of approximately 17,650 gallons per day during the cultivation season. The following table presents the

expected water use of the proposed cultivation operation in gallons by month during the cultivation season (April through November):

	April	May	June	July	Aug	Sept	Oct	Nov
Bottle Rock	90,000	180,000	395,000	615,000	780,000	615,000	400,000	180,000
Kelsey Creek	20,000	40,000	130,000	190,000	260,000	190,000	130,000	40,000

Water for the cultivation activities will be supplied from an existing groundwater well located at the Kelsey Creek site. During a well performance test that was conducted on October 20th, 2021, the well pumped between 40 and 60 gallons per minute (gpm), and the water level in the well completely recovered to the pre-test level in less than 24 hours. The Hydrology Report calculated the well to have at least 1.6 gpm/foot of drawdown.

The peak anticipated daily demand for water of the proposed cannabis cultivation operation is approximately 35,000 gallons per day, with an average water demand of approximately 17,650 gallons per day during the cultivation season (April through November). Based on data from the well performance test, it appears that existing onsite groundwater well could consistently produce 40 gpm. At 40 gpm, the groundwater well could meet the average daily water demand of the proposed cultivation operation in 7 hours and 21 minutes. The onsite groundwater well would have to be pump for 14 hours and 35 minutes at 40 gpm to meet the peak anticipated daily demand of approximately 35,000 gallons. The proposed Project includes 125,000 gallons of existing and proposed water storage capacity, which is over three times the peak anticipated daily water demand of the proposed cultivation operation, and could be used to reduce the amount of water that has to be pumped during the peak irrigation water use periods. Based on the estimated water usage rates, the measured pumping rates, and the existing and proposed water storage capacity, the site appears to have the water necessary to meet the irrigation water demands of the proposed cultivation operation without creating aquifer overdraft.

Irrigation

For cultivation irrigation, water will be pumped from the well into 40 2,500-gallon water storage tanks and a 25,000-gallon water cistern and transferred to the cultivation sites using a system of plastic pipes fitted with outlets for water emitters. Drip irrigation systems, when done properly, can conserve more water compared to other irrigation techniques.

Groundwater Basin Information and Hydrogeology

The western half of the Project area, where the well is located, is located within the southern portion of the Big Valley Groundwater Basin/Management Plan Area, as identified in the 2006 Lake County Groundwater Management Plan. Hydrogeology of the Big Valley Groundwater Basin is comprise of two distinct areas, with younger alluvial deposits in the northern portion of the groundwater basin, and raised uplands of the Kelseyville Formation in the southern portion of the groundwater basin. The two areas are separated by the Big Valley Fault, which uplifted creating the uplands in the southern portion of the groundwater basin. According to the 2006 Lake County Groundwater Management Plan, the majority of groundwater recharge to the aquifers in the northern portion of the Big Valley Groundwater Basin is derived from infiltration of surface flow from Kelsey and Adobe Creeks. While the aquifers in the southern portion of the Big Valley

Groundwater Basin are recharged by percolation of rainfall and by infiltration of streamflow at surface exposures of volcanic ash.

Recharge Rate

The Hydrology Report first assumes that recharge to the aquifer is primarily through rainfall across the 372-acre Project area, and that therefore, the annual precipitation available for recharge onsite can be estimated using the following data and equation:

372 acres x 2.8 feet (average annual precipitation for Lakeport) =

Estimated Annual Precipitation Onsite = 1,041.6 acre-feet/year

Next, the Hydrology Report accounts for surface run-off, stream underflow, and evapotranspiration, According to the USGS, the long-term average precipitation that recharges groundwater in the northern California region is approximately 15 percent, but can be as low as 1.67 percent. Since the Project Property is mountainous, but covered in well drained gravelly loam soils and vegetation, the Hydrology Report estimates that the long-term average precipitation that recharges groundwater within the entire site is approximately 10 percent. The following equation shows the estimated average groundwater recharge for the site:

1,041.6 acre-feet/year (annual precipitation onsite) x 0.1 (long term average recharge) =

Estimated Average Groundwater Recharge = 104 acre-feet/year

Finally, the Hydrology Report accounted for severe drought conditions by rerunning the calculations utilizing the 0.8 inches of rainfall that Lower Lake received during 2021, a drought year, rather than the average annual precipitation:

372 acres x 0.8 feet (2021 precipitation for Lower Lake) =

Estimated Severe Drought Annual Precipitation Onsite = 297.6 acre-feet/year

297.6 acre-feet/year (annual severe drought precipitation onsite) x 0.1 (long term average recharge) =

Estimated Severe Drought Average Groundwater Recharge = 29.8 acre-feet/year

The total water usage for the Project is estimated to be 13 acre-feet/year (3,584,366 gallons). As the average groundwater recharge is estimated to be 104 acre-feet/year (29.8 acre-feet/year under severe drought conditions), it appears that the project will have enough water to meet its demands without creating aquifer overdraft conditions, even under severe drought conditions.

Cumulative Impact to Surrounding Areas

There are six (6) groundwater wells located in the general area of the Project well. The specific capacity for the groundwater well was calculated to be 1.6 gpm/foot drawdown from the well performance rest. Using this data, the Hydrology Report calculated a zone of pumping influence extending approximately 130 feet from the groundwater well,

assuming an unconfined aquifer. There are no neighboring wells within 130 feet from the groundwater well. Therefore, no impacts to neighboring wells are anticipated. Additionally, there are no surface water bodies within 130 feet of the groundwater well, and the intermittent watercourse does not flow within 260 feet of the groundwater well. Therefore, the Hydrology Report does not anticipate any impacts to surface water bodies as a result of pumping of the groundwater well for the proposed cultivation operation.

It is recommended that the project applicant monitor water levels in the well. The purpose of the monitoring is to evaluate the functionality of the well to meet the long-term water demand of the proposed Project. Water level monitoring is required by the Lake County Zoning Ordinance. Ordinance Article 27 Section 27.11(at) requires the well to have a water level monitor. With these required measures in place, the impact is expected to be less than significant with Mitigation Measures HYD-2 and HYD-3.

Less Than Significant Impact with Mitigation Measures HYD-2 and HYD-3 incorporated:

HYD-2: The applicant shall prepare a groundwater management plan to ensure that the groundwater resources of the County are protected used and managed sustainably. The plan would support the Integrated Regional Water Management Plan and include an inventory of groundwater resources in the County and a management strategy to maintain the resource for the reasonable and beneficial use of the people and agencies of the County.

HYD-3: The production well shall have a meter to measure the amount of water pumped. The production wells shall have continuous water level monitors. The methodology of the monitoring program shall be described. A monitoring well of equal depth within the cone of influence of the production well may be substituted for the water level monitoring of the production well. The monitoring wells shall be constructed and monitoring began at least three months before the use of the supply well. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually and/or upon made upon request.

c) All cultivation activities shall comply with the California State Water Board, the Central Valley Regional Water Quality Control Board, and the North Coast Region Water Quality Control Board orders, regulations, and procedures as appropriate.

Cultivation operations are not expected to alter the hydrology of the parcels significantly, as construction activities are limited to installation of a new fence, security cameras and wiring, and irrigation pipe installation. Additionally, as no new structures are proposed, establishment of the cultivation operations would not require the addition of significantly permanent and impermeable surfaces that would alter runoff significantly.

There is an intermittent watercourse located on the Kelsey Creek site, apprximately 200 feet from the edge of the cultivation area. In addition to exceeding all setback requirements, the applicant has incorporated stormwater management strategies into the Project to protect the watercourses from any water quality degradation. Erosion control/water run-off preventative methods includes sandbags, sediment logs and straw to be placed on any disturbed areas that may pose any risk of run-off in and around the perimeter of the cultivation area. Winterization steps required by the water board will be

held to the highest standard to manage storm water and prevent any items, nutrients, or trash from cultivation to enter waterways or pollute surrounding areas.

Due to the natural conditions of the Project site and with these erosion control measures, the Project i) will not result in substantial erosion or siltation on-site or off-site; ii) will not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite; iii) will not 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; and iv) will not impede or redirect flood flows.

Less than Significant Impact

d) The Project site is not located in an area of potential inundation by seiche or tsunami. The Project site is designated as Flood Zone "X," an area of minimal flooding, and Flood Zone "D," an area of undetermined, but possible, flood hazard risk.

Less than Significant Impact

e) The Project has adopted a Drought Management Plan (DMP) as part of the requirements of Lake County Ordinance 3106, passed by the Board of Supervisors on July 27, 2021, which depicts how the applicant proposes to reduce water use during a declared drought emergency and ensures both the success and decreased impacts to surrounding areas. The Project also proposes water metering and conservation measures as part of the standard operating procedures, and these measures will be followed whether or not the region is in a drought emergency.

As part of the Project's standard operational procedures, the Project proposes to implement ongoing water monitoring and conservation measures that would reduce the overall use of water. These measures are required by Article 27, Section 27.13 (at) 3 of the Lake County Zoning Ordinance. On-going water conservation measures include:

- No surface water diversion
- The selection of plant varieties that are suitable for the climate of the region
- The use of driplines and drip emitters rather than spray irrigation
- Covering drip lines with straw mulch or similar materials to reduce evaporation
- Using water application rates modified from data obtained from soil moisture meters and weather monitoring
- Utilizing shutoff valves on hoses and water pipes
- Daily visual inspections of irrigation systems
- Immediate repair of leaking or malfunctioning equipment
- Water-use metering and budgeting

A water budget will be created every year and water use efficiency from the previous year will be analyzed.

In addition to water use metering, water level monitoring is also required by Lake County Zoning Ordinance Article 27 Section 27.11 (at) 3, specifically that wells must have a meter to measure the amount of water pumped as well as a water level monitor. Well water level monitoring and reporting will be performed as follows:

Seasonal Static Water Level Monitoring

The purpose of seasonal monitoring of the water level in a well is to provide information regarding long-term groundwater elevation trends. The water level in each well will be measured and recorded once in the Spring (March or April), before cultivation activities begin, and once in the fall (October) after cultivation is complete, as the California Statewide Groundwater Monitoring Program (CASGEM) monitors semi-annually, around April 15 and October 15 of each year. Records shall be kept, and elevations reported to the County as part of the Project's annual reporting requirements. Reporting shall include a hydrograph plot of all seasonal water level measurements, for all project wells, beginning with the initial measurements. Seasonal water level trends will aid in the evaluation of the recharge rate of the well. If the water level in a well measured during the Spring remains relatively constant from year to year, then the water source is likely recharging each year.

Water Level Monitoring During Extraction

The purpose of monitoring the water level in a well during extraction is to evaluate the performance of the well and determine the effect of the pumping rate on the water source during each cultivation season. This information will be used to determine the capacity and yield of the Project's wells and to aid the cultivators in determining pump rates and the need for water storage. The frequency of water level monitoring will depend on the source, the source's capacity, and the pumping rate. It is recommended that initially the water level be monitored twice per week or more, and that the frequency be adjusted as needed depending on the impact that the pumping rate has on the well water level. Records will be kept and elevations reported to the County as part of the Project's annual reporting requirements. Reporting will include a hydrograph plot of the water level measurements for all project wells during the cultivation season and compared to prior seasons.

Measuring a water level in a well can be difficult and the level of difficulty will depend on site-specific conditions. As part of the well monitoring program, the well owner or operator will work with a well expert to determine the appropriate methodology and equipment to measure the water level, as well as who will conduct the recording and monitoring of the well level data. The methodology of the well monitoring program will be described and provided in the Project's annual report.

In addition to monitoring and reporting, an analysis of the water level monitoring data will be provided and included in the Project's annual report, demonstrating whether or not use of the project wells is causing significant drawdown and/or impacts to the surrounding area and what measures can be taken to reduce their impacts. If there are impacts, a revised Water Management Plan will be prepared and submitted to the County for review and approval, which demonstrates how the Project will mitigate the impacts in the future.

Drought Emergency Water Conservation Measures

In addition to the above on-going water monitoring and conservation measures, during times of drought emergencies or water scarcity the Project may implement the following additional measures as needed or appropriate to the site in order to reduce water use and ensure both the success and decreased impacts to surrounding areas:

- Install moisture meters to monitor how much water is in the soil at the root level and reduce watering to only what is needed to avoid excess

- Cover the soil and drip-lines with removable plastic covers or similar to reduce evaporation
- Irrigate only in the early morning hours or before sunset
- Cover plants with shaded meshes during peak summer heat to reduce plant water needs
- Add a soil amendments/ingredients to growing medium that retains water in a way to conserve water and aid plant growth/health. Soil amendments/ingredients such as peat moss, coco coir, compost, perlite, and vermiculite retain water and provide a good environment for cannabis to grow

In the event that the well cannot supply the water needed for the Project, the following measures may be taken:

- Reduce the amount of cultivation and/or length of cultivation season
- Install/develop an additional groundwater well on the Project property.

Less Than Significant Impact with Mitigation Measure HYD-4 incorporated:

HYD-4: The applicant will adhere to the measures described in the Drought Management Plan during periods of a declared drought emergency.

XI. LAND USE PLANNING	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Physically divide an established community?	☐	☐	☐	☒	1, 2, 3, 5, 6
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?	☐	☐	☒	☐	1, 3, 4, 5, 20, 21, 22, 27

Discussion:

a) The Project site consists of 372 acres of undeveloped land in the Cobb Mountain Planning Area and Kelseyville Planning Area. The closest community growth boundary accessible by road is Kelseyville, which is approximately 2.9 miles north, separated by undeveloped land. The surrounding area consists of rural land, rural residential land, and open space areas. The proposed Project site would not physically divide any established community.

No Impact

b) The General Plan Land Use designation currently assigned to the Project is Rural Lands (RL). The Zoning District designation currently assigned to the Project site is Rural Lands (RL) (APNs: 011-004-14 and -50) and Agricultural Preserve (APZ) (APN 011-004-40). The Lake County Zoning Ordinance allows for commercial outdoor cannabis cultivation in the RL and APZ land use zones with a major use permit.

This Project is consistent with the Lake County General Plan, the Lower Lake Area Plan, and the Lake County Zoning Ordinance.

Less than Significant Impact

XII. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
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?	☐	☐	☐	☒	1, 3, 4, 5, 26
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?	☐	☐	☐	☒	1, 3, 4, 5, 26

Discussion:

a) The Lake County Aggregate Resource Management Plan does not identify a source of minerals on the Project site. Additionally, according to the California Department of Conservation, Mineral Land Classification, there are no known mineral resources on the Project site, and thus no impact.

No Impact

b) Neither the County of Lake's General Plan nor the Lake County Aggregate Resource Management Plan designates the Project site as being a locally important mineral resource recovery site. Therefore, the Project has no potential to result in the loss of availability of a local mineral resource recovery site.

No Impact

XIII. NOISE	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number

Would the project:

a)	Result in the 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?	☐	☒	☐	☐	1, 3, 4, 5, 13
b)	Result in the generation of excessive ground-borne vibration or ground-borne noise levels?	☐	☐	☒	☐	1, 3, 4, 5, 13
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?	☐	☐	☐	☒	1, 3, 4, 5, 11, 14, 15

Discussion:

a) Construction on the two cultivation sites may result in short-term increases in the ambient noise environment. Operational activities may result in a slight increase in the ambient noise environment (e.g. truck trips, air filtration system). The application materials submitted indicate that only a small skid loader would be needed to prepare the site. Skid loaders are generally not large enough to create ground-borne vibrations, however noise-related mitigation measures are typically added for any site disturbance related to commercial cannabis site preparation and ongoing activities. Therefore, Mitigation Measures NOI-1 through NO-3 would ensure that the Project adheres to all requirements and standards outlined in the Lake County Zoning Ordinance Section 21-41.11 during and after site preparation.

This Project will have some noise related to site preparation, and hours of construction are limited through standards described in the mitigation measures.

Although the property size and location will help to reduce any noise detectable on at the property line, mitigation measures will still be implemented to further limit the potential sources of noise.

Less than Significant Impact with Mitigation Measures NOI-1 through NOI-3 incorporated:

NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00am and 7:00pm, and Saturdays from 12:00 noon to 5:00 pm 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.

NOI-2: Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 10:00PM 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.

NOI-3: The maximum one-hour equivalent sound pressure received by a receiving property or receptor (dwelling, hospital, school, library, or nursing home) shall not exceed levels of 57 dBA between the hours of 7:00 a.m. to 10:00 p.m. and 50 dBA from 10:00 p.m. to 7:00 a.m. within residential areas measured at the property lines.

b) Under existing conditions, there are no known sources of ground-borne vibration or noise that affect the Project site such as railroad lines or truck routes. Therefore, the Project would not create any exposure to substantial ground-borne vibration or noise.

The Project is not expected to create unusual ground-borne vibration due to construction, and the low level of truck traffic during construction and deliveries would only create a minimal amount of ground-borne vibration. According to California Department of Transportation's Transportation and Construction-Induced Vibration Guidance Manual, ground-borne vibration from heavy construction equipment does not create vibration amplitudes that could cause structural damage, when measured at a distance of 10 feet. The nearest existing off-site structures are located over 2,500 feet from the nearest point of construction activities and would not be exposed to substantial ground-borne vibration due to the operation of heavy construction equipment on the Project site. Additionally, the Project would be required to adhere to all local noise requirements related to construction and post-construction activities.

Furthermore, the Project is not expected to employ any pile driving, rock blasting, or rock crushing equipment during construction activities, which are the primary sources of ground-borne noise and vibration during construction. As such, impacts from ground-borne vibration and noise during near-term construction would be less than significant.

Less Than Significant Impact

c) The site is not located within two miles of a public airport or private airstrip. Therefore, no impact is anticipated.

No Impact

XIV. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
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	☐	☐	☐	☒	1, 3, 4, 5

example, through extension of roads or other infrastructure)?					
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1, 3, 4, 5

Discussion:

a) The Project is not anticipated to induce significant population growth to the area. The Project does not involve the construction of homes or facilities that would directly or indirectly induce unplanned population growth.

No Impact

b) No people or housing would be displaced as a result of the Project.

No Impact

XV. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) 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: 1) Fire Protection? 2) Police Protection? 3) Schools? 4) Parks? 5) Other Public Facilities?	☐	☐	☒	☐	1, 2, 3, 4, 5, 20, 21, 22, 23, 27, 28, 29, 32, 33, 34, 36, 37

Discussion:

1) <u>Fire Protection</u>

The Kelseyville Fire Protection District provides fire protection services to the proposed Project area. Development of the proposed Project would impact fire protection services by increasing the demand on existing County Fire District resources. To offset the increased demand for fire protection services, the proposed Project would be conditioned to provide a minimum of fire safety and support fire suppression activities and installations, including compliance with State and local fire codes, as well as minimum private water supply reserves for emergency fire use. With these measures in place, the Project would have a less than significant impact on fire protection.

2) Police Protection

The Project site falls under the jurisdiction of the Lake County Sheriff's Department, and is in a remote area not easily reached by law enforcement in the event of an emergency. Article 27 of the Lake County Zoning Ordinance lays out specific guidelines for security measures for commercial cannabis cultivation to prevent access of the site by unauthorized personnel and protect the physical safety of employees. This includes 1) establishing a physical barrier to secure the perimeter access and all points of entry; 2) installing a security alarm system to notify and record incident(s) where physical barriers have been breached; 3) establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors; 4) maintaining the premises such that visibility and security monitoring of the premises is possible; and 5) establishing procedures for the investigation of suspicious activities. Accidents or crime emergency incidents during operation are expected to be infrequent and minor in nature, and with these measures the impact is expected to be less than significant.

3) Schools

The proposed Project is not expected to significantly increase the population in the local area and would not place greater demand on the existing public school system by generating additional students. No impacts are expected.

4) Parks

The proposed Project will not increase the use of existing public park facilities and would not require the modification of existing parks or modification of new park facilities offsite. No impacts are expected.

5) Other Public Facilities

As the small staff will be hired locally, no impacts are expected.

Less than Significant Impact

XVI. RECREATION	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) 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?	☐	☐	☐	☒	1, 2, 3, 4, 5

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?	☐	☐	☐	☒	1, 3, 4, 5

Discussion:

a) The proposed Project does not include components that would have any significant impacts on existing parks or other recreational facilities.

No Impact

b) The proposed Project does not include recreational facilities and would not require the construction or expansion of recreation facilities.

No Impact

XVII. TRANSPORTATION	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☒	☐	☐	1, 3, 4, 5, 9, 20, 22, 27, 28, 35
b) For a land use project, would the project conflict with or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)(1)?	☐	☐	☒	☐	1, 3, 4, 5, 9, 20, 22, 27, 28, 35
c) For a transportation project, would the project conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(2)?	☐	☐	☐	☒	1, 3, 4, 5, 9, 20, 22, 27, 28, 35
d) Substantially increase hazards due to geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒	1, 3, 4, 5, 9, 20, 22, 27, 28, 35
e) Result in inadequate emergency access?	☐	☐	☒	☐	1, 3, 4, 5, 9, 20, 22, 27, 28, 35

Discussion:

a) Roadway Analysis

Access to the Project sites would be taken from Kelsey Creek Drive, a paved County road leading to the driveway that leads into the site and ultimately to both cultivation sites.

The interior driveway does need to meet CalFire driveway standards, and has apparently been improved to comply with Public Resource Codes (PRC) 4290 and 4291. Verification of this will be a mitigation measure and condition of approval prior to the start of cultivation.

The proposed Project does not conflict with any existing program plan, ordinance or policy addressing roadway circulation, including the Lake County General Plan Chapter 6 – Transportation and Circulation, and a less than significant impact on road maintenance is expected.

Transit Analysis

The proposed Project does not conflict with any existing program plan, ordinance or policy addressing transit issues, including Chapter 6 of the General Plan.

Bicycle Lane and Pedestrian Path Analysis

The proposed Project does not conflict with any existing program plan, ordinance or policy addressing bicycle and/or pedestrian issues, including Chapter 6 of the General Plan.

Less than Significant Impact with Mitigation Measures TRANS-1 incorporated:

TRANS-1: Prior to cultivation, the applicant shall improve the interior driveway in a manner that complies with Public Resource Code sections PRC 4290 and 4291. This includes, but is not limited to, surface material, road slope, road width, turnouts, vertical clearance. The applicant shall contact the Lake County Building Department to schedule a 4290 and 4291 inspection prior to any cultivation activity occurring on the site.

b) State CEQA Guidelines Section 15064.3, Subdivision (b) states that for land use projects, transportation impacts are to be measured by evaluating the proposed Project's vehicle miles traveled (VMT), as follows:

"*Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact*."

To date, the County has not yet formally adopted its transportation significance thresholds or its transportation impact analysis procedures. As a result, the project-related VMT impacts were assessed based on guidelines described by the California Office of Planning and Research (OPR) in the publication *Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory*, 2018. The OPR Technical Advisory identifies several criteria that may be used to identify certain types of projects that are unlikely to have a significant VMT impact and can be "screened" from further analysis. One of these screening criteria pertains to small projects, which OPR defines as those generating fewer than 110 new vehicle trips per day on average. OPR specifies that VMT should be based on a typical weekday and averaged over the course of the year to take into consideration seasonal fluctuations. The Project would likely generate a maximum of 40 trips per day during peak harvest season.

The applicants will be operating under an A-Type 13 Cannabis Distributor Transport Only, Self-distribution License. In the "RL" and "APZ" zoning districts the Type 13 Distributor Only, Self-distribution State licenses are an accessory use to an active cannabis cultivation or cannabis manufacturing license site with a valid minor or major use permit. The parcel where the Type 13 license will is located, as required by Article 27.11, shall front and have direct access to a State or County maintained road or an access easement to such a road, the permittee shall not transport any cannabis product that was not cultivated by the permittee, and all non-transport related distribution activities shall occur within a locked structure.

The proposed Project would not generate or attract more than 110 trips per day, and therefore it is not expected for the Project to have a potentially significant level of VMT. Impacts related to CEQA Guidelines section 15064.3. subdivision (b) would be less than significant.

Less than Significant Impact

c) The Project is not a transportation project. The proposed use will not conflict with and/or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)(2).

No Impact

d) This Project does not include modification to the existing public roadways or design features that would increase hazards. The applicant is however required to verify that the interior driveway has been brought up to PRC 4290 and 4291 driveway standards, and will need to schedule a site visit with the Building Department prior to the start of cultivation.

No Impact

e) The Project will require the interior driveway to be in compliance with CalFire driveway standards. According to the applicant, the driveway has already been brought up to CalFire private road standards. A site visit to confirm will occur prior to any cultivation activities being undertaken, and is a standard condition of approval for commercial cannabis cultivation projects.

f) The proposed Project would not alter the physical configuration of the existing roadway network serving the area, and will have no effect on access to local streets or adjacent uses (including access for emergency vehicles). Internal gates and roadways will meet CALFIRE requirements for vehicle access according to PRC §4290, including adequate width requirements. Furthermore, as noted above under impact discussion (a), increased project-related operational traffic would be minimal. The proposed Project would not inhibit the ability of local roadways to continue to accommodate emergency response and evacuation activities. The proposed Project would not interfere with the City's adopted emergency response plan.

Less than Significant Impact

XVIII. TRIBAL CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☒	☐	☐	1, 3, 4, 5, 11, 14, 15
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the +resource to a California Native American tribe?	☐	☐	☒	☐	1, 3, 4, 5, 11, 14, 15

Discussion:

a) A Cultural Resource Evaluation (CRE), dated April 1, 2020, was completed for the proposed cultivation Project by Wolf Creek Archaeological Research to identify potentially significant cultural resources. A California Historical Resources Information System (CHRIS) records search was completed for the Project area, and a request was sent to the California Native American Heritage Commission (NAHC) for a review of their Sacred Lands File (SLF). Additionally, Project information letters were sent to the tribes affiliated with the Project area. Finally, Wolf Creek Archaeological Research conducted a field inspection within the Project area.

The CHRIS records search indicates that the Project area has not been inspected for cultural resources in the past; However, two nearby inspection have been conducted that indicate there are 17 prehistoric sites recorded within one mile of the Project area. The SLF search indicated that no sacred sites have been recorded for the Project area.

During the field inspection, the presence of artifacts was detected in two specific areas within the Kelsey Creek cultivation site, located outside of the canopy area, and are identified as 'Prehistoric Site 1' and 'Prehistoric Site 2'. Prehistoric Site 1 is located in the western project area and contains evidence of stone tools and obsidian flakes. This site is located just west of the western edge of the Konocti obsidian flow. The site was likely a workshop site for the pre-processing of raw material before transporting to a main village. Prehistoric Site 1 likely meets Criteria D as 'significant' as listed in the Public Resource Code. Prehistoric Site 2 is also located in the western project area and consisted of stone tools and obsidian flaking debris. The site is 'downstream' from Prehistoric Site 1. Prehistoric Site 2 is also most likely a workshop site for pre-processing of obsidian raw material before transporting to a main village. The CRE recommends that the proposed Project stipulate that no ground disturbance activities would take place within the prehistoric site boundaries as defined in the CRE. The CRE also recommends that if future ground disturbance activities are planned for the prehistoric site, a mitigation plan should be developed to protect the information contained within the prehistoric sites. This has been included as Mitigation Measure CUL-1.

Based on the findings of the field survey and the incorporation of Mitigation Measure CUL-1 through CUL-3, the Project is not expected to impact historical or archaeological resources as defined under CEQA Section 15064.5 or tribal cultural resources as defined under Public Resources Code Section 21074. It is possible, but unlikely, that significant artifacts or human remains could be discovered during Project construction. If, however, significant artifacts or human remains of any type are encountered it is recommended that the Project sponsor contact the culturally affiliated tribe and a qualified archaeologist to assess the situation. The Sheriff's Department must also be contacted if any human remains are encountered.

Less than Significant Impact with Mitigation Measures CUL-1 and CUL-3

b) Staff notified local tribes about the Project. The County received one letter from the Upper Lake Habematolel Tribe, who indicated that the Project was located within the Big Valley Tribe's cultural area of interest. However, no comments were received from the Big Valley Tribe or any other tribes. Mitigation Measures CUL-1 through CUL-3 would be incorporated into the Project to avoid impacting tribal cultural resources.

Less than Significant Impact with Mitigation Measures CUL-1 and CUL-3

XIX. UTILITIES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐	1, 3, 4, 5, 29, 32, 33, 34, 37

b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☒	☐	☐	1, 2, 3, 5, 6, 22, 31
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?	☐	☐	☒	☐	1, 2, 3, 5, 6, 22
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?	☐	☐	☒	☐	1, 2, 3, 5, 6, 35, 36
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐	1, 2, 3, 5, 6, 35, 36

Discussion:

a) Electric power will occur by the installation of solar panels. No new on-grid power demands are proposed. Water was evaluated through the Hydrology Report that was discussed previously; no un-mitigatable water issues are stated in the Report. No telecommunication systems are impacted or proposed. Stormwater drainage is addressed through the incorporation of stormwater management strategies, including placing sandbags, sediment logs and straw on any disturbed areas that may pose any risk of run-off in and around the perimeter of the cultivation area. No new wastewater treatment facilities are needed.

The Project will not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Less than Significant Impact

b) As discussed in Section X(b), the findings in the Hydrology Report show that the existing groundwater well produces enough water to meet the Project's demands without creating aquifer overdraft conditions or impacting nearby wells and surface water, even under severe drought conditions.

Less than Significant Impact with Mitigation Measures HYD-1 through HYD-4 implemented

c) The Project does not require any additional wastewater treatment. An ADA portable toilet would be available on site according to the applicant's submitted materials.

Less than Significant Impact

d) The existing landfill has sufficient capacity to accommodate the Project's solid waste disposal needs. Lake County solid waste provider has capacity for at least four more years of solid waste capacity before needing to expand their facilities according to the Public Services Director.

The Project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure.

Less than Significant

e) The Project will be in compliance with federal, state, and local management and reduction statutes and regulations related to solid waste.

Less than Significant

XX. WILDFIRE	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
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?	☐	☒	☐	☐	1, 2, 3, 5, 6, 23, 25, 28, 29
b) Would the project, 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?	☐	☐	☒	☐	1, 2, 3, 5, 6, 23, 25, 28, 29
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?	☐	☒	☐	☐	1, 2, 3, 5, 6
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?	☐	☒	☐	☐	1, 2, 3, 5, 6, 21, 23, 32

Discussion:

a) The Project will not further impair an adopted emergency response plan or evacuation plan. No changes to the road system serving the private driveway are proposed, and the applicant has indicated that he has upgraded the interior driveway to meet PRC 4290 and 4291 driveway standards. Confirmation via site visit will be required as a mitigation measure (TRANS-1) and as a condition of approval.

Less than Significant with Mitigation Measure TRANS-1.

b) The Project site is located within a moderate-to-very high fire hazard zone. The applicant will have four 2,500-gallon water tanks on site for fire-suppression purposes. No 5,000-gallon fire suppression tanks are proposed, however there is an additional water cistern that has a capacity of holding 25,000 gallons of water that can be used for fire suppression if needed, as well as an additional thirty-six 2,500 gallon irrigation water storage tanks. The two cultivation areas are relatively flat, although the surrounding areas on the site are relatively steep. Prevailing winds are typically from the northwest and blow to the southeast in this area. The area is characterized by large lots that are either undeveloped or marginally developed, particularly in the direction of the prevailing winds. The cultivation areas proposed would introduce new potential fuel into areas that are presently (relatively) brush-free, but the Project would also bring significant water storage onto the site, which would help suppress fire that were smaller in scale.

Less than Significant Impact

c) The two cultivation areas would require some brush removal, but would also introduce cannabis plants into the area. The applicant will however bring forty 2,500-gallon water tanks onto the site, and has a 25,000 gallon cistern, all of which could be used for fire suppression if needed. The proposed Project will require maintenance to meet and/or maintain roadway and driveway standards.

Less than Significant Impact with Mitigation Measure WDF-1:

WDF-1: Construction activities will not take place during a red flag warning (per the local fire department and/or national weather service) and wind, temperature and relative humidity will be monitored in order to minimize the risk of wildfire. Grading will not occur on windy days that could increase the risk of wildfire spread should the equipment create a spark.

d) There is little chance of increased risks associated with post-fire slope runoff, instability, or drainage changes based on the lack of site changes that would occur by the Project parcel.

The two cultivation areas are relatively flat. This Project would not increase the risk of people residing or working downslope from the cultivation sites due to the terrain. The impact will be less than significant with mitigation measures WDF-2 and WDF-3 implemented.

Less than Significant Impact with Mitigation Measures WDF-2 and WDF-3:

WDF-2: Any vegetation removal or manipulation will take place in the early morning hours before relative humidity drops below 30 percent.

WDF-3: A Water tender will be present on-site during earth work to reduce the risk of wildfire and dust.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number

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?	☐	☒	☐	☐ ALL
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)?	☐	☒	☐	☐ ALL
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐ ALL

Discussion:

a) According to the biological and cultural studies conducted, the Bottle Rock Holdings cannabis cultivation Project does not 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 when mitigation measures are implemented.

   All setbacks for watercourses will exceed local, state, and federal regulations to prevent significant impacts on water quality. With the implementation of mitigation measures described in the biological assessment and the Best Management Practices and other mitigation measures described throughout this initial study, the potential impact on important biological resources will be reduced to less than significant.

   Less than significant with AES-1 through AES-4; AQ-1 through AQ-8; BIO-1 through BIO-2; CUL-1 through CUL-3; GEO-1 through GEO-6; HAZ-1 through HAZ-7; HYD-1 through HYD-4; NOI-1 through NOI-2; TRANS-1; WDF-1 through WDF-3

b) Potentially significant impacts have been identified related to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazardous Material, Hydrology, Noise, Transportation, Tribal Cultural Resources, Utilities, and Wildfire. These impacts in combination with the impacts of other past, present, and reasonably foreseeable future projects could cumulatively contribute to significant effects on the environment. Of particular concern would be the cumulative effects on hydrology and water resources.

To address this issue, the Lake County Board of Supervisors adopted Ordinance 3106 on July 27, 2021, requiring the applicant to submit a Hydrological Study and Drought Management Plan. Upon review of the Hydrological Study and Drought Management Plan, along with the implementation of hydrological mitigation measures, the Project is expected to have a less than significant cumulative impact.

Implementation of and compliance with mitigation measures identified in each section as project conditions of approval would avoid or reduce potential impacts to less than significant levels and would not result in any cumulatively considerable environmental impacts.

Less than significant with AES-1 through AES-4; AQ-1 through AQ-8; BIO-1 through BIO-2; CUL-1 through CUL-3; GEO-1 through GEO-6; HAZ-1 through HAZ-7; HYD-1 through HYD-4; NOI-1 through NOI-2; TRANS-1; WDF-1 through WDF-3

c) The proposed Project has the potential to result in adverse indirect or direct effects on human beings. In particular, Aesthetics, Air Quality, Geology/Soils, Cultural and Tribal Resources, Transportation, Wildfire, and Noise have the potential to impact human beings. Implementation of and compliance with mitigation measures identified in each section as conditions of approval would not result in substantial adverse indirect or direct effects on human beings and impacts would be considered less than significant.

Less than significant with AES-1 through AES-4; AQ-1 through AQ-8; BIO-1 through BIO-2; CUL-1 through CUL-3; GEO-1 through GEO-6; HAZ-1 through HAZ-7; HYD-1 through HYD-4; NOI-1 through NOI-2; TRANS-1; WDF-1 through WDF-3
Impact Categories defined by CEQA

Source List

1. Lake County General Plan
2. Lake County GIS Database
3. Lake County Zoning Ordinance
4. Shoreline Communities Area Plan
5. High Valley Oaks Cannabis Cultivation Application – Major Use Permit.
6. U.S.G.S. Topographic Maps
7. U.S.D.A. Lake County Soil Survey
8. Lake County Important Farmland Map, California Department of Conservation Farmland Mapping and Monitoring Program
9. Department of Transportation's Scenic Highway Mapping Program, (https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways)
10. Lake County Serpentine Soil Mapping
11. California Natural Diversity Database (https://wildlife.ca.gov/Data/CNDDB)
12. U.S. Fish and Wildlife Service National Wetlands Inventory
13. Biological Resources Assessment for the Cannabis Cultivation Operation at 9850 High Valley Road, Clearlake Oaks, CA, prepared by Natural Investigations Company, December 17, 2019.
14. Cultural Resources Assessment for the Cannabis Cultivation Operation at 9850 High Valley Road, Clearlake Oaks, CA, prepared by Natural Investigations Company, December 2019.
15. California Historical Resource Information Systems (CHRIS); Northwest Information Center, Sonoma State University; Rohnert Park, CA.

16. Water Resources Division, Lake County Department of Public Works Wetlands Mapping.
17. U.S.G.S. Geologic Map and Structure Sections of the Clear Lake Volcanic, Northern California, Miscellaneous Investigation Series, 1995
18. Official Alquist-Priolo Earthquake Fault Zone maps for Lake County
19. Landslide Hazards in the Eastern Clear Lake Area, Lake County, California, Landslide Hazard Identification Map No. 16, California Department of Conservation, Division of Mines and Geology, DMG Open –File Report 89-27, 1990
20. Lake County Emergency Management Plan
21. Lake County Hazardous Waste Management Plan, adopted 1989
22. Lake County Airport Land Use Compatibility Plan, adopted 1992
23. California Department of Forestry and Fire Protection - Fire Hazard Mapping
24. National Pollution Discharge Elimination System (NPDES)
25. FEMA Flood Hazard Maps
26. Lake County Aggregate Resource Management Plan
27. Lake County Bicycle Plan
28. Lake County Transit for Bus Routes
29. Lake County Environmental Health Division
30. Lake County Grading Ordinance
31. Lake County Natural Hazard database
32. Lake County Countywide Integrated Waste Management Plan and Siting Element, 1996
33. Lake County Water Resources
34. Lake County Waste Management Department
35. California Department of Transportation (Caltrans)
36. Lake County Air Quality Management District website
37. Northshore Fire Protection District
38. Site Visit – May 18, 2020
39. United States Department of Agriculture – Natural Resources Conservation Service Web Soil Survey
40. Hazardous Waste and Substances Sites List,
41. State Water Resources Control Board (SWRCB) Cannabis Policy and General Order
42. Lake County Groundwater Management Plan, March 31st, 2006.
43. Lake County Rules and Regulations (LCF) for On-Site Sewage Disposal
44. Lake County Municipal Code: Sanitary Disposal of Sewage (Chapter 9: Health and Sanitation, Article III)