



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

April ##, 2023

**CALIFORNIA ENVIRONMENTAL QUALITY ACT
ENVIRONMENTAL CHECKLIST FORM
INITIAL STUDY (UP 21-44, IS 21-47)**

1. Project Title: The High Rock Ranch LLC Commercial Cannabis
2. Permit Numbers: Major Use Permit UP 21-44
Initial Study IS 21-47
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, Cannabis Manager
(707) 263-2221
5. Project Location(s): Cultivation Parcel:
8645 Kelsey Creek Drive, Kelseyville
(APN: 007-038-07)
Clustering Parcel:
8475 Kelsey Creek Drive, Kelseyville
(APN: 007-037-08)
6. Project Sponsor's Name & Address: High Rock Ranch LLC, Anthony Rocco
3400 Cottage Way, Suite G2, #2515
Sacramento, CA 95825
7. General Plan Designation: Rural Lands (both parcels)
8. Zoning: Cultivation parcel – "RL-B5", Rural Lands – Special Lot
Density
Clustering parcel – "RL-B5-WW-FF-SC", Rural Lands –
Special Lot Density – Waterway – Floodway Fringe –
Scenic Combining
9. Supervisor District: District 5
10. Flood Zone: "X": Minimal Risk of Flooding
11. Slope: Flat; cultivation area has 0% to 5% slope
12. Fire Hazard Severity Zone: California State Responsibility Area (CALFIRE):
Very High Risk (Cultivation parcel); Moderate Risk
(Clustering parcel)
13. Earthquake Fault Zone: Not within a mapped fault zone
14. Dam Failure Inundation Area: Not located within Dam Failure Inundation Area
15. Parcel Sizes: 55.87 Acres Combined

16. *Description of Project.* The applicant seeks a major use permit for one (1) A-Type 3 'medium outdoor' commercial cannabis license and one (1) A-Type 13 'Self-Distribution' license to allow legal transportation of cannabis to and from the site. The project proposes a 32,664 square-foot commercial cannabis canopy area comprised of two separate canopy areas of 29,544 square feet, identified as 'Canopy Area A' on the site plans submitted, and 3,120 square feet, identified as 'Canopy Area B' on the site plans submitted. The project would occur within a 37,392 square-foot fenced cultivation area and would incorporate an existing 36' x 48' agricultural building for cannabis drying and packaging. The project would also use an existing 3,000 sq. ft. building for immature plants; an existing 100 sq. ft. bathroom, existing 2,500 gallon water tanks, and would be enclosed in a proposed 6' tall screening fence.

The site is located at 8475 Kelsey Creek Drive, Kelseyville, and is comprised of two parcels: Lake County APN 007-038-07 (cultivation parcel) and APN 007-037-08 (clustering parcel). The project parcels are located 3.3-miles south of downtown Kelseyville and 1-mile northeast of the intersection of Kelsey Creek Drive and Carder Road. The total acreage of the project site is 55.87 acres; however, all project activities would occur within the 43.11 acre APN: 007-038-07. No portions of the project site are located within the Cannabis Exclusion Area and the site is outside of a Community Growth Boundary.

Topography of the two project lots is moderate to steeply sloped, however the cultivation area is generally flat with slopes ranging from 0% to 5%. The project site contains two unnamed Class III jurisdictional watercourses that are tributaries to Kelsey Creek, an off-site intermittent Class I watercourse that generally follows the alignment of Kelsey Creek Drive in the vicinity of the project site and is located approximately 1,000 feet east of the proposed cultivation area.

The cultivation parcel contains a 36' x 48' ag building that would be used to dry and package cannabis; there is an existing 3,000 sq. ft. greenhouse on the cultivation parcel; four existing 2,500 gallon water tanks, a 100 sq. ft. bathroom and a permitted groundwater well. The clustering parcel contains a dwelling located approximately 950 feet north of the proposed canopy area. The nearest off-site residence is located about 250 feet to the southwest of the cultivation area.

The existing processing building would contain processing activities such as drying, trimming, curing, and packaging. Agricultural chemicals associated with the cannabis cultivation (i.e. organic fertilizers and pesticides and petroleum products) would be stored within the secure processing facility. The existing greenhouse would be used to store immature plants prior to installing them into the fabric pots in the canopy areas. The cultivation method would be via an above ground planting method using and organic soil mixture with a drip irrigation system in fabric pots.

Construction

Construction of the project would take approximately 5 to 7 weeks and would be limited to the hours of 9 a.m. to 6 p.m. Monday through Saturday. Construction would involve: clearing of low-lying shrubs within previously disturbed areas as necessary; installation of bathrooms in existing building proposed for use as a processing facility; grading/widening of existing private access driveway pursuant to CalFire requirements; construction of parking areas and turnarounds; and installation of security fence and cameras. Construction would require standard-type pick-up trucks, hand tools, and general equipment and would require a total of 130 to 160 truck trips during the duration of construction activities. (Note: Staff estimates the trip total during construction to be slightly higher at up to 180 total trips).

Operation

The project's hours of operation would take place between 8:00 a.m. and 6:00 p.m. with deliveries and pickups restricted to between 9:00 a.m. and 7:00 p.m. Monday through Saturday as well as Sunday between 12:00 p.m. and 5:00 p.m. A Community Liaison/Emergency Contact would be available 24-hours a day, 7-days a week, including holidays, to respond to any concerns or complaints. Up to 5 employees would work on-site during peak harvest times and an estimated 3 employees would work during site preparation and non-peak harvest times.

The project site is currently accessed by a private gravel driveway that is accessible from Kelsey Creek Drive. The existing access driveway would be improved in accordance with fire access requirements found in Public Resource Codes (PRC) 4290 and 4291. At a minimum, the driveway would be 20 feet wide with 14 feet of unobstructed horizontal clearance and 15 feet of vertical clearance. The access driveway would have six inches of gravel added to the entire length. The site will have five total parking stalls (four standard stalls and one ADA-compliant stall) located between the processing facility and the greenhouse, and two T-slip turnarounds, one midway along the length of the driveway and one at the terminus, near the processing facility and the cultivation site. A 22 feet wide security gate would be installed at the entrance of the parcel. The access gate would be located at least 30 feet from the main shared access driveway and property line. According to the project's engineered Grading Plans, access driveway improvements would require the movement of 24.76 cubic yards of earth, which is below the 500 cubic yard threshold that would trigger a grading permit.

17. Surrounding Land Uses and Setting: Briefly describe the project's surroundings:

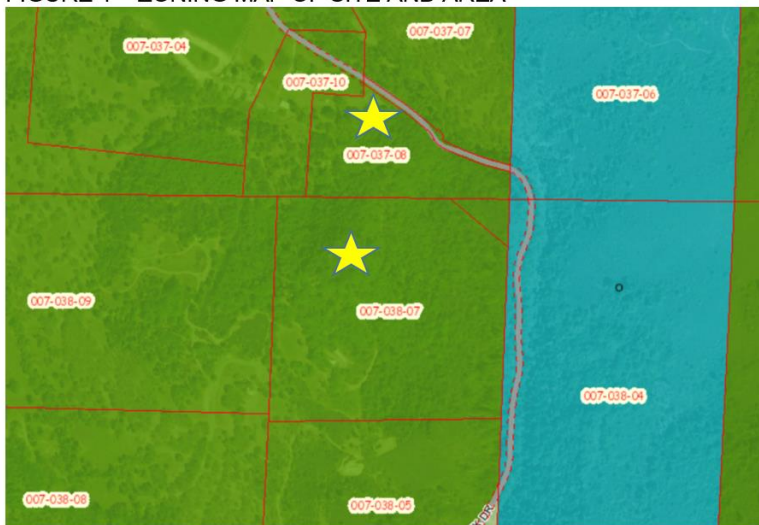
North: "RL" Rural Lands and "RR" Rural Residential; large lots that are undeveloped or that contain isolated single-family dwellings.

South: "RL" Rural Lands and "RR" Rural Residential; large lots that are undeveloped or that contain isolated single-family dwellings.

East: "RC" Resource Conservation and "RL" Rural Lands; large lots that are undeveloped.

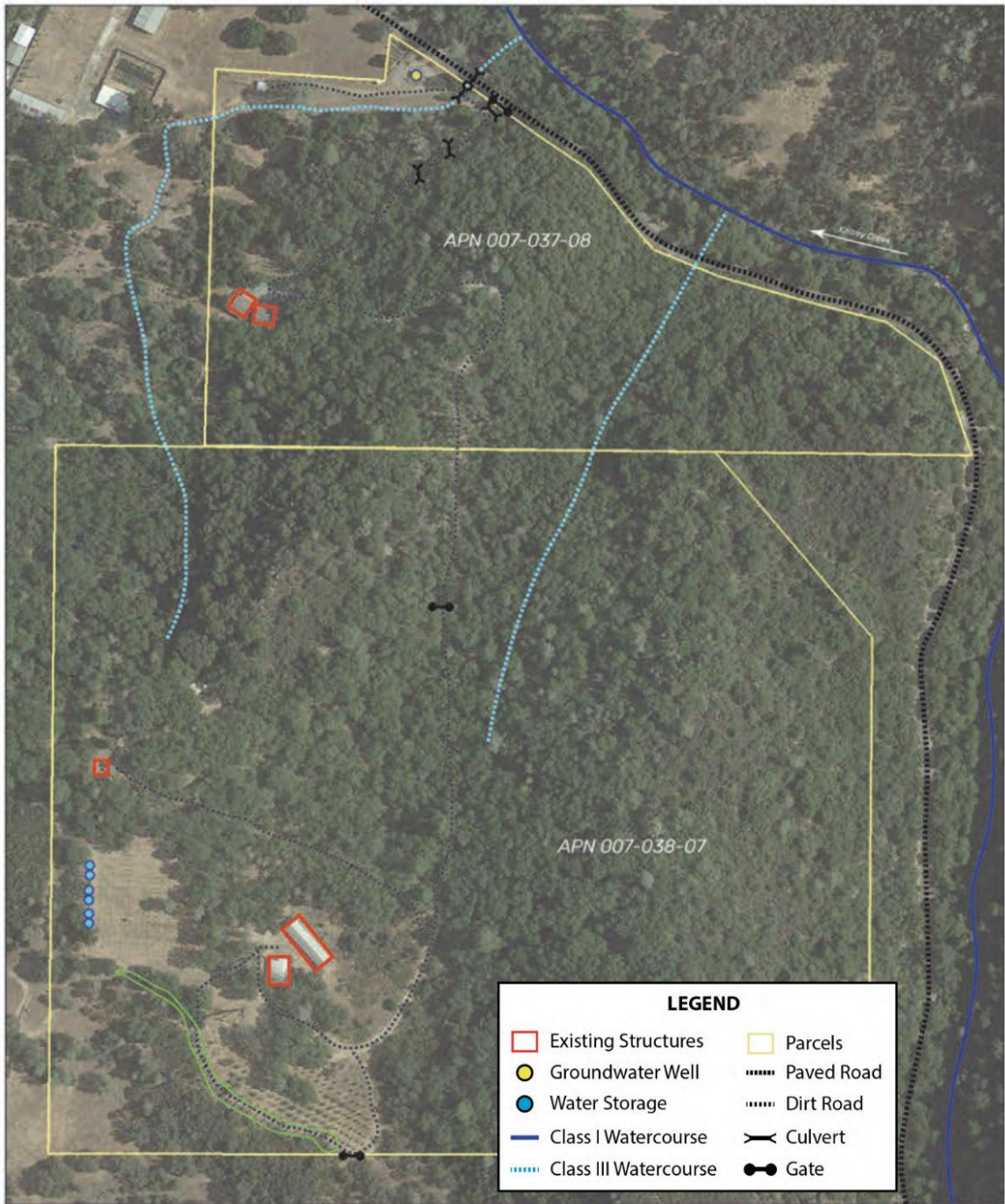
West: "RL" Rural Lands; large lots that are undeveloped or that contain isolated single-family dwellings.

FIGURE 1 – ZONING MAP OF SITE AND AREA



Source: Lake County GIS Mapping

FIGURE 2 – WATER COURSES ON SITE



Source: Material Submitted by Applicant

FIGURE 3 – PROPOSED SITE PLAN



Source: Material Submitted by Applicant

The site plan proposes a dedicated loading zone in the parking lot adjacent to the front entrance to the processing facility. The project would utilize unmarked transport vans to transport products off premises and would comply with all California Cannabis Track and Trace requirements throughout the distribution process. A maximum of one daily delivery and one daily pick-up would be required, although once-weekly deliveries are more likely.

Security

All employees would undergo a background check by the Lake County Sheriff's Department prior to starting employment. The gate would be locked outside of operating/business hours and whenever personnel are not present. The gate would be secured with a heavy-duty chain, commercial grade padlock, and a Knox Box to allow 24/7 access for emergency services. Only approved managerial staff and emergency service providers would be able to unlock the gates. The entire cultivation area would be surrounded by a 6-foot tall chain link fence with privacy mesh screening. A closed-circuit television (CCTV) security system would be installed and would cover: entryways to the property, cultivation areas, and processing facility; the perimeter of the cultivation/canopy areas; monitoring, recording station, and security room within the processing facility; and the interior of the processing facility. The 100-foot defensible space cleared of vegetation for fire safety would also improve visibility for security monitoring.

Water Quality Protection

The cannabis cultivation area would be setback a minimum of 100 feet from the top of the bank of any water bodies. There would be no surface water diversions as part of the project. Operations are proposed to be fully organic and would use dry and liquid fertilizers. The proposed dry fertilizers would include dry worm castings, chicken and bat guano. The proposed liquid fertilizers would be supplied from MaxSea and organic compost. Pesticides would include neem oil and citric acid oil, both at limited quantities during the growing months only when necessary. Any other pesticides that may be used would be from a list of those approved by California Department of Food and Agriculture. All fertilizers, nutrients, and pesticides would only be purchased and delivered to the property as needed and would be stored separately in the secure storage shed, in their original containers and used as directed by the manufacturer. All organic pesticides and fertilizers would be mixed/prepared on an impermeable surface with secondary containment, at least 100 feet from surface water bodies.

All organic waste would be placed in the designated composting area adjacent to the cultivation area and all solid waste would be stored in bins with secure fitting lids until being disposed of at a Lake County Integrated Waste Management facility (at least once a week during the cultivation season). Empty containers would be disposed of by placing them in a separate seal tight bin with a fitted lid and disposed of at the local solid waste facility within the county. In accordance with the requirements of the State Water Resource Control Board's Cannabis General Order, at no time would fertilizers/nutrients be applied at a rate greater than 319 pounds of nitrogen per acre per year. Water soluble organic fertilizers/nutrients would be delivered via the drip and micro-spray irrigation system(s) of the proposed cultivation operation to promote optimal plant growth and flower formation while using as little product as necessary. Petroleum products would be stored year-round within the processing facility in containers approved by the State of California with secondary containment separate from pesticides and fertilizers. The natural existing vegetated buffer would be maintained as needed between all project activities areas and the existing on-site waterways. In addition, straw wattles and/or cover crops are proposed around the entire cultivation area in order to reduce sediment erosion and a native grass seed mixture and certified weed-free straw mulch would be applied to all areas of exposed soil.

Utilities

The clustering parcel has an existing PG&E connection that powers an onsite water supply well while the cultivation parcel has existing solar panels. The project's electrical demand would be supplied from the existing PG&E connection and solar panels. A backup generator would be available; however, in accordance with Article 27 subsection (at), the generator would not be used "as a primary source of power" and would only be utilized "for temporary use in the event of a power outage or emergency that is beyond the permittee's control."

To conserve water resources, the cultivation operation would utilize drip irrigation systems. The existing well located on the clustering parcel would be pumped to the aboveground water storage tanks. Consistent with the requirements of the SWRCB Cannabis General Order, water conservation measures would be implemented by the project to reduce water use and would include highly-efficient drip irrigation, float valves within the water storage tanks to prevent overflow, safety valves on supply lines for emergency shutoff, continuous metering and water level monitoring, visual inspection program to identify leaks, application of mulch to areas without ground cover inside the cultivation area, and inline water metering of dripline supply lines.

18. Other public agencies whose approval is required (e.g., Permits, financing approval, or participation agreement). 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
- Kelseyville Fire Protection District
- 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)

19. 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.

Native American outreach to all Native American tribes in Lake County was conducted by Konocti Cultural Resource Management (KCRM) on February 11, 2021 during preparation of the project’s Cultural Resource Evaluation, which included a record search at Sonoma State University office of the California Historical Resource Information System. KCRM contacted the Native American Heritage Commission (NAHC) to request a review of the Sacred Lands files for previously recorded surveys and resources important to Native American tribes within the project area. The NAHC search returned negative results.

A second AB 52 notice was sent to all area tribes on January 12, 2022; the Big Valley Tribe requested consultation on January 25, 2022. On April 11, 2023, staff contacted the applicant to inform him of the Big Valley Tribe’s interest in the project. The applicant invited the Tribe to visit the site and discuss next steps. On April 14, 2023, the Tribal representative visited the site, and an apparent agreement took place between the tribe and the cultivator. No further followup on the part of staff appears to be needed.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Public Services |
| <input checked="" type="checkbox"/> Agriculture & Forestry Resources | <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Transportation |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use / Planning | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities / Service Systems |
| <input type="checkbox"/> Energy | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Wildfire |
| <input checked="" type="checkbox"/> Geology / Soils | <input type="checkbox"/> Population / Housing | <input checked="" type="checkbox"/> 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: Lake County Planning Consultants

Initial Study Reviewed and Edited By: Eric Porter, Associate Planner


SIGNATURE _____

Date: April 14, 2023

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4, 5, 6, 9

Discussion:

- a) The Lake County General Plan and the Kelseyville Area Plan contain objectives and policies to protect viewpoints of major scenic features such as panoramic views and scenic highway viewsheds, including mountainous and hillside landscapes, agricultural and pastoral settings, and riparian and natural resource areas. The Kelseyville Area Plan establishes “[i]mportant mountain viewsheds include those of Mt. Konocti and Mount Hannah” with “[t]he Mayacamas Mountains provid[ing] a backdrop for all of the planning area to the west. The project site is located in a rural area that is accessed by a private driveway off of Kelsey Creek Drive. However, Kelsey Creek Drive sits at a lower elevation than the project site; therefore, due to the elevation change and surrounding vegetation, project activities cannot be seen from Kelsey Creek Drive. Additionally, no new structures are proposed and the cultivation area would be surrounded by fencing with privacy screening. Therefore, the project is not anticipated to impact any scenic vistas in this location.

Less than Significant Impact

- b) Widening of the project site’s existing private access driveway to meet PRC 4290 and 4291 fire safety requirements may require the removal of up to 95 trees with diameters greater than 5”, and another 100+ trees with lesser diameters. Tree replacement is required by mitigation measure AG-1 in the next section of this report.

There are no designated state scenic highways within Lake County and the project site is not

located about 1-1/2 miles from the nearest locally-scenic highway (State Route 29). The Lake County General Plan identifies Highway 29 as potential state and county scenic highways, with the Kelseyville Area Plan stating that several other roads should be considered county scenic routes, including Kelsey Creek Drive. The project site is located near Kelsey Creek Drive, which is a County scenic road per Article 42 of the Lake County zoning ordinance. However, due to this existing topography/elevation change and surrounding vegetation, project activities cannot be seen from Kelsey Creek Drive. The applicant has also stated that any removed trees would be replaced at a ratio of 3:1. Therefore, the project would not substantially damage scenic resources within a state scenic highway and would not substantially damage scenic resources near a county scenic road.

Less than Significant Impact

- c) The project site is located in a rural and sparsely populated area. Due to existing topography and surrounding vegetation, the cultivation site cannot be seen from public roads. This is because the project site is at a higher elevation than the surrounding area, including Kelsey Creek Drive. Additionally, there are no publicly-accessible areas in the vicinity of the project site. Also, no new structures are proposed and the cultivation area would be surrounded by fencing with privacy screening. Therefore the project would not substantially degrade the quality of public views of the site or surroundings.

Less Than Significant Impact

- d) The project does not propose any new structures or other features that would contain reflective materials. The project proposes security lighting along the front access gate, parking area, front of the processing facility, and surrounding the cultivation area. However, pursuant to the Property Management Plan, all proposed outdoor lighting would meet the recommendations found in darksky.org by being fully shielded, downward casting, and would not spill over onto other properties or the night sky. Furthermore, proposed lighting would be primarily installed for security purposes and security lights at the corners of the cultivation area would be motion-sensing, designed to turn on temporarily upon detecting motion and would not be on for extended periods of time or permanently throughout the night. Therefore, project lighting would comply with the County’s adopted ‘darksky.org’ lighting ordinance for outdoor lighting. As such, the project would not result in substantial light or glare.

No major physical changes to the site are proposed or needed other than the preparation of the cultivation areas and the construction/installation of the work and storage areas. The site is not within an urbanized area and is not highly visible from any public property.

Less than Significant Impact

II. AGRICULTURE AND FORESTRY RESOURCES

Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
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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 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 4, 7, 8, 11, 13, 39 |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|------------------------------|

California Resources Agency, to non-agricultural use?

- | | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-----------------------------------|
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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))? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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) The entire project site is designated as “Grazing Land” by the California Department of Conservation Farmland Mapping and Monitoring Program, which is not categorized as prime farmland. The site is not located within any mapped Farmland Protection Area and is zoned “RL” Rural Lands. The site has no history of being used for traditional crop-raising. Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use.

Less Than Significant Impact

- b) The Property is not under a Williamson Act contract and the Project 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. None of the neighboring lots are under a Williamson Act contract, and there are no current agricultural uses within 1000 feet of the cultivation area.

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.

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.

Parcels reserved for timberland production within the County are zoned “TPZ”, Timberland Preserve. The cultivation and clustering lots are both zoned “RL”, Rural Lands. No rezoning of the land to “TPZ” is sought or needed; commercial cannabis cultivation is permitted in the “RL” zoning district with a major use permit. No impacts to commercial timber activity will occur with this project.

The applicant has stated that a total of 201 trees would be removed to accommodate the road widening and the outdoor cultivation / parking / processing areas. Of these, 95 are ‘significant’ with diameters greater than 5”, and are required to be replaced at a 3:1 ratio (see Mitigation Measure AG-1 below).

Less Than Significant Impact with mitigation measure added

- d) Although the site is not a designated forest-land property, widening the project site’s interior driveway to meet PRC 4290 and 4291 standards may require the removal of up to 201 trees of varied sizes and species according to the application material submitted. The County will require a 3:1 tree replacement for each oak tree removed that has a diameter of 5” or more as measured at 4.5’ DBH, which according to the Biological Resource Assessment submitted, amounts to a total of 95 trees. The project will not cause the conversion of forest land to non-forest land with the required replacement mitigation measure added as follows:

AG-1: Prior to cultivation, the applicant shall replace any oak tree removed with a diameter of 5” measured at 4.5’ DBH on the 3:1 ratio, with three trees being planted for every mature oak tree that is removed. Trees shall be 5 gallons (or larger) at time of planting; shall be irrigated, and shall be kept in a healthy state for the life of the project.

Less Than Significant Impact with mitigation measure added

- e) The Project will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural uses or forest land to non-forest uses.

Less Than Significant 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 3, 4, 5, 21, 24, 31, 36
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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) There are no adopted air quality plans that impact this property. The applicant has provided an Air Quality element to the property management plan that addresses air quality associated with the project. Outdoor cultivation activities are difficult to mask harvest-related odors, however this particular site is located in a sparsely populated area, and distance from sensitive receptors will allow odors to dissipate in part before reaching sensitive receptors in the vicinity. The nearest dwelling is located about 650 feet to the northwest of the site and is not in the prevailing wind direction, which typically comes from the northwest and blows toward the southeast.

Less Than Significant Impact

- 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 (CO₂, SO₂, NO_x, O₃, PM₁₀, 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.

As for cannabis cultivation, the most likely particulates are CO₂ emissions from vehicles. According to the EPA, vehicles emit on average 404 grams of CO₂ emissions per vehicle mile. According to the Property Management Plan, the project will have up to five employees during construction; three employees during non peak-harvest operations, and up to five employees at peak harvest time. The cultivation area is located about 3 miles from Kelseyville, the nearest population base and the place most likely to have employees residing.

The growing season is typically up to 9 months long for outdoor cultivation with harvesting occurring during the last month of the season. Assuming 5 employees driving 3 miles each way (6 miles per day), and assuming that the operations will occur Monday through Friday for eight months, total trip miles traveled would be about 5,400 miles. It is probable that at least one delivery per week would occur, and would likely originate from either Clear Lake or Lakeport, both of which being about 12 miles from the site. Assuming a 36 week growing season with a total of 24 miles per week for deliveries (12 miles coming and 12 miles returning to their bases), this would add an additional 864 miles to the total vehicle miles associated with this project annually. The total vehicle miles anticipated for this project is 6,264 vehicle miles for employees and deliveries.

A vehicle emits an average of 404 grams of CO₂ emissions per vehicle mile traveled. Assuming 6.264 vehicle miles per year, a total of 2,530,656 grams of CO₂ emissions will likely result annually, or 2.53 tons of CO₂ emissions per year.

Lake County does not have a significance threshold for CO₂ emissions and uses the Bay Area Air Quality Management District's (BAAQMD) significance threshold of 1,100 tons *per project* as a significance baseline. If the project produces 2.53 tons of CO₂ emissions per year, it would take about 435 years for this project to meet the significance threshold used by BAAQMD and Lake County.

Further, construction and operational emissions are summarized in the following tables:

Comparison of Daily Construction Emissions Impacts with Thresholds of Significance

Criteria Pollutants	Project Emissions unmitigated (pounds/day)	BAAQMD Threshold (pounds/day)	Significance
ROG (VOC)	1 to 10	54	Less than significant
NO _x	10 to 20	54	Less than significant
CO	10 to 30	548	Less than significant
SO _x	< 1	219	Less than significant
Exhaust PM ₁₀	1 to 10	82	Less than significant
Exhaust PM _{2.5}	1 to 10	54	Less than significant
Greenhouse Gasses (CO _{2e})	2,000 to 3,500	No threshold established	Less than significant

Comparison of Daily Operational Emissions Impacts with Thresholds of Significance

Criteria Pollutants	Project Emissions unmitigated (pounds/day)	BAAQMD Threshold (pounds/day)	Significance
ROG (VOC)	1 to 10	54	Less than significant
NO _x	1 to 5	54	Less than significant
CO	1 to 10	548	Less than significant
SO _x	< 1	219	Less than significant
PM ₁₀ (total)	1 to 5	82	Less than significant
PM _{2.5} (total)	1 to 5	54	Less than significant
Greenhouse Gasses (CO _{2e})	1 to 20	No threshold established	Less than significant

Comparison of Annual Operational Emissions Impacts with Thresholds of Significance

Criteria Pollutants	Project Emissions (tons/year)	BAAQMD Threshold (tons/year)	Significance
ROG (VOC)	0 to 1	10	Less than significant
NO _x	0 to 1	10	Less than significant
CO	0 to 1	100	Less than significant
SO _x	0 to 1	40	Less than significant
PM ₁₀	0 to 1	15	Less than significant
PM _{2.5}	0 to 1	10	Less than significant
Greenhouse gasses (as CO ₂ or methane)	1 to 100	10,000	Less than significant

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 over 1,000 feet from the Project site, well over the 200-foot setback for offsite residences from commercial cannabis cultivation as described in Article 27.11 of the Lake County Zoning.

Pesticide application will be used during the growing season and only within the cultivation area. The cultivation area will be surrounded by a fence which will help to prevent off-site drift of pesticides. Additionally, no demolition or renovation will be performed which would cause asbestos exposure, and no mapped serpentine soils are present on site.

There is some possibility of airborne particulates related to site disturbance and operations that might occur with this project. The following mitigation measures are typically applied to cannabis cultivation projects to help mitigated dust and other airborne particulates:

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.

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

- d) The Project Property is located in a rural portion of the County of Lake in an area mostly characterized by large vacant lots with scattered dwellings. The operation will not result in other emissions (such as those leading to odors or dust) adversely affecting a substantial number of people

Less than Significant Impact

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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 5, 11, 12, 13, 16, 24, 29, 30, 31, 32, 33, 34, 45
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4, 5, 11, 12, 13, 16, 17, 29, 30, 31, 32, 33, 34, 45
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 3, 4, 5, 11, 12, 13, 16, 17, 21, 24, 29, 30, 31, 32, 33, 34, 45
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13

corridors, or impede the use of native wildlife nursery sites?

- | | | | | | | |
|----|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|---------------------------------|
| e) | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 3, 5,
6 |

Discussion:

- a) A Biological Assessment (BA) of the project site parcels was prepared for the project by Pinecrest Environmental Consulting and is dated June 5, 2021. The BA is included as Attachment 2. The Biological Assessment reviewed the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants and California Department of Fish and Wildlife (CDFW) California Natural Diversity Database. The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation was also reviewed to determine special-status species that may occur within the region. Additionally, wildlife and botanical surveys were conducted on December 19, 2020, April 20, 2021, May 10, 2021, and May 28, 2021.

According to the databases reviewed, there are a total of 13 special-status animal species within 5 miles of the project site, including two special-status animal species whose CNDDDB polygons overlap with the project site: the Red-bellied newt (*Taricha rivularis*) and Western pond turtle (*Emys marmorata*), and an occurrence of Foothill yellow-legged frog 1.3 miles away. Additionally, there is a total of 19 special-status plant species within 5 miles; however, none have been known to occur within the project site.

Based on the surveys conducted of the project site, the onsite communities consist of mixed oak and conifer forest consisting mostly of tanoak (*Notholithocarpus densiflorus*), Madrone (*Arbutus menziesii*), California bay (*Umbellularia californica*), Black oak (*Quercus kelloggii*), and knobcone pine (*Pinus attenuata*), with understory of toyon (*Heteromeles arbutifolia*), California coffeeberry (*Frangula californica*), and scrub oak (*Quercus berberidifolia*). Small areas are covered with native grasses (*Festuca californica*) and forbs. No special-status animal species were observed. Furthermore, Western pond turtle and Red-bellied newt require ponds and streams and there is no suitable habitat onsite near the cultivation area. Kelsey Creek is the nearest suitable habitat; however, Kelsey Creek is located offsite and down a steep slope. Additionally, as with Western pond turtle and Red-bellied newt, the nearest suitable habitat for Foothill yellow-legged frog is in Kelsey Creek and it is unlikely that any frogs would migrate to the top of the ridge as no estivation habitat suitable for amphibian habitat exists there. One special-status plant species was observed during the surveys performed at the site: Bristly leptosiphon (*Leptosiphon acicularis*) was found growing exclusively along the southern border of proposed Canopy Area A within an existing access pathway. This species is not listed as Threatened or Endangered by the State or Federal governments, but is included on California Native Plant Society List 4, species with limited distributions. This species benefits from disturbance and no project activities are proposed for this area beyond its current use as an access pathway. However, mitigation measure BIO-1 is included to prevent impacts to Bristly leptosiphon should development such as grading be required beyond its use as an access pathway, and requires that the top

6 inches of soil from with access pathway area is retained for distribution into similar habitats. Because Bristly leptosiphon benefits from disturbance and is an annual species, all seeds from the year would be contained within the upper 6 inches of soil and would benefit from revegetation, reducing potential impacts to Bristly leptosiphon to less than significant levels.

Widening the project site's existing driveway to meet fire safety requirements would require the removal of up to 201 trees of varied sizes, with 95 being regarded as 'significant' based on trunk diameters being at or more than 5" measured at 4.5' above grade. Tree replacement using local oak specie(s) at a ratio of 3:1 will be required as stated in mitigation measure AG-1.

Regardless of special-status, nesting birds are protected under California Fish and Game Code as well as the Migratory Bird Treaty Act, and their disturbance would be a potentially significant impact. As such, mitigation measure BIO-2 is included to avoid potential impacts to nesting birds by requiring preconstruction nesting bird surveys prior to tree removal or other sensory disturbances from activities such as grading. With implementation of this measure, potential impacts to nesting birds would be less than significant.

BIO-1: Should project activities require development, including grading, within the existing access pathway area along the southern border of proposed Canopy Area A, the upper 6 inches of soil shall be removed and saved for distribution into similar habitats for revegetation after construction is complete.

BIO-2: Should work commence during the nesting season (February 1 through August 31), a preconstruction nesting bird survey shall be conducted by a qualified biologist no more than 5 days prior to the start of ground disturbing activities. Areas on and within 500 feet of construction shall be surveyed as possible for active nests. Should an active nest be identified, a "disturbance-free" buffer shall be established by the qualified biologist based on the needs of the species identified and clearly marked by high-visibility material. The buffer shall remain in place until the biologist determines that the nest is no longer active. Construction activities, including removal of trees, shall not occur within the buffer. Should construction cease for a period of five days or more, an additional pre- construction nesting bird survey shall be conducted.

Less Than Significant with mitigation measures added

- b) There are two unnamed Class III jurisdictional watercourses onsite that are tributaries to Kelsey Creek, and several culverts onsite required to reach the cultivation area, although none of the culverts required to reach the cultivation area are on jurisdictional watercourses and are best classified as ditch-relief Class IV features. No other potentially jurisdictional wetlands were observed anywhere on the property.

As a component of compliance with the State Water Resources Control Board (SWRCB)'s Requirements for Cannabis Cultivation and the County's development standards in Article 27, Section (at), use of chemicals such as pesticides and fertilizers are prohibited in conditions where such chemicals could enter riparian or aquatic habitat. A Property Management Plan has been prepared for the project and includes best management practices to ensure compliance with requirements protecting aquatic resources. As an additional component of the Property Management Plan, a stormwater management plan was included to prevent runoff from impacting surface water resources.

As established in the Property Management Plan, the project would be setback a minimum of 100 feet from the top of the bank of any water bodies, including all unnamed watercourses. Additionally, the project proposes to install straw wattles around the cultivation site to reduce sediment movement and runoff from the cultivation site to protect watercourses and waterbodies, as well as maintain natural vegetation buffers between the watercourses and the cultivation site and apply a native grass seed mixture and certified weed-free straw mulch to all areas of exposed soil. All purchased products including chemicals, fertilizers/nutrients, pesticides, petroleum products and sanitation products will all be kept in their manufacturer's original containers/packaging and stored a minimum of 100 feet from all designated surface water areas, including the Class III jurisdictional watercourses and ditch-relief Class IV features. All fertilizers/nutrients and pesticides, when not in use, are stored in their manufacturer's original containers/packaging and undercover inside the secure processing facility. Petroleum products are stored under cover and in State of California-approved containers with secondary containment and will be stored within the storage container. Sanitation products are stored in their manufacturer's original containers/packaging within a secure cabinet inside the existing processing facility. Spill containment and cleanup equipment will be maintained within the processing facility. All employees will be trained to properly use all equipment according to the manufacturer's procedures. All pouring activities of any products will take place on gravel and within a secondary containment. Adherence to these best management practices for the storage, use, and disposal of hazardous materials as established in the Project Management Plan and in accordance with applicable State and local regulations would reduce the chances for spills that could migrate to jurisdictional watercourses.

Less than Significant Impact

- c) There are no jurisdictional wetlands located on site and no direct routes were observed for sediment to enter any waters of the State from the project site. As such, the Biological Assessment concluded that the impacts to wetlands and watercourses would not occur as the result of this project.

No Impact

- d) The BA conducted identified two unnamed Class III watercourses within the project site. However, all project activities would be setback a minimum of 100 feet from the top of the bank of any water bodies, including all unnamed watercourses and best management practices for the prevention of impacts to such waterways have been included as project features in the project's Property Management Plan consistent with State and local regulations. Additionally, as discussed in response to checklist question IV(a), Kelsey Creek is located offsite and down a steep slope. Due to the separation distance and the steep terrain, it is unlikely that any frogs would migrate to the top of the ridge as no estivation habitat suitable for amphibian habitat exists there. 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 project site does not provide significant wildlife habitat or movement corridors and the project would not alter or impact wildlife access to or use of surrounding areas that may provide such habitat or corridors. With regard to nesting birds, mitigation measure BIO-2 would ensure that the project would not impede the use of native wildlife nursery sites.

Less than Significant Impact with Mitigation Measure BIO-2 Incorporated

- e) Widening of the project site’s existing private access driveway to meet PRC 4290 and 4291 fire safety requirements may require the removal of up to 201 trees of varied sizes and species, which would result in the loss of tree canopy. Accordingly, mitigation measure AG-1 is included to require their replacement with appropriate species at a 3:1 ratio and would reduce impacts related to the loss of canopy to a less than significant level.

Less Than Significant Impact with Mitigation Measure AG-1 Incorporated

- f) No Habitat Conservation Plans, Natural Community Conservation Plans, or other local, regional, or state habitat conservation plans have been adopted for the Project area and no impacts are anticipated.

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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 11, 14c, 15
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 11, 14, 15
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 11, 14, 15

Discussion:

- a) A Cultural Resources Evaluation (CRE) for the proposed cultivation Project was prepared by Konocti Cultural Resource Management (KCRM) and was received by the County on August 22, 2022. A pedestrian field survey of a 7.1 acre portion of the Project area was conducted for the CRE, and yielded negative results.

Staff received an evaluation of the site from Sonoma State’s CHRIS Department on January 26, 2022. The evaluation stated that a study of the site had been conducted by Maureen Carpenter (no date given), and that no cultural resources had been discovered. However the evaluation further stated that there is a mapped sensitive area on site identified as P-17-000523, and recommended that a professional archaeologist update the conditions of the site on the Office of Historic Preservation’s DPR 523 resource recordation forms. The evaluation concluded that this property may have some possibility of containing culturally sensitive artifacts or relics.

Notification of the Project was sent to all eleven local tribes on January 13, 2022. The Community Development Department received comments from the Big Valley Tribe and the Koi Nation. In an email dated January 25, 2022, the Big Valley Tribe requested consultation on this project. Staff contacted the Big Valley Tribe on March 29, 2023 to confirm that consultation had occurred, or to schedule consultation if it had not occurred.

The CRE concluded with the recommendation that the Project proceed as planned.

Lake County is rich in tribal heritage, and there is some potential for this site to have undiscovered tribal resources, artifacts or remains on the property that may be inadvertently discovered during site disturbance. Because of this, the County routinely requires certain mitigation measures that related to Cultural and Tribal resources as follows:

CUL-1: 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-2: 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 finds.

CUL-3: Should human remains be uncovered during ground-disturbing activities, all construction shall halt within 50 feet of the find and the County Coroner shall be notified immediately. Compliance with Section 15064.5 (e) (1) of the CEQA Guidelines and Health and Safety Code Section 7050.5 shall be required. If the coroner determines that the remains are Native American, the coroner shall ask the NAHC to identify a Most Likely Descendant, who will work with the construction contractor, agency officials, and a qualified professional archaeologist to determine an appropriate avoidance strategy or other treatment plan. Project-related ground disturbance in the vicinity of the find shall not resume until the process detailed in CEQA Guidelines Section 15064.5 (e) has been completed.

CUL-4: Prior to cultivation, the applicant shall retain a professional archaeologist to update the conditions of the site on the Office of Historic Preservation's DPR 523 resource recordation forms to reflect the sensitive site on the subject property.

Less than Significant Impacts with Mitigation Measures CUL-1 through CUL-4 incorporated

- a) No known archeological resources were identified within the project area during the site survey, and during the search of cultural resources databases. Mitigation measures CUL-1 through CUL-4 are provided to ensure that potential impacts to unknown archaeological resources would be less than significant.

Less than Significant Impacts with Mitigation Measures CUL-1 through CUL-4 incorporated

- b) No previously identified human remains within the project area were recorded on cultural

resources databases and none were observed during the survey of the project site. Mitigation measures CUL-1 through CUL-4 would ensure that human remains are respectfully re-interred if they are discovered during site disturbance, and that proper Tribal protocols for notification and interment are followed and would reduce potential impacts to less-than-significant levels.

Less than Significant Impact with Mitigation Measures CUL-1 through CUL-4 incorporated

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5

Discussion:

- a) The proposed Project consists primarily of outdoor cultivation with no supplemental lighting; a 36' x 48' existing building to be used for cannabis drying and packaging, and a 3,000 sq. ft. greenhouse.

The overall power usage of this operation would be relatively minimal; it is anticipated that one 200 amp service would be sufficient to power the project. The applicant is proposing on-grid power with no solar or other alternative power sources. The application was routed to PG&E, who had no comments on potential impacts to the power grid. The use of generators as a backup power source is only permitted during power outages.

Less than Significant Impact

- b) According to the California Department of Cannabis Control's Title 4 Division 19 §15010 on compliance with the CEQA, all cannabis applications must describe their project's anticipated operational energy needs, identify the source of energy supplied for the project and the anticipated amount of energy per day, and explain whether the project will require an increase in energy demand and the need for additional energy resources. The proposed Project consists of outdoor cultivation with no supplemental outdoor lighting other than for security. The cultivation site will require power for the drying building (already served with power); water pumps, minor outdoor lighting and minimal lighting for the immature plant greenhouse.

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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4, 5, 18, 19
ii) Strong seismic ground shaking?					
iii) Seismic-related ground failure, including liquefaction?					
iv) Landslides?					
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 4, 5, 7, 13, 39
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4, 5, 14, 15

Discussion:

- a) Although there are no mapped faults on or near the site, the Project site is located in a seismically active area of California and is expected to experience moderate to severe ground shaking, potentially during the lifetime of the Project. That risk is not considered substantially different than that of other similar properties and projects in Northern California.

Earthquake Faults (i)

According to the USGS Earthquake Faults map available on the Lake County GIS Portal, there are no mapped earthquake faults within two miles of the Project site. 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)

Lake County contains numerous known active faults. Future seismic events in the Northern California region can be expected to produce seismic ground shaking at the site. All proposed construction is required to be built under Current Seismic Safety Construction Standards, and no large structures are proposed on this project site.

Landslides (iv)

The Project cultivation site is minimally sloped (less than 10% slope). According to the Landslide Hazard Identification Map prepared by the California Department of Conservation's Division of Mines and Geology, the area is considered generally stable. As such, the Project site is considered moderately susceptible to landslides and will not likely expose people or structures to substantial adverse effects involving landslides, including losses, injuries or death.

Less Than Significant Impact

- b) The applicant has submitted engineered Grading and Erosion Control plans due to the extensive grading that will be needed to widen the interior driveway; additional earth will be disturbed during the tree removal that is needed to widen the road and to prepare the cultivation site for cannabis. The Project will use above ground fabric pots, and will import organic soil mixture that was included in the total estimated earth to be moved according to the applicant.

The applicant will address potential erosion through the application of gravel/rock to access roads, weed-free straw mulch to disturbed areas, and the installation of straw wattles around the proposed outdoor cultivation areas and structures. Additionally, the applicant shall comply with the State Water Resources Control Board's Cannabis General Order (Order No. WQ-2019-001-DWQ) and Chapters 29 and 30 of the Lake County Code, to protect water quality through the implementation of Best Management Practices (BMPs) / Best Practicable Treatment or Control (BPTC) measures, which include erosion and sediment control BMPs/BPTC measures.

Less Than Significant Impact with mitigation measures added:

GEO-1: Prior to cultivation, the applicant shall apply for a Grading Permit through the Lake County Planning Department, Resource Planner. This permit must be issued prior to any site disturbance, tree removal or other on-site construction activities occurring.

GEO-2: The applicant shall adhere to the engineered Grading and Erosion Control plans submitted for this application during all site disturbance and over the life of the project.

- c) The project property contains mixed topography. The eastern side of the cultivation lot is hilly, with many slopes that are greater than 30%, but the Project site is minimally sloped (less than 10% slopes). According to the Landslide Hazard Identification Map, prepared by the California Department of Conservation, Division of Mines and Geology, the project parcel is not located within and/or adjacent to an existing known "landslide area".

Soils of the Project site are identified as Type 104 Asbil Clay loam (8 to 15 percent slopes) by the soil survey of Lake County, prepared by the U.S.D.A., and characterized as clay loam. The Asbil clay loams are considered “generally stable” but have a high shrink-swell potential. The NCRB Soil Study states that irrigation water should be applied slowly to reduce the risk of erosion, and that erosion can be reduced through seeding and tillage occurs on cross-slopes. These erosion control measures are shown on the engineered Grading and Erosion Control plans submitted.

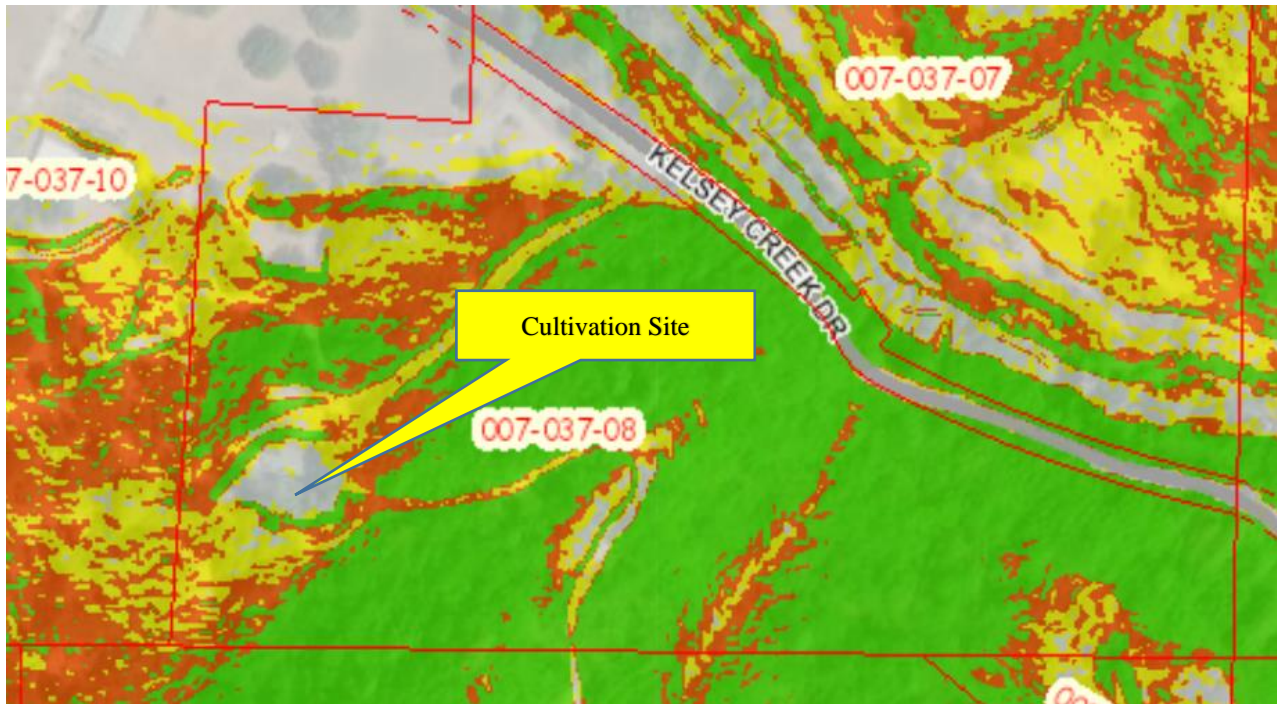
Less Than Significant Impact

- d) The Uniform Building Code is a set of rules that specify standards for structures. No structures are proposed that would require a building permit.

Expansive soils possess a “shrink-swell” characteristic. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in fine-grained clay sediments from the process of wetting and drying. Structural damage may occur over a long period of time due to expansive soils, usually the result of inadequate soil and foundation engineering or the placement of structures directly on expansive soils.

Soils of the Project site are identified as Type 104 Asbil clay loam by the soil survey of Lake County, prepared by the U.S.D.A., and characterized as clay loam.

FIGURE 4 – SLOPE MAP OF SITE



Source: Lake County GIS Mapping

- e) The proposed project will be served by portable toilets and restroom facilities. No new septic/wastewater disposal systems are proposed and none appear to be needed.

No Impact

- f) The project site does not contain any known unique geologic feature or paleontological resources. Disturbance of these resources is not anticipated.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 36

Discussion:

- a) The Project Property 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. Climate change is caused by greenhouse gases (GHGs) emitted into the atmosphere around the world from a variety of sources, including the combustion of fuel for energy and transportation, cement manufacturing, and refrigerant emissions. GHGs are those gases that have the ability to trap heat in the atmosphere, a process that is analogous to the way a greenhouse traps heat. GHGs may be emitted as a result of human activities, as well as through natural processes. Increasing GHG concentrations in the atmosphere are leading to global climate change. The Lake County Air Basin is in attainment for all air pollutants and has therefore not adopted thresholds of significance for GHG emissions.

As for cannabis cultivation, the most likely particulates are CO₂ emissions from vehicles. According to the EPA, vehicles emit on average 404 grams of CO₂ emissions per vehicle mile. As for cannabis cultivation, the most likely particulates are CO₂ emissions from vehicles. According to the EPA, vehicles emit on average 404 grams of CO₂ emissions per vehicle mile. According to the Property Management Plan, the project will have up to five employees during construction; three employees during non peak-harvest operations, and up to five employees at peak harvest time. The cultivation area is located about 3 miles from Kelseyville, the nearest population base and the place most likely to have employees residing.

The growing season is typically up to 9 months long for outdoor cultivation with harvesting occurring during the last month of the season. Assuming 5 employees driving 3 miles each way (6 miles per day), and assuming that the operations will occur Monday through Friday for eight months, total trip miles traveled would be about 5,400 miles. It is probable that at least one delivery per week would occur, and would likely originate from either Clear Lake or Lakeport, both of which being about 12 miles from the site. Assuming a 36 week growing season with a total of 24 miles per week for deliveries (12 miles coming and 12 miles returning to their bases), this would add an additional 864 miles to the total vehicle miles associated with this project annually. The total vehicle miles anticipated for this project is 6,264 vehicle miles for employees and deliveries.

A vehicle emits an average of 404 grams of CO₂ emissions per vehicle mile traveled. Assuming 6.264 vehicle miles per year, a total of 2,530,656 grams of CO₂ emissions will likely result annually, or 2.53 tons of CO₂ emissions per year.

Lake County does not have a significance threshold for CO₂ emissions and uses the Bay Area Air Quality Management District's (BAAQMD) significance threshold of 1,100 tons per project as a significance baseline. If the project produces 2.53 tons of CO₂ emissions per year, it would take about 435 years for this project to meet the significance threshold used by BAAQMD and Lake County.

- b) Lake County does not have a significance threshold for CO₂ emissions, and uses the Bay Area Air Quality Management District's (BAAQMD) significance threshold of 1,100 tons per project as a significance baseline. As stated in "a)" above, this project is projected to generate about 2.53 tons of CO₂ emissions per year, which is well below any significance levels established by the Bay Area Air Quality Management District, and used by the Lake County Air Quality Management District.

Less than Significant Impact

- c) 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
 - AB 32 Climate Change Scoping Plan
 - AB 1346 Air Pollution: Small Off-Road Equipment

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 the only concern was restricting the use of an onsite generator to emergency situations only.

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 or BAAQMD rules or regulations and would therefore have no impact at this time.

The 2017 AB Climate Change Scoping Plan recognizes that local government efforts to reduce emissions within their jurisdiction are critical to achieving the State's long term GHG goals, which includes a primary target of no more than six (6) metric tons CO₂ per capita by 2030 and no more than two (2) metric tons CO₂ per capita by 2050. The Project will have up to three (3) individuals working on site (owners/operators) during normal operational hours, and with an expected 6.875 metric tons of overall operational CO₂ per year, the per capita figure of about 0.5 metric tons of operational CO₂ per year meets the 2017 Climate Change Scoping Plan's 2030 target as well as the 2050 target.

On October 9, 2021, AB 1346 Air Pollution: Small Off-Road Equipment (SORE) was passed, which will require the state board, by July 1, 2022, consistent with federal law, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, as defined by the state board. The bill would require the state board to identify and, to the extent feasible, make available funding for commercial rebates or similar incentive funding as part of any updates to existing applicable funding program guidelines to local air pollution control districts and air quality management districts to implement to support the transition to zero-emission small off-road equipment operations, and the applicant should be aware of and expected to make a transition away from SOREs by the required future date.

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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4, 5, 20, 22
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 20, 35, 37

Discussion

a) Chemicals Storage and Effluent

According to the applicant, chemicals stored and used at/by the proposed cultivation operation include fertilizers/nutrients, pesticides, and petroleum products (Agricultural

Chemicals). All fertilizers/nutrients and pesticides, when not in use, will be stored in their manufacturer's original containers/packaging, undercover, and at least 100 feet from surface water bodies, inside the secure Pesticides & Agricultural Chemicals Storage Area to be stored in the 36' x 48' existing agricultural building on site. Petroleum products will be stored under cover, in State of California-approved containers with secondary containment, and separate from pesticides and fertilizers within the proposed Pesticides & Agricultural Chemicals Storage Area. Spill containment and cleanup equipment will be maintained within the proposed Pesticides and Agricultural Chemicals Storage Area, as well as Materials Safety Data Sheets (MSDS/SDS) for all potentially hazardous materials used onsite. No effluent is expected to be produced by the proposed cultivation operation.

Solid Waste Management

According to the applicant, the types of solid waste that will be generated from the proposed cultivation operation include gardening materials and wastes (such as plastic mulch and plastic/fertilizer/pesticide bags and bottles) and general solid waste from staff/personnel. Given the number of employees projected, an estimated 200 to 400 pounds of solid waste per year is anticipated. All solid waste will be stored in bins with secure fitting lids, located directly adjacent to the proposed cultivation areas. At no time will the bins be filled to a point that their lids cannot fit securely. Solid waste from the bins will be deposited into a dump trailer and hauled to a Lake County Integrated Waste Management facility on a weekly basis. The Eastlake Landfill is the closest Lake County Integrated Waste Management facility to the project site. As of 2020, the Eastlake Landfill had 53% of remaining capacity available, and had plans for expansion to double the size of the facility's solid waste area.

Site Maintenance

According to the applicant, all equipment will be stored in its proper designated area upon completion of the task for which the equipment was needed. Any refuse created during the work day will be placed in the proper waste disposal receptacle at the end of each shift, or at a minimum upon completion of the task assigned. Any refuse which poses a risk for contamination or personal injury will be disposed of immediately. 100 feet of defensible space will be established and maintained around the proposed cultivation operation for fire protection and to ensure safe and sanitary working conditions. Areas of defensible space will be mowed and trimmed regularly around the cultivation operation to provide for visibility and security monitoring. Access roads and parking areas will be graveled to prevent the generation of fugitive dust, and vegetative ground cover will be preserved throughout the entire site to filter and infiltrate storm water runoff from access roads, parking areas, and the proposed cultivation operation. Restroom facilities inside the 36' x 48' processing building will be made available for use whenever staff are onsite and regularly serviced to ensure a safe and sanitary working environment.

The Project shall 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 and the project is required to address Hazardous Material Management in the Property Management Plan, which has been reviewed by the Lead Agency to ensure the contents are current and adequate. 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.

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.

HAZ-3: Any spills of oils, fluids, fuel, concrete, or other hazardous construction material shall be immediately cleaned up. All equipment and materials shall be stored in the staging areas away from all known waterways.

HAZ-4: 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-5: 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.

HAZ-6: 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-7: 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-8: The applicant shall obtain an Operator Identification Number from the California Department of Pesticide Regulation prior to using pesticides onsite for cannabis cultivation.

Less Than Significant Impact with Mitigation Measures HAZ-1 through HAZ-8 incorporated.

- b) The Project involves the use of fertilizers and pesticides which will be stored in the existing processing building, a secure stormproof structure.

The site is located in the "X" flood zone, which has a very low risk of flooding. According to Lake County GIS flood plain data, the Project is not located in or near an identified earthquake fault zone.

The Project site is within a moderate fire hazard severity zone with high-fire risk associated with adjacent properties.

The Project Property does not contain any identified areas of serpentine soils or ultramafic rock, and risk of asbestos exposure during construction is minimal.

Less than Significant Impact

- c) There are no schools located within one-quarter mile of the proposed Project site. The nearest schools are located in Kelseyville, which is located 3 miles east of the Project Property.

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 Project site is located about 4-1/2 miles from the nearest public airport or public use airport (Lampson Field). Lampson Field is administered by the Lake County Airport Land Use Commission, which has not adopted an Airport Land Use Compatibility Plan. There will be no hazard for people working in the Project area from a public airport or public use airport.

No Impact

- f) The Project would not impair or interfere with an adopted emergency response or evacuation plan. Kelsey Creek Road would be used to evacuate the area of the Project site. During evacuations, all persons at the Project site would be required to follow emergency responses instructions for evacuations. Because the Project would 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 is with a moderate fire hazard severity zone. The applicant shall adhere to all federal, state, and local fire requirements and regulations for setbacks and defensible space. Please refer to Section XX, Wildfire for additional information pertaining to risks associated with wildland fire.

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
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Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 5, 6, 7, 15, 18, 29, 32
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?					
d) In any flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 5, 6, 29

Discussion:

- a) The Project Parcel is enrolled in the State Water Resources Control Board's Cannabis General Order (Order No. WQ 2019-001-DWQ) as a Tier 2, Low Risk site (WDID: 5S17CC428007). As required in the Cannabis Order's Policy for coming into compliance with Best Practicable Treatment or Control (BPTC) measures, the applicant had to prepare a Site Management Plan (SMP) and a Nitrogen Management Plan (NMP) within 90 days of enrollment. "The purpose of the Cannabis Policy is to ensure that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs" (State Water Board, 2019). BPTC measures have been implemented at the site for erosion control and stormwater pollution. The purpose of the NMP is to identify how nitrogen is stored, used, and applied to crops in a way that is protective to water quality. The applicant is required to complete online Annual Monitoring and Reporting to assess compliance with the Cannabis General Order and Notice of Applicability. This includes BPTC measures for winterization.

The applicant provided a Hydrology Report and an engineered Erosion and Sediment Control Site Plan for the proposed Project. According to the applicant's Property Management Plan, the following erosion control measures will be followed:

- Established and re-established vegetation within and around the proposed cultivation operation will be maintained/protected as a permanent erosion and sediment control measure.
- A native grass seed mixture and certified weed-free straw mulch will be applied to all areas of exposed soil prior to November 15th of each year, until permanent stabilization has been achieved.
- Gravel will be applied to the surfaces of access roads, pathways, and the aisles between the garden beds/pots of the proposed cultivation areas, to allow for infiltration while mitigating the generation of sediment laden stormwater runoff.
- Straw rolls/wattles will be installed before November 15th of each year throughout the proposed cultivation operation per the Project's engineered Erosion and Sediment Control Site Plan, to filter pollutants and promote stormwater retention and infiltration.
- If areas of concentrated stormwater runoff begin to develop, additional erosion and sediment control measures will be implemented to protect those areas and their outfalls

The County requires that all cultivation operations be located at least 100-feet away from all seasonal or year-round waterbodies (i.e. spring, top of bank of any creek or seasonal stream, edge of lake, wetland or vernal pool). Additionally, cultivators who enroll in the State Water Board's Waste Discharge Requirements for Cannabis Cultivation Order WQ 2019-001-DWQ must comply with the Minimum Riparian Setbacks. Cannabis cultivators must comply with these setbacks for all land disturbances, cannabis cultivation activities, and facilities (e.g., material or vehicle storage, diesel powered pump locations, water storage areas, and chemical toilet placement).

The proposed Project has been designed to meet the required riparian setbacks, in the flattest portion of the Project Property, to reduce the potential for water pollution and erosion.

Less Than Significant Impact

- b) Due to exceptional drought conditions, the Lake County Board of Supervisors passed an Urgency Ordinance (Ordinance 3106) on July 27, 2021, 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

The applicant has submitted a Hydrology Report ("Report"), prepared by Bill Vanderwall, P.E. and dated November 10, 2021. According to the Report, the propose outdoor cultivation operation has an estimated annual water use requirement of approximately 1,311,311 gallons (~4 acre-feet).

Water Availability

According to the Report, all water used for irrigation will come from three existing onsite groundwater wells identified in the Report as Well #1, #2 and #4. The well tests submitted show the number of each well, which corresponds with the Report submitted by Vanderwall.

Well #1. The well located at 38.933349, -122.845956. The well test shows a total well depth of 124 feet. A six-hour well test was conducted for this well by JAK Drilling and Pump on April 6, 2021 during a drought year. This well produced an average of 33 to 34 gallons of water per minute over the six-hour test. This well recharged by 94% after a 40 minute shut-down period, indicating a strong water table at this location.

Well #2. A Well Completion Report was provided by the Lake County Dept. of Environmental Health on Well #2. According to the Completion Report, the well was drilled on October 15, 2003 by Larry Herman Drilling, to a depth of 200 feet. The depth to water was 100 feet. The total output based on the Completion Report was over 500 gallons per minute. There is no data in the Completion Report indicating the recovery time of this well, or how long the test was conducted to determine the water output average.

Well #3. A Well Completion Report was provided for Well #3 dated August 11, 2006. The Report shows Larry Herman Drilling as being the contractor for this well. The Report was provided by the Lake County Dept. of Environmental Health, and shows a well depth of 200 feet and a total average output of 100 gallons per minute over a two-hour test.

Well #4. This well is a domestic well for the residence located on the clustering lot; no data for this well was submitted, since it will not be used for irrigation of cannabis.

Aquifer/Groundwater Recharge

According to the Report, the total recharge area is 1,071,257 sq. ft. in size; this is the area that water percolates into the aquifer. The Report estimated recharge rates during drought and non-drought years, with a drought year yielding about 20% of average annual precipitation. The Report estimated average annual groundwater recharge of the Project Property during a drought year to be 2,636,277 gallons per year, or about 8.1 acre-feet per drought year, approximately twice as much as the projected water use would demand. The estimated groundwater recharge of the site during non-drought years is about 40 acre feet per year, approximately 5x the amount of recharge that would occur during a drought year.

Water level monitoring is required by the Lake County Zoning Ordinance. Ordinance Article 27 Section 27.11(at) requires the production well to have a water meter and water level monitor. With this required measure in place, the impact is expected to be less than significant.

Conclusion. The Hydrology Analysis concluded that the recharge rate during a drought year would be more than twice the demand resulting from this project; that area wells would not be impacted by this project, and that the project should proceed based on the calculations provided within the Hydrology Analysis.

Less Than Significant Impact

- c) According to Lake County Ordinance Section 27.13 (at) 3, the Property Management Plan must have a section on Storm Water Management based on the requirements of the California Regional Water Quality Control Board Central Valley Region or the California Regional Water Quality Control Board North Coast Region, with the intent to protect the water quality of the surface water and the stormwater management systems managed by Lake County and to evaluate the impact on downstream property owners. 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.

The cultivation operation is enrolled in the State Water Resources Control Board's Order *WQ 2019-0001-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (General Order). Compliance with this Order will ensure that cultivation operations will not significantly impact water resources by using a combination of Best Management Practices, buffer zones, sediment and erosion controls, inspections and reporting, and regulatory oversight. Additionally, an engineered erosion and sediment control site plan was submitted by the applicant as part of the Property Management Plan.

Establishment of the proposed cultivation operation will require significant grading for road widening, tree removal and cultivation area preparation. A Grading Permit is required for this application, and can be applied for after the use permit is approved. According to the application materials received, the applicant will need to remove up to 201 trees of varied sizes and species to make the interior driveway PRC 4290 and 4291 compliant, and to prep the cultivation site for cannabis cultivation.

The proposed outdoor cultivation/canopy area will not increase the impervious surface area of the Project Parcel and should not increase the volume of runoff from the Project Site. The proposed parking and driveway lot will be surfaced with a permeable gravel surface.

The applicant must adhere to the engineered Grading and Erosion Control plans submitted during site preparation (mitigation measures GEO-1 and 2).

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 to be in Flood Zone X – areas at low risk to flood, and is not located in a special flood hazard area.

Less than Significant Impact

- e) The Project Property is located within the Sacramento River Basin. The Water Quality Control Plan for the California Regional Water Quality Control Board Central Valley Region (Basin Plan) is applicable to the Sacramento River Basin, as well as the San Joaquin River Basin.

The State Water Resource Control Board's Cannabis General Order (2019-001-DWQ) adheres to water quality and management standards identified and outlined within the Basin Plan. Compliance with the Cannabis General Order will ensure that the project does not conflict with or obstruct implementation of a water quality control plan.

There are no groundwater management plans for the affected groundwater basin(s) at this time. Groundwater use and monitoring data collected and reported to comply with the Lake County Zoning Ordinance could be used in the development of a sustainable groundwater management plan at some point in the future.

Less than Significant Impact

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 20, 21, 22, 27

Discussion:

- a) The sites are located in a rural area of Lake County, characterized by large parcels of mostly undeveloped land within some residential uses. The proposed Project would not physically divide any established community.

No Impact

- b) The proposed Project is consistent with the Lake County General Plan and Kelseyville Area Plan, and would create diversity within the local economy and future employment opportunities for local residents.

The General Plan Land Use and Base Zoning District designation currently assigned to the Project Parcel is Agricultural (A). The Lake County Zoning Ordinance allows for commercial outdoor cannabis cultivation in the A land use zone with a major use permit. The project is consistent with all other development standards within the zoning code for commercial cannabis cultivation.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4, 5, 26

Discussion:

- a) The Lake County Aggregate Resource Management Plan does not identify the portion of the Project parcel planned for cultivation as having an important source of aggregate resources. The California Department of Conservation describes the generalized rock type for the Project Property as the Lower Cretaceous-Upper Jurassic Great Valley Sequence and the Lower Cretaceous Great Valley Sequence, composed mostly of marine mudstones, siltstones, sandstones, and conglomerate. Additionally, according to the California Department of Conservation, Mineral Land Classification, there are no known mineral resources on the project site.

No Impact

- b) According to the California Geological Survey's Aggregate Availability Map, the Project site is not within the vicinity of a site being used for aggregate production. In addition, the site not delineated on the County of Lake's General Plan, the Kelseyville Area Plan nor the Lake County Aggregate Resource Management Plan as a mineral resource site. Therefore, the project has no potential to result in the loss 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 13

- | | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|---------------------------|
| b) Result in the generation of excessive ground-borne vibration or ground-borne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 3, 4, 5,
11, 14, 15 |

Discussion:

- a) Noise related to outdoor cannabis cultivation typically occurs either during construction, or as the result of machinery related to post construction equipment such as well pumps or emergency backup generators during power outages. The drying building (existing) may need to have a carbon filtration system added, which will generate some noise.

This project will have some noise related to site preparation, and hours of construction are limited through standards described in the conditions of approval.

Although the property size and terrain will somewhat 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.

The following mitigation measures are added to reduce potential noise-related impacts to 'less than significant' levels:

NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00 a.m. and 7:00 p.m., and Saturdays from 12:00 noon to 5:00 p.m. 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 7:00 a.m. to 10:00 p.m. and 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.

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

- 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 would not generate ground-borne vibration or noise, except potentially during the construction phase from the use of heavy construction equipment. 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, the Project is not expected to create unusual groundborne vibration due to site development or facility operation.

Less Than Significant Impact

- c) The Project site is located over 10 miles from the nearest airport or airstrip. Therefore, the Project would not expose people residing or working in the Project area to excessive noise levels from air travel.

No Impact

XIV. POPULATION AND HOUSING

Potentially Significant Impact	Less Than Significant With Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
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Would the project:

- | | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|------------|
| a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 3, 4, 5 |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 3, 4, 5 |

Discussion:

- a) The Project is not anticipated to induce significant population growth to the area. The increased employment will be three (3) fulltime and five (5) seasonal employees.

No Impact

- b) The Project will not displace any existing housing.

No Impact

XV. PUBLIC SERVICES

Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
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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: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 4, 5, 20, 21, 22, 23, 27, 28, 29, 32, 33, 34, 36, 37 |
| 1) Fire Protection? | | | | | |
| 2) Police Protection? | | | | | |
| 3) Schools? | | | | | |
| 4) Parks? | | | | | |
| 5) Other Public Facilities? | | | | | |

Discussion:

a) The Project does not propose any new housing or other uses that would necessitate new or altered government facilities. No new roads are proposed. The Project would be required to comply with all applicable local and state fire code requirements related to design and emergency access. The above-stated categories and project responses are as follows:

- *Fire Protection.* Kelseyville Fire Protection District
- *Police Protection.* Lake County Sheriff's Department
- *Schools and Parks.* No impact.
- *Other Public Facilities.* No change to public roads are requested and none appear to be needed; the interior driveway is private, and is required to comply with PRC 4290 and 4291 regulations for fire safety reasons. Power demand of the project is minimal and can be accommodated by on-grid power (up to 200 amps). No other public facilities will be impacted by this project.

There will not be a need to increase fire or police protection, schools, parks or other public facilities as a result of the project's implementation.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4, 5

Discussion:

a) As the small staff for the proposed Project will be hired locally, there will be no increase in the use of existing neighborhood and regional parks or other recreational facilities and no impacts are expected.

No Impact

b) The proposed Project does not include any recreational facilities and will not require the construction or expansion of existing recreational facilities, and no impacts are expected.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4, 5, 9, 20, 22, 27, 28, 35
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 9, 20, 22, 27, 28, 35

Discussion:

- a) The project would be accessible from an existing private, gravel driveway off of Kelsey Creek Drive (an existing public, paved roadway). No transit, bicycle, or pedestrian facilities exist within the vicinity of the project site.

The growing season is typically up to 9 months long for outdoor cultivation with harvesting occurring during the last month of the season. Assuming 5 employees driving 3 miles each way (6 miles per day), and assuming that the operations will occur Monday through Friday for eight months, total trip miles traveled would be about 5,400 miles. It is probable that at least one delivery per week would occur, and would likely originate from either Clear Lake or Lakeport, both of which being about 12 miles from the site. Assuming a 36 week growing season with a total of 24 miles per week for deliveries (12 miles coming and 12 miles returning to their bases), this would add an additional 864 miles to the total vehicle miles associated with this project annually. The total vehicle miles anticipated for this project per year is 6,264 vehicle miles for employees and deliveries.

The California standard for 'significant trips' is 110 per day. This project will at most generate about half as many trips, and as such, is not regarded as having a significant impact on vehicle trips that would use the interior driveway or Kelsey Creek Drive. Further, the interior driveway will be required to be improved to have a width of 20', thus enabling two-way traffic flows in order to meet commercial driveway standards required by PRC 4290 and 4291.

Less than Significant Impact

- a) 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.”

The County has not formally adopted transportation significance thresholds. 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 estimated trips per day for the proposed Project will be under the 110 trip threshold for significance by the State.

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.

Less than Significant Impact

- b) 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

- c) The Project does not propose any changes to road alignment or other features, does not result in the introduction of any obstacles, nor does it involve incompatible uses that could increase traffic hazards. Equipment used in cultivation will be transported to the Project site as needed.

Less Than Significant Impact

- d) 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 shall 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 about 50 trips per day plus occasional delivery trips; this amount does not meet any ‘level of significance’, and is considered to have a less-than-significant impact. The proposed Project would not inhibit the ability of local roadways to continue to accommodate emergency response and evacuation activities, and the interior roadway will be improved to meet CALFIRE commercial driveway standards, including emergency on-site turn arounds. 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
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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:

- | | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|------------------------|
| <p>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)?</p> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 11, 14, 15 |
| <p>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?</p> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 11, 14, 15 |

Discussion:

- a) A Cultural Resources Evaluation (CRE) for the proposed cultivation Project was prepared by Konocti Cultural Resource Management (KCRM) and was received by the County on August 22, 2022. A pedestrian field survey of a 7.1 acre portion of the Project area was conducted for the CRE, and yielded negative results.

Staff received an evaluation of the site from Sonoma State’s CHRIS Department on January 26, 2022. The evaluation stated that a study of the site had been conducted by Maureen Carpenter (no date given), and that no cultural resources had been discovered. However the evaluation further stated that there is a mapped sensitive area on site identified as P-17-000523, and recommended that a professional archaeologist update the conditions of the site on the Office of Historic Preservation’s DPR 523 resource recordation forms. The evaluation concluded that this property may have some possibility of containing culturally sensitive artifacts or relics.

Notification of the Project was sent to all eleven local tribes on January 13, 2022. The Community Development Department received comments from the Big Valley Tribe and the Koi Nation. In an email dated January 25, 2022, the Big Valley Tribe requested consultation on this project. Staff contacted the Big Valley Tribe on April 11, 2023 to confirm that a site visit had occurred as was stated by the applicant. The Tribe and Cultivator appeared to have come to an agreement about Tribal Monitoring during site disturbance, and no further follow up appears to be needed.

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

- b) It is possible, but unlikely due to the lack of new site disturbance that is needed, 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 shall 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 through CUL-3 incorporated

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 5, 6, 35, 36
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 5, 6, 35, 36

Discussion:

- a) The proposed Project will be served by an existing onsite irrigation well and an on-grid power for all project-related energy and water demands. The Project will be serviced by onsite restroom and handwashing facilities.

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) The propose outdoor cultivation operation has an estimated annual water use requirement of approximately 1,311,311 gallons (~4 acre-feet).

All water for the proposed cultivation operation will come from Well #1, which has adequate productivity and recharge rates to serve the project without jeopardizing other area wells.

Water level monitoring is required by the Lake County Zoning Ordinance. Ordinance Article 27 Section 27.11(at) requires the production well to have a water meter and water level monitor.

Less than Significant Impact

- c) The Project will be served by existing onsite restroom and handwashing facilities.

Less Than Significant Impact

- d) The project will likely generate between 200 and 400 pounds of solid waste per year; this is typical for a cannabis project of this size and scale. The Eastlake Landfill, South Lake Refuse Center, and Quackenbush Mountain Resource Recovery and Compost Facility are located within reasonable proximity of the Project site. As of 2019, the Eastlake Landfill had 659,200 cubic yards available for solid waste, with an additional 481,000 cubic yards of expansion area approved in 2020.

There is adequate solid waste capacity to accommodate the proposed Project, and 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 Impact

- 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 Impact

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 5, 6, 21, 23, 32 |

Discussion:

- a) The Project will not impair an adopted emergency response plan or evacuation plan. The applicant shall adhere to all regulation of California Code Regulations Title 14, Division 1.5, Chapter 7, Subchapter 2, and Article 1 through 5 shall apply to this project; and all regulations of California Building Code, Chapter 7A, Section 701A, 701A.3.2.A.

Less than Significant

- b) The Project site is situated in a moderate fire hazard severity zone that is surrounded by and directly adjacent to a very high fire hazard severity zoned lots. The cultivation portion of the site is relatively flat and located in the center of the cultivation lot. The applicant is required to improve the interior driveway to make it comply with PRC 4290 and 4291; this includes widening the driveway to 20'; putting a 6" gravel surface on the driveway to enable a 75,000 pound emergency vehicle to use it; installing gates that are 2' wider than the driveway, and providing on-site emergency vehicle turn-arounds.

Establishing the cultivation area in the center of the site does not further exacerbate the risk of wildfire, or the overall effect of pollutant concentrations on area residents in the event of a wildfire. The Project would improve fire access and the ability to fight fires at or from the Project site and other sites accessed from the same roads through the upkeep of the property area and by the installation of the proposed water tanks.

The following mitigation measures are added in order to reduce potential risks of wildfire to 'less than significant' levels:

WDF-1: Construction activities are prohibited 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 shall not occur on windy days that could increase the risk of wildfire spread should the equipment create a spark.

WDF-2: Prior to cultivation, the applicant shall provide 100' of defensible space around all buildings. This does not require tree removal, but it does require removal of grasses and brush, and limbing trees up to a height of 8'.

WDF-3: Prior to cultivation, the applicant shall schedule a site visit with the Building Official or designee to verify that the roads, gates and site are PRC 4290 and 4291 compliant.

WDF-4: The applicant shall place at least 5,000 gallons of water on site that is designated specifically as for use of fire suppression. Water tanks shall have connectors that are able to be used by Fire Protection Districts.

Less than Significant Impact with Mitigation Measure WDF-1 through WDF-4 incorporated

- c) The proposed site improvements are minimal, and do not rise to the level of warranting additional roads, fuel breaks, powerlines or other utilities.

Less than Significant Impact

- 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 and the relatively flat nature of the Project site.

Less than Significant Impact

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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ALL
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ALL

Discussion:

- a) The project proposes the cultivation of commercial cannabis in a rural area of the County on an "A" Agricultural-zoned parcel.

According to the biological and cultural studies conducted, the proposed 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.

Mitigation measures are listed herein to reduce impacts related to Aesthetics, Agriculture, Air Quality, Biological Resources, Cultural/Tribal Resources, Geology and Soil, Hazards & Hazardous Materials, Noise, and Wildfire.

Less than significant with mitigation measures added

- b) Potentially significant impacts have been identified related to Aesthetics, Agriculture, Air Quality, Biological Resources, Geology and Soil, Cultural and Tribal Resources, Hazardous Material, Noise, 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.

Implementation of and compliance with the 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 mitigation measures added

- c) The proposed Project has the potential to result in adverse indirect or direct effects on human beings. In particular, Aesthetics, Agriculture, Air Quality, Geology/Soils, Cultural and Tribal Resources, Noise, and Wildfire have the potential to impact human beings. Implementation of and compliance with the 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 mitigation measures added

Impact Categories defined by CEQA

Source List

1. Lake County General Plan
2. Lake County GIS Database
3. Lake County Zoning Ordinance
4. Kelseyville Area Plan
5. California Paradise 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/CNDDDB>)
12. U.S. Fish and Wildlife Service National Wetlands Inventory

13. Biological Assessment by Pinecrest Environmental Consulting, dated June 5, 2021.
14. Cultural Resource Evaluation prepared by Konocti Cultural Resource Management (KCRM) and received by the County on August 22, 2022.
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. Lake County Fire Protection District
38. Site Visit – July 24, 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)