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 6, 2023

CALIFORNIA ENVIRONMENTAL QUALITY ACT ENVIRONMENTAL CHECKLIST FORM INITIAL STUDY (UP 21-25, IS 21-25)

1. Project Title:	Subba Farms	
2. Permit Numbers:	Major Use Permit Initial Study	UP 21-25 IS 21-25
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:	Trish Turner, Assistant Planner (707) 263-2221	
5. Project Location(s):	12905 Bottle Rock Road, Cobb APN: 011-065--32	
6. Applicant Name & Address:	Subba Farms 715 Crane Avenue Foster City, CA 94404	
7. General Plan Designation:	Rural Lands	
8. Zoning:	"RL-BF- SC" Rural Lands – Special Lot Size/Density – Scenic Combining District	
9. Supervisor District:	District 5	
10. Flood Zone:	"D": Areas of undetermined, but possible, flood hazard risk; "	
11. Slope:	The proposed cultivation site is relatively flat with some moderately sloped areas, overall ranging from 0 to 10 percent.	
12. Fire Hazard Severity Zone:	California State Responsibility Area (CALFIRE): Moderate Risk; Very High Risk	
13. Earthquake Fault Zone:	None	
14. Dam Failure Inundation Area:	Not located within Dam Failure Inundation Area	
15. Parcel Size:	42.33 Total Acres	

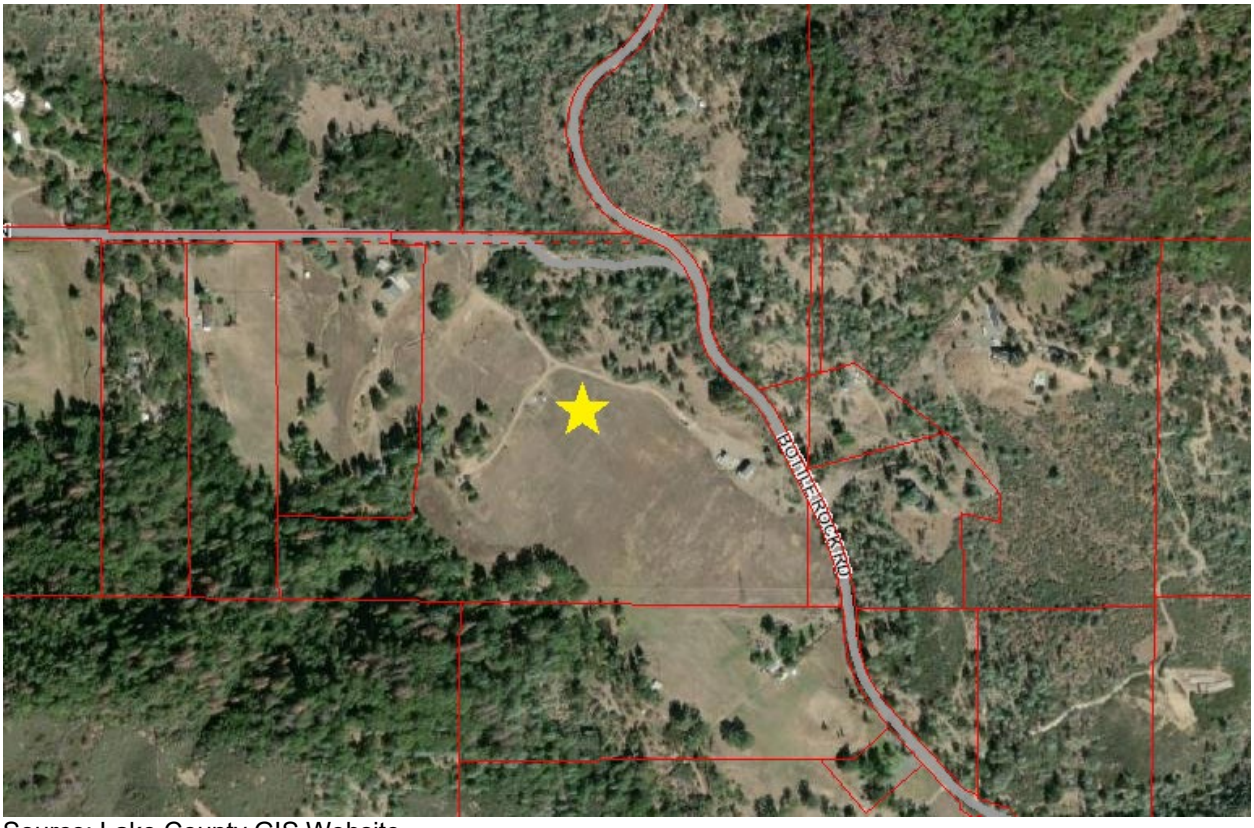
16. Description of Project:

The applicant, Subba Naidu/ Globe Guide Investments, LLC, is requesting discretionary approval from Lake County for a Major Use Permit, UP 21-25, for commercial cannabis cultivation at 12905 Bottlerock Road, Cobb (APN: 011-065-32), as described below:

Two (2) A-Type 3 "Medium outdoor" commercial cannabis cultivation licenses; Outdoor cultivation for adult use cannabis without the use of light deprivation and/or artificial lighting in the canopy area at any point in time from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The applicant proposes two (2) acres of commercial cannabis canopy area within an approximately 3.5 acres of cultivation area.

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

Figure 1. Vicinity Map



Source: Lake County GIS Website.

The proposed cultivation and canopy areas would be located within a newly created building envelope to protect sensitive areas on the property. The planting method will be in raised beds or pots; soil will be amended native soil mixture.

The Project proposes the following:

One (1) <100 sq. ft. secure shed for fertilizer storage.

One (1) <100 sq. ft. secure shed for pesticide storage.

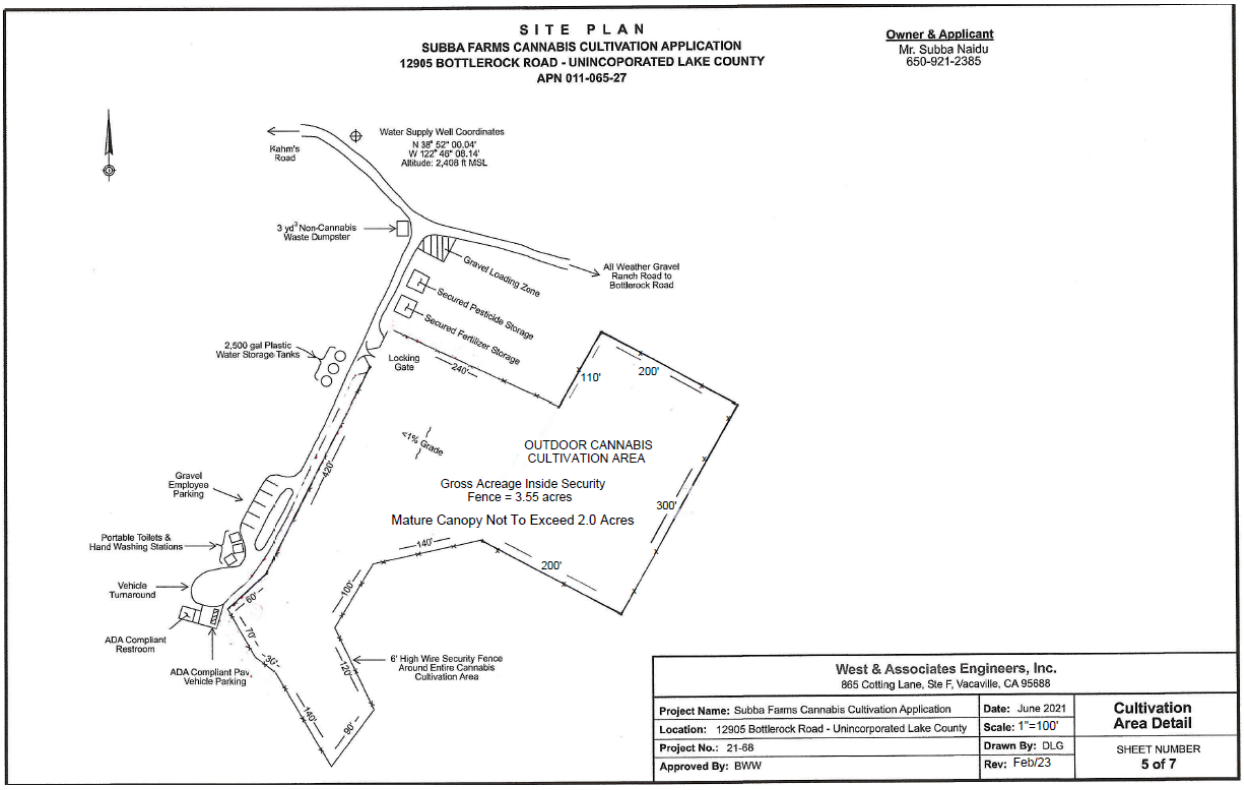
Three (3) chemical portable toilets (one ADA compliant) and wash station.

Three (3) 2,500-gallon water tanks for project irrigation and a 5,000-gallon steel or fiberglass water tank dedicated to fire suppression.

Five (5) parking spaces with one being dedicated to ADA compliance

Six (6) foot perimeter security fencing with CCTV security cameras.

Figure 2. Subba Farms Site Plan



Source: Subba Farms, 2023.

According to the applicant's Property Management Plan, fertilizers and pesticides will each be stored within a 100 sq. ft. stormproof storage shed

The onsite domestic well (Well Completion Report # 713325) is located approximately 400 feet to the northwest of cultivation area is currently used for domestic water supply to the residence and irrigation supply to the cultivation area. Water from the domestic well is currently plumbed directly to three (3) 2,500-gallon poly storage tanks located proximate to the cultivation area as shown on the site plan. The project plans do not involve any water diversions or imported water. The approximate locations of the proposed outdoor cultivation areas, domestic well and onsite residences are shown on site plan. The applicant plans to utilize water conservation measures such as point emitter drip system which may lower the estimated usages. We estimate that the applicant will use an average of approximately 6,088 gallons/day over a six-month (214 day) cultivation season (April through October). However, in August and September the daily peak water demand will be approximately 8,656 gallons/ day. Totaling approximately 4 acre-feet/year of groundwater consumption. To conserve water resources, the cultivation operation would use a drip irrigation system. An existing permitted groundwater well is located in relatively close proximity to the cultivation area, and water would be stored in three 2,500-gallon plastic storage tanks.

All electricity would be supplied from on-grid power, and a backup generator would be used in the event of a power outage.

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 PM 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. The gate would be locked outside of core operating/business hours (8:00 a.m. to 6:00 p.m.) 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. Up to 5 employees would work on-site during peak harvest times and an estimated 3 employees would work during non-peak harvest times. 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.

Daily traffic commutes during regular operations would be approximately four (4) and sixteen (16) trips, approximately equivalent of a new single-family dwelling (which averages 9.55 average daily trips according to International Transportation Engineer's manual, 9th edition).

The site is accessed from Bottle Rock Road, a designated scenic, paved and County-maintained Road with two 10' wide travel lanes and 2' wide shoulders on either side of the road.

The cultivation site will be surrounded with 6-foot-tall wire fence with privacy mesh as needed to screen the cultivation from public view. Security cameras will be installed around the perimeters of the cultivation areas and at other points of access in compliance with the Lake County Zoning Ordinance.

According to the applicant's Property Management Plan, the following erosion control measures will be followed:

- Native vegetation around the proposed cultivation operation will be maintained as a permanent erosion and sediment control measures. A native grass seed mixture and certified weed-free straw mulch will be applied to all areas of exposed soil.

- Straw wattles will remain around the cultivation area and maintained/exchanged as needed each year in order to prevent maximum sediment runoff.

- Apply temporary erosion control measures at regular intervals throughout the defined rainy season to achieve and maintain stability
- Straw wattles will be placed around the entire cultivation area that fronts a watercourse in order to prevent maximum sediment runoff

Subba Farms is enrolled in the State Water Board's Order No. WQ 2019-001-DWQ as a Tier 2, Low Risk site (WDID No. 5S17CC408293). 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.

17. Environmental Setting and Existing Conditions:

The proposed Subba Farms commercial cannabis project is located at 12905 Bottlerock Road (APN 011-065-32), in a portion of NWNE Section 29, Township 12N, Range 8W, Mount Diablo Meridian.

The surrounding land uses are largely rural lands. The project parcel is located roughly 6 miles south of the intersection of Highway 29 and Bottle Rock Road in Cobb CA. The parcel lies within the 8-digit HU (Sub basin): Kelsey Creek Clear Lake, and Kelsey Creek Watershed (HUC10). There is 1 unnamed Ephemeral Class II watercourse indicated on the NHD map layer utilized by California resource agencies via CNDDB and the Federal NWI map layer, which flows from through along the southwestern property boundary. According to the Biological Assessment there are additional class III watercourses along the northern and southern property boundaries that feet into the Class II watercourse. Additionally, there are 2 potential wetland areas to the west of the existing residence. There is an existing culvert along the north end of the parcel in order to access the proposed cultivation area. The cannabis cultivation area will be setback a minimum of 100 feet from the top of the bank of any bodies of water. There will be no surface water diversions with this project. The climate of the site is characterized by a Mediterranean-type climate, with distinct seasons consisting of hot, dry summers and wet, moderately cold winters.

Early activation (EA 20-20) of the proposed use permit (UP 20-17) was granted June 1, 2020, to a previous applicant Carlos Lopez, consisting of 87,120 sq. ft. of canopy area within 108,900 sq. ft. of cultivation area. The early activation area can be seen in Figure 3. The early activation Project included obtaining State licenses and harvesting a crop in early fall of 2020.

Figure 3. Previous Cultivation Site with Early Activation

Source: USGS Web Soil Survey

The subject site and surrounding area contain rural lands and open space areas that consist of ranches, grazing land, vineyards, mountains, and a cannabis cultivation farm operation. The vegetation generally consists of mixed oak/conifer forest, manzanita, and chaparral.

The site is accessed from a gravel driveway which is accessed from Bottle Rock Road, and the Project parcel includes an existing single-family dwelling with a detached garage.

18. Surrounding Zonings and Setting:

- North: “RL” and “O” Rural Lands – Open Space; large lots that are undeveloped or that contain isolated single-family dwellings.
- South: “RL” Rural Lands; large lots that range in size from 18.5 acres to 58.32 acres in size. The 18+ acre property contains a dwelling.
- East: “RL” Rural Lands; lots ranging in size from 2.76 acres to 7.23 acres; mostly developed with dwellings
- West: “RL” Rural Lands-zoned lots, ranging from 10+ to 15+ acres in size. The 15-acre lot contains a dwelling.

Figure 5. Lake County Base Zoning District

Source: Lake County GIS Website

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

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

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

20. Have California Native American tribes traditionally and culturally affiliated with the Project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

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

Notification of the project was sent to local tribes on October 4, 2021. A Cultural Resource Evaluation (dated June 26, 2021) of the 'to be disturbed' portions of the project site was prepared by Wolf Creek Archaeology Services. A portion of the site has a mapped Historically sensitive area that must be avoided. There is a building envelope located on this property. The applicant has created a second building envelope on this property to keep the mapped historically sensitive area from being disturbed. The applicant will work with the archaeologist and the affiliated Tribe to assure that the sensitive area on the site is avoided, and to assure that a Tribal monitor will be present on the site during future site disturbance.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the lead Agency)
On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

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

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

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

Initial Study Prepared By:
Trish Turner, Assistant Planner II

_____ Date:_____
SIGNATURE

_____
Community Development Department

SECTION 1

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to Projects like the one involved (e.g., the Project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on Project-specific factors as well as general standards (e.g., the Project will not expose sensitive receptors to pollutants, based on a Project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as Project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, and then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c) (3) (D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the Project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a Project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
   a) The significance criteria or threshold, if any, used to evaluate each question; and
   b) The mitigation measure identified, if any, to reduce the impact to less than significance

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

Discussion:

a) The property has an 'SC' (Scenic Combing) overlay zoning designation as in close proximity to Bottle Rock Road, a scenic road, however the cultivation site will not obstruct any scenic vistas in this location, and no structures are being proposed other than two small sheds that are not impacted by the scenic designation. The project site is located in a rural area that is accessed by a private driveway off Bottle Rock Road. The zoning for the parcel includes the "SC" Scenic district, however, there are no scenic vistas on or adjacent to the parcels. Due to existing topography and surrounding vegetation, as well as the distance from the common public roadway, the cultivation site cannot be seen from off-site. Additionally, the cultivation area would be surrounded by fencing with privacy screening and all proposed uses and structures would comply with the county's regulations for the "SC" combining district. Therefore, the project is not anticipated to impact views of mountains, Clear Lake, and/or other scenic vistas

   Less than Significant Impact

b) The property is located off Bottle Rock Road, a designated scenic road, however the location of the cultivation site will not affect trees, rock outcroppings, or any historic buildings. The positioning of the cultivation area coupled with the topography and significant vegetative cover will conceal the cultivation site.

   There are no scenic resources, rock outcroppings, or historic buildings on or in the vicinity of this property. The Project parcel has a Scenic Corridor (SC) combining zone designation, with scenic resources described as "vegetative features including significant stands of trees" which are currently recovering from the Mendocino Complex Fire while providing screening from the proposed Project site.

   Less than Significant Impact

c) The project site is located in a non-urbanized area. The project will not degrade the existing visual character or quality of public views due to existing topography and surrounding vegetation, as well as the distance from public roadways. The cultivation area cannot be seen from off-site. Additionally, the cultivation area would be surrounded by fencing with privacy screening and all proposed uses and structures would comply with the county's regulations for the "SC" combining district. Therefore, the project would not substantially degrade the quality of public views of the site or surroundings.

   Less than Significant Impact

d) The project will use some security lighting surrounding the cultivation area. Although the cultivation site cannot be easily seen from off-site, there is potential that the additional source of light could adversely affect nighttime views in the area. Mitigation provided below would be required and would reduce potential impacts to a less than significant level.

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

   AES-1: All outdoor lighting shall be directed downward onto the Project site and not onto adjacent properties. All lighting equipment shall comply with the recommendations of www.darksky.org.

II. AGRICULTURE AND FORESTRY RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	1, 2, 3, 4, 7, 8, 11, 13, 39
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1, 2, 3, 4, 5, 7, 8, 11, 13
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒	1, 2, 3, 4, 5, 7, 8, 11, 13
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1, 2, 3, 4, 5, 6, 9
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1, 2, 3, 4, 5, 7, 8, 11, 13

Discussion:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board.

a) The entire project site is designated as "Other Land" by the California Department of Conservation Farmland Mapping and Monitoring Program. Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The project site is not currently used as farmland; is not located within a mapped Farmland Protection Area, and should the project cease cultivation activities in the future, the project site could be returned to its existing state.

As the proposed Project is classified as Grazing Land, an agricultural use, the Project would not be converting farmland that is high quality or significant farmland to a non-agricultural use.

No Impact

b) Under Article 27.11 of the Lake County Zoning Ordinance, Outdoor Cannabis Cultivation is permitted on parcels with a Base Zoning District of "RL" with a minimum of 20 acres. The Project parcel consists of 81.6 acres.

The Project site is currently zoned RL-BF-SC: Rural Land – Scenic Combining, which is consistent with its land use designation as Rural Land as described in the County of Lake General Plan Chapter 3 – Land Use.

According to the County of Lake, Rural Lands "(allow) agricultural uses and single-family dwellings. Allowable density of one dwelling per 20-65 acres. Steep slopes, fire hazard and remoteness often restrict development." Scenic Combining Lands are "used to protect scenic views (and) prohibits offsite advertising, sanitary landfills, outdoor storage, singlewide and commercial mobile homes."

Agricultural uses as described in California Government Code §51201(c) are generally allowed on Rural Lands, and the site is not under a Williamson Act contract.

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

No Impact

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

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

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

The Project site is currently zoned Residential Lands (RL-SC). The Project site does not contain any forest lands, timberland, or timberland zoned Timberland Production lands, nor are any forest lands or timberlands located on or nearby the Project site. Because no lands on the Project site are zoned for forestland or timberland, the project has no potential to impact such zoning. The Project does not propose a zone change that would rezone forest land, timberland, or timberland zoned for Timberland Production. No impact would occur.

No Impact

d) The project would not result in the loss or conversion of forest land to a non- forest use.

No Impact

e) Lands surrounding the Project site include privately-owned, undeveloped land to the immediate north, east, southeast, south, southwest, west, and northwest, all of which are zoned Rural Lands. Undeveloped land to the northeast zoned Open Space is owned and managed by the Bureau of Land Management. Given the absence of farmland or forest land on the Project site and the undeveloped character of surrounding lands, the proposed Project would have no potential to convert farmland to non-agricultural use or forest land to non-forest use. No impact would occur.

No Impact

III. AIR QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐	1, 3, 4, 5, 21, 24, 31, 36
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under and applicable federal or state ambient air quality standard?	☐	☐	☒	☐	1, 2, 3, 4, 5, 21, 24, 31, 36
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐	1, 2, 3, 4, 5, 10, 21, 24, 31, 36
d) Result in other emissions (such as those leading to odors or dust) adversely affecting a substantial number of people?	☐	☒	☐	☐	1, 2, 3, 4, 5, 21, 24, 31, 36

Discussion:

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

a) The project has some potential to result in short- and long-term air quality impacts. Dust and fumes may be released as a result of site preparation/construction of the structures and cultivation area; and vehicular traffic, including small delivery vehicles that would be contributors during and after site preparation/construction. Additionally, Cannabis cultivation can generate objectionable odors, particularly when the plants are mature/flowering.

In accordance with the provisions of Lake County's Air Quality Management procedures, the project would wet soils during construction and/or delay ground disturbing activities until site conditions are not windy to prevent fugitive dust during construction, including during site preparation work as well as during any interior driveway improvements.

As proposed, odors generated by the plants, particularly during harvest season, would presumably be reduced through passive means (separation distance and maintenance of native flowering vegetation surrounding the cultivation area. All air filtration and odor mitigation equipment would be inspected every other month by a supervisor to ensure each one is running as efficiently as possible, and all carbon filter/air scrubbers would be replaced each quarter. All data and information would be made available to Lake County and/or Lake County Air Quality Management District officials upon request. The project would provide a Community Liaison/Emergency Contact to any residences within 1,000 feet of the property boundaries for notification and immediate action to eliminate any reported odors complaint. Additionally, implementation of the mitigation measures below would reduce air quality impacts to less than significant.

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

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

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

AQ-3: The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the LCAQMD such information in order to complete an updated Air Toxic emission Inventory.

AQ-4: All vegetation during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, including waste material is prohibited.

AQ-5: All graveled areas of vehicular travel (access driveway, parking area, turnaround) shall be regularly used and/or maintained to reduce fugitive dust generation

AQ-6: An Odor Control Plan shall be submitted to the County of Lake Planning Division prior to the start of any cultivation under this permit that provides the planting of fragrant plants around the perimeter of the outdoor cultivation site. All planted areas shall be irrigated, and the plants maintained in a healthy state for the duration of the project. Plants shall be planted no greater than two feet apart, and irrigation line locations shall be shown on the Odor Control Plan submitted.

b) The County of Lake is in attainment of state and federal ambient air quality standards. The cannabis cultivation would not be expected to generate dust or air emissions that would violate air quality standards.

Less than Significant Impact

c) There are isolated residences scattered throughout the surrounding parcels. However, nearest off-site sensitive receptors (schools, daycares, retirement communities) to the cultivation site is located over 4.7 miles away, which complies with the Lake County Zoning Ordinance requirement of a minimum 1000-foot setback from off-site schools. Levels of pollutants associated with cannabis are typically based on odors and dust migration during site preparation, and from odors generated by the plants during maturity. The applicant has proposed mitigation measures that would mask and/or suppress odors and suppress dust migration during and after site preparation. Implementation of these project features and mitigation measures would ensure that sensitive receptors are not exposed to substantial pollutant concentrations.

Impacts would be Less than Significant with Mitigation Measure AQ-1 through AQ-6 incorporated.

d) The project area is sparsely populated. The nearest off-site residences are located approximately 765 feet from the cultivation site, which complies with the Lake County Zoning Ordinance requirement of a minimum 200-foot setback from off-site residences. Dust and fumes may be released as a result of site preparation/construction of the structures and cultivation area; and vehicular traffic, including small delivery vehicles that would be contributors during and after site preparation/construction. Additionally, Cannabis cultivation can generate objectionable odors, particularly when the plants are mature/flowering. The response in III(a) discusses the project features and mitigation measures that would mask odors and suppress dust migration during and after site preparation. Implementation of these project features and mitigation measures would ensure that sensitive receptors are not exposed to substantial pollutant concentrations.

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

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

Would the project:

a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐	2, 5, 11, 12, 13, 16, 24, 29, 30, 31, 32, 33, 34
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐	1, 2, 3, 4, 5, 11, 12, 13, 16, 17, 29, 30, 31, 32, 33, 34
c)	Have a substantial adverse effect on state or federally protected wetlands (including, not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐	1, 2, 3, 4, 5, 11, 12, 13, 16, 17, 21, 24, 29, 30, 31, 32, 33, 34
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐	13
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒	1, 2, 3, 4, 5, 11, 12, 13
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	1, 2, 3, 5, 6

Discussion:

a) A Biological Assessment (dated September 18, 2020) of the project site parcels was prepared by Pinecrest Environmental Consulting. An on-site survey was conducted on June 17, 2020. The on-site communities consist almost entirely of oak and chamise chaparral punctuated with cypress and chamise chaparral in serpentine-containing soils with mixed conifers interspersed and more common in upper slopes, emergent wetland vegetation and grassland in several locations. The unnamed Class III watercourses generally have vegetation that is undifferentiated from the rest of the vegetation. Several of the existing ponds have developed wetland vegetation surrounding them and some of the wet meadow features exhibit traits characteristic of jurisdictional wetlands; however, most of the riparian corridors are too ephemeral to support wetland vegetation. Overall, the cultivation site consists of approximately 73 percent mixed oak-chamise chaparral, 25 percent serpentine cypress chaparral, and 2 percent wetland and pond.

Based on the on-site survey, the areas proposed for cultivation were previously disturbed from prior agricultural activity on the site. Portions of the cultivation area contain low groundcover. Two special-status plant species were observed at the project site. Watershield was found in one of the ponds; however, because this species is limited to the pond and the proposed commercial cannabis activities would be prohibited within 100 feet of jurisdictional waters, including the pond, no impacts are predicted for this species. Glandular Western flax was observed in serpentine chaparral. Mitigation is included below to ensure that impacts to special-status plant species would be less than significant.

Because the cultivation areas would be located approximately 500 feet from the nearest pond or potential wetland habitat, up a slope of approximately 100 feet in elevation, and are separated by several driveways and dense chaparral with no watercourses in between, it is very unlikely that any amphibians would estivate in the cultivation area. No special-status animal species were observed at the project site; however, there are numerous suitable watercourses onsite for several listed amphibians and some unidentified tadpoles were observed in the perennial pond. However, mitigation is included below to ensure the impacts to amphibians from vehicle traffic along onsite roads would be less than significant

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

BIO-1: The provided plant survey recommendations shall be followed and added as conditions of approval for this use permit.

BIO-2: All work shall incorporate erosion control measures consistent with the engineered Grading and Erosion Control Plans submitted, the Lake County Grading Regulations, and the State Water Resources Control Board Order No. WQ 2019-001-DWQ.

b) There are a number of unnamed, intermittent Class III watercourses along the southeastern project site boundary, one Class III unnamed tributary along the northern project site boundary. There is a pond located approximately 500 feet from the proposed cultivation area boundary. Overall, the cultivation site consists of approximately 73 percent mixed oak-chamise chaparral, 25 percent serpentine cypress chaparral, and 2 percent wetland and pond. The project would be setback a minimum of 100 feet from the top of the bank of any water bodies, including all unnamed watercourses and wetland/ponds. 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/waterbodies and the cultivation site.

Less Than Significant Impact with Mitigation Measure BIO-1 Incorporated.

c) Several of the existing ponds have developed wetland vegetation surrounding them and some of the wet meadow features exhibit traits characteristic of jurisdictional wetlands; however, most of the riparian corridors are too ephemeral to support wetland vegetation. No project activities would occur within a minimum of 100 feet from the top of the bank of any water bodies, including the riparian corridors or ponds. 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/waterbodies and the cultivation site. The existing onsite roadways would be graveled and anywhere requiring revegetation after disturbance would only have native grass seed mixture or certified weed-free straw mulch applied. Therefore, the project would not have a substantial adverse effect on state or federally protected wetlands.

   Less than Significant Impact

d) The on-site survey conducted as part of the Biological Assessment identified a number of unnamed, intermittent Class III watercourses along the southeastern project site boundary, one Class II unnamed tributary along the northwestern project site boundary and some unidentified tadpoles were observed in the perennial pond. However, the cultivation area is separated from the nearest pond or potential wetland habitat by approximately 500 feet, a slope of approximately 100 feet in elevation, and several driveways and dense chaparral with no watercourses in between. Due to the separation distance, the lack of watercourses travelling between the pond and the cultivation area and the steep terrain, it is very unlikely that any amphibians would estivate in the cultivation area. Furthermore, the project proposes to install straw wattles around the cultivation site to reduce sediment movement and runoff from the cultivation site to protect creeks and drainages, as well as maintain natural vegetation buffers between the creeks/drainages and the cultivation site.

   Mitigation included under IV(a) requires the project to implement all best management practices included in the Property Management Plan submitted for this project, including practices to protect amphibians from onsite traffic and protect nesting birds. Implementation of these mitigation measures would ensure that impacts to native wildlife nurseries would be less than significant.

   Less than Significant Impact with Mitigation Measure BIO-1 Incorporated.

e) There are no mapped conservation easements on the project site that might otherwise require extra protection or tree replacement. The applicant has indicated that no trees would be removed and only chaparral/scrub would be removed. Therefore, the project would not conflict with tree preservation policies or ordinances.

   No Impact

f) There are no Habitat Conservation Plans associated with this property. The applicant has indicated that no trees would be removed and only chaparral/scrub would be removed. Therefore, the project would not conflict with conservation plans.

   No Impact

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

Discussion:

a) A Cultural Resource Evaluation (September 11, 2020) of the project site was conducted by Wolf Creek Archaeology. The purpose of the investigation was to locate, describe, and evaluate any archaeological or historical resources that may be present in the area. The background research indicated that no prehistoric sites had been recorded within 1 mile of the project area. A field inspection conducted as part of the Cultural Resource Evaluation involved a complete reconnaissance of the project area. The ground surface was examined for historic and prehistoric cultural materials. The Cultural Resources Evaluation determined that there was a site that has potential to meet criteria as a significant historic resource that does exist within the project area. The applicant has created a building envelope to exclude this area from their project site. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource. A minimal amount of grading (a maximum of 45 cubic yards) is proposed, however the entire cultivation area (404,668 square-feet) would be disturbed and there is some potential for previously unknown cultural resources, including historical resources, to be encountered. Therefore, mitigation is included below to ensure that potential impacts to unknown historical resources would be less than significant.

   Less than Significant Impacts with Mitigation Measures CUL-1 and CUL-2 incorporated:

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: The applicant and all employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the culturally affiliated Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such findings.

b) The applicant has created a second building envelope for their cultivation site. This has been done to protect a site that has been found by the Culture Resource Evaluation to meet the criteria as a significant historic resource.

Less than Significant Impact with Mitigation Measures CUL-1 and CUL-2

c) No known human remains were discovered during the Cultural Study evaluation performed by Wolf Creek Archaeology and referenced herein within the project area. Mitigation measures CUL-1 and CUL-2 are provided to ensure that potential impacts to unknown human remains are respectfully interred if they are discovered during site disturbance, and that proper protocols for notification and interment are followed. Given the lack of discovery during the Cultural study and the addition of MMs CUL-1 and CUL-2, potential impacts would be less than significant.

Less than Significant Impact with Mitigation Measures CUL-1 and CUL-2

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

Discussion:

a) The project would have a minimal electricity demand as the cultivation area proposed by the project would occur outdoors under full, direct sunlight. The only energy consumption that would be used, would be for the security lights and the security system. Therefore, the project would not result in wasteful, inefficient, or unnecessary consumption of energy resources.

   No Impact

b) The project will not require a high amount of electricity as they will be cultivating two (2) acres of outdoor cannabis using all-natural sunlight. The electricity being used will be from PG&E to utilize the security system and lights. The project is proposing a backup generator to be used in emergency situations when electricity cannot be supplied by PG&E.

   No Impact

VII. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Directly or indirectly cause potentially substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special. Publication 42. ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides?	☐	☐	☒	☐	1, 2, 3, 4, 5, 18, 19
b) Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐	1, 3, 4, 5, 19, 21, 24, 25, 30
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	1, 2, 3, 5, 6, 9, 18, 21

d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☒	☐	☐	5, 7, 39
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☒	☐	2, 4, 5, 7, 13, 39
f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐	1, 2, 3, 4, 5, 14, 15

Discussion:

a) The Project site is located in a seismically active area of California and is expected to experience moderate to severe ground shaking during the lifetime of the Project. That risk is not considered substantially different than that of other similar properties and projects in California. This project is an outdoor cannabis cultivation with no new structures being proposed.

Earthquake Faults (i)
The Callayomi Fault runs through this property. It is considered a dextral strike-slip fault and the movement is measured at 0.2 and 1.0 mm/ year. However, Lake County contains numerous known active faults and future seismic events in the Northern California region can be expected to produce seismic ground shaking at the project site.

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 generally level without significant slopes. There are some risks of landslides on the parcel, however the proposed project's cultivation site is located on a flat area. 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's cultivation site is considered slightly 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) According to the soil survey of Lake County prepared by the U.S. Department of Agriculture, the soil within the proposed cultivation area consists of Jafa Loam, 2 to 5 percent slopes. This is very deep, well-drained soil is on terraces and fans. The vegetation is mainly conifers with an understory of brush, grasses, and forbs. The permeability of this soil is moderately slow. Surface runoff is slow, and the erosion is slight.

No major grading is proposed to prepare the Project site for cultivation. The project is above ground in either raised beds or pods and will import soil for cultivation activities, and according to the Property Management Plan this would not involve any adverse

effects on the potential for erosion or the loss of topsoil. The cultivation area is relatively flat.

Less Than Significant Impacts with Mitigation Measures GIO-1 through GEO-4, and BIO-2, incorporated:

GEO-1: Prior to any ground disturbance for building construction, the permittee shall submit erosion control and sediment plans to the Water Resource Department and the Community Development Department for review and approval. Said erosion control and sediment plans shall protect the local watershed from runoff pollution through the implementation of appropriate Best Management Practices (BMPs) in accordance with the Grading Ordinance. Typical BMPs include the placement of straw, mulch, seeding, straw wattles, silt fencing, and the planting of native vegetation on all disturbed areas. No silt, sediment, or other materials exceeding natural background levels shall be allowed to flow from the project area. The natural background level is the level of erosion that currently occurs from the area in a natural, undisturbed state. Vegetative cover and water bars shall be used as permanent erosion control after project installation.

GEO-2: Excavation, filling, vegetation clearing, or other disturbance of the soil shall not occur between October 15 and April 15 unless authorized by the Community Development Department Director. The actual dates of this defined grading period may be adjusted according to weather and soil conditions at the discretion of the Community Development Director.

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

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

BIO-2: All work shall incorporate erosion control measures consistent with the engineered Grading and Erosion Control Plans submitted, the Lake County Grading Regulations, and the State Water Resources Control Board Order No. WQ 2019-001-DWQ.

c) The primary geologic unit or soil type where the proposed Project site is situated is:

144 -Jafa Loam, 2 to 5 percent slopes
This very deep, well-drained soil is on terraces and fans. It formed in alluvium derived from mixed sources. Typically, the upper part of the surface layer is pale brown loam 8 inches thick, and the lower part is light brown loam 8 inches thick. The upper 16 inches of the subsoil is brown clay loam, the next 8 inches is reddish yellow clay loam, and the lower 8 inches is yellowish red clay loam. In some areas the surface layer is fine sandy loam. Included in this unit are small areas of Speaker soils and small areas of somewhat poorly drained soils that have a gravelly substratum and a seasonal high-water table and are in the Middletown area, near Dry Creek Cutoff. Also included are· small areas of soils that

are similar to this Jafa soil but have a clayey subsoil, have less clay in the subsoil, have a gravelly and cobbly subsoil, or have a warmer average annual temperature and are in areas of this unit that have been cleared. Included areas make up about 30 percent of the total acreage. The percentage varies from one area to another. Permeability of this Jafa soil is moderately slow. Available water capacity is 4.0 to 8.5 inches. Effective rooting depth is 60 inches or more. Surface runoff is slow, and the hazard of erosion is slight. Included in this unit tare small area

According to the soil survey of Lake County, prepared by the United States Department of Agriculture, other soils found on the project parcel are as follows:

145 – Jafa Loam, 5 to 15 percent slopes
This map unit is on the northern portion of the parcel outside of the proposed grow area. This very deep, well-drained soil is on terraces and fans. It formed in alluvium derived from mixed sources. Typically, the upper part of the surface layer is pale brown loam 8 inches thick, and the lower part is light brown loam 8 inches thick. The upper 16 inches of the subsoil is brown clay loam, the next 8 inches is reddish yellow clay loam, and the lower inches is yellowish red clay loam. In some areas the surface layer is fine sandy loam. Included in this unit are small areas of Speaker soils. Also included are small areas of soils that are similar to this Jafa soil but have a clayey subsoil, have less clay in the subsoil, have a gravelly and cobbly subsoil, or have a warmer average annual soil temperature and are in areas of this unit that have been cleared. Included areas make up about 25 percent of the total acreage. The percentage varies from one area to another. Permeability of the Jafa soil is moderately slow. Available water capacity is 4.0 to 8.5 inches. Effective rooting depth is 60 inches or more. Surface runoff is medium, and the hazard of erosion is moderate.

171 – Maymen-Hopland-Etsel association, 15 to 50 percent slopes.
This map unit is on mountains. The vegetation is mainly brush on the Maymen and Etsel soils and hardwoods on the Hopland soil. This unit is about 30 percent Maymen gravelly loam, 30 percent Hopland loam, and 20 percent Etsel gravelly loam. The Maymen and Etsel soils are on ridgetops and on south- and west-facing slopes. The Hopland soil is on north- and east-facing slopes. The Hopland soil is on north- and east-facing slopes and in ravines. Included in this unit are small areas of Henneke, Mayacama, Millsholm, Montara, Sanhedrin, Snook, and Speaker soils and Rock outcrop.
The Maymen soil is shallow and somewhat excessively drained. Permeability of the Maymen soil is moderate. Available water capacity is 1 to 3 inches. Effective rooting depth is 12 to 20 inches. Surface runoff is rapid, and the hazard of erosion is severe. The Hopland soil is moderately deep and well drained. Permeability of the Hopland soil is moderately slow. Available water capacity is 3 to 7 inches. Effective rooting depth is 20 to 40 inches. Surface runoff is rapid, and the hazard of erosion is severe. The Etsel soil is shallow and somewhat excessively drained. Permeability of the Etsel soil is moderate. Available water capacity is 0.5 to 1.5 inches. Effective rooting depth is 6 to 12 inches. Surface runoff is very rapid, and the hazard of erosion is severe.

This unit is used mainly as wildlife habitat and watershed. It is also used for firewood production. The natural vegetation on the Maymen and Etsel soils is mainly brush. The species in most areas are mainly chamise, manzanita, and buckbrush. Properly planned and applied prescribed burning or chemical or mechanical treatment can be used in small areas to improve habitat for wildlife, increase access, and reduce the risk of fire.

Less Than Significant Impacts

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.

Although no new buildings are proposed, any new construction requiring a building permit would be subject to the Uniform Building Code and California Building Code for foundation design to meet the requirements associated with expansive soils, if they are found to exist within a site-specific study.

Less Than Significant Impact with Mitigation Measures GEO-5 incorporated:

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

e) The proposed project will be served by an American Disability Act compliant portable toilet and three regular portable toilets with wash stations. Comments from the Lake County Environmental Health Division state that there is no record of an onsite wastewater treatment system, and that the applicant may need to demonstrate the location of the existing onsite wastewater treatment system, so it could be validated by Environmental Health.

Therefore, the proposed project will not have soils incapable of adequately supporting the use of septic tanks for the disposal of wastewater. In addition, the system will be inspected and approved by the County Division of Environmental Health prior to obtaining a use permit.

Less Than Significant Impact

f) No significant paleontological resources were discovered during the Cultural Study performed by Wolf Creek Archaeological Services within the project area and mitigation measures have been provided to ensure that potential impacts to unknown paleontological resources would be less than significant.

Less than Significant Impact with mitigation measures CUL-1 through CUL-2 incorporated.

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

Discussion:

a) The Project consists of two acres of canopy with a total of three and a half acres of cannabis cultivation area. The project site is located within the Lake County Air Basin, which is under the jurisdiction of the Lake County Air Quality Management District (LCAQMD). The LCAQMD applies air pollution regulations to all major stationary pollution sources and monitors countywide air quality.

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

The BAAQMD threshold for GHG (including CO_2, CH_4, N_2O, HFCs, PFCs, SF_6) for projects other than stationary sources (power generating plants, mining sites, petroleum facilities, chemical plants, etc.) that are not under a GHG Reduction Plan is 1,100 metric tons of CO_2e per year. An estimate for this project (using figures from the Property Management Plan and other parameters that most closely match the project description) the estimated annual emissions of CO_2e for overall operations would be 7.56 metric tons of CO_2e per year. This figure is well below BAAQMD threshold. These calculations show that the project would have a less than significant impact on GHG emissions.

Less than Significant Impact

b) Lake County is an “air-attainment” county and does not have an established threshold of significance for greenhouse gases. The project would not conflict with any adopted plans or policies for the reduction of greenhouse gas emissions.

Less than Significant Impact

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

c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	1, 2, 5
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒	2, 40
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒	1, 3, 4, 5, 20, 22
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	1, 3, 4, 5, 20, 22, 35, 37
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐	1, 3, 4, 5, 20, 35, 37

a) Materials associated with the proposed cultivation of commercial cannabis, such as gasoline, pesticides, fertilizers, alcohol, hydrogen peroxide and the equipment emissions may be considered hazardous if unintentionally released and could create a significant hazard to the public or the environment if done so without intent and mitigation. According to the Property Management Plan for the proposed Project, all potentially harmful chemicals would be stored and locked in a secured building on site and measures will be taken to avoid any accidental release and environmental exposure to hazardous materials.

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

The Lake County Division of Environmental Health, which acts as the Certified Unified Program Agency (CUPA) for Hazardous Materials Management, has been consulted about the project 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.

The Property Management Plan also addresses the following:

Materials associated with the proposed Cultivation of Commercial Cannabis, such as gasoline, pesticides, fertilizers, alcohol, hydrogen peroxide and the equipment emissions may be considered hazardous if released into the environment.

However, as detailed in Subba Farm Property Management Plan, operations would be fully organic with regard to both dry and liquid fertilizer. The proposed dry fertilizers would include dry worm castings and 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. Obtain Operator ID and pesticide applicator license from the Lake County Agriculture Department. 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. Empty containers would be disposed of by triple rinsing them and placing them in a separate sealed tight bin with a fitted lid and disposed of at Eastlake Landfill 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.

Cannabis waste is required to be chipped and spread on-site; burning cannabis waste is prohibited in Lake County. All solid waste that cannot be composted would be stored in bins with secure fitting lids until being disposed of at Eastlake Landfill.

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

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

HAZ-2: With the storage of hazardous materials equal to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, a Hazardous Materials Inventory Disclosure Statement and Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.

b) The Project involves the use of organic fertilizers and pesticides which will be stored in a secure, stormproof structure. Flood risk at the Project site is minimal and according to Lake County GIS Portal data the Project is located near the Callayomi earthquake fault zone. Fire hazard risks on the Project site range from moderate to very high.

The project site does not contain any identified areas of serpentine soils or ultramafic rock, and risk of asbestos exposure during construction is minimal. The site preparation would require minimal construction equipment and would last for about two to four days. All equipment staging shall occur on previously disturbed areas on the site.

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

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

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

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

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

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

HAZ-7: The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information to complete an updated Air Toxic Emission Inventory.

c) There are no schools located within one-quarter mile of the proposed Project site. The nearest school is Cobb School district, which is located approximately 4.7 miles southeast of the project site. Impacts would be less than significant, and no mitigation measures would be required.

No Impact

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

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

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

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

No Impact

e) The Project site is located approximately 11.4 miles from Lampson Field, administered by the Lake County Airport Land Use Commission, which has not adopted an Airport Land Use Compatibility Plan. In accordance with regional Airport Land Use Compatibility Plans, the site would not be located within an area of influence for the airport. Therefore, there will be no hazard for people working in the Project area from Lampson Field.

No Impact

f) Access to the Project site is from Bottle Rock Road, which county-maintained road, is in compliance with California Public Resources Code §4290. During long-term operation, adequate access for emergency vehicles via Bottle Rock Road and connecting roadways will be available. Furthermore, the Project would not result in a substantial alteration to the design or capacity of any public road that would impair or interfere with the implementation of evacuation procedures. 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 property is located within the State Responsibility Area (SRA) and is in the Very High Fire Hazard Severity Zone. Accordingly, the project would be required to adhere to state and county regulations regarding fire prevention and suppression as well as site access. In accordance with these regulations, all structures would have a minimum setback from the property line of 30 feet; a 100-foot Defensible Space Zone/Reduced Fuel Zone would be created around the cultivation area. Additionally, the proposed project proposes a California Public Resources Code §4290-compliant 5,000-gallon water tank dedicated to wildfire protection.

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

Less than Significant Impact

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

Discussion:

a) According to the Grading and Erosion Control BMPs included in the project's Property Management Plan, a minimal amount (a maximum of 45 cubic yards) of grading would be required during construction. Additionally, the project would be setback a minimum of 100 feet from the top of the bank of any water bodies, including the unnamed Class III and Class II waterways and ponds.

According to the proposed Project's *Property Management Plan – Waste Management Plan*, 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 BPTC measures, buffer zones, sediment and erosion controls, inspections and reporting, and regulatory oversight.

The County's Cannabis Ordinance requires that all cultivation operations be located at least 100-feet away from all waterbodies (i.e., spring, top of bank of any creek or seasonal stream, edge of lake, wetland, or vernal pool).

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).

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

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

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

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

Water Demand

According to the Project's *Hydrology Report – Projected Water Demand* section, the applicant proposes an estimated annual water usage for the entire two-acre cultivation project (irrigation and employee water usages) is 1,1315,480 gallons or 4.04 acre-ft. Based on these estimates for onsite water use it appears that the peak water demand at the site will occur annually between in August and September with peak daily water demand being approximately 8,656 gallons/day. The average daily water usage during the cultivation season is anticipated to be approximately 6,915 gallons.

There is one (1) existing, permitted groundwater well that will be used for cultivation (Latitude 38.866521 and Longitude -122.768632). The well is approximately 85 feet deep and was drilled in October of 2021. The yield at the time of installation was measured at 25 gallons/ minute.

On August 30, 2021, AAA Pump Service performed a 4-hour well yield test at the onsite well.

The yield test began at 9:00 A.M. and ended at 1:00 P.M. the same day. Static water level before pumping was 28.16 feet. Initially, the well was pumped at 20 GPM and within an hour the water level had dropped to 69 feet below ground surface (bgs) which was 49.84 feet drawdown. The pumping rate was then lowered to 12 gpm and pumped for two hours, and the water level rose to 60.41 feet bgs or 32.25 feet drawdown. (Appendix C – Well Yield Test Data). After pumping ceased recovery was measured and after 30 minutes the water level had rebounded to 28.66 feet which is 98% recovery. Results of this testing show that the well can sustain long term pumping at 12 gpm. In order to meet the site average daily water demand during the cultivation season (6,915) would require approximately 9 hours and 36 minutes (576 minutes) of pumping. We estimate to meet peak daily water demand (8,656 gallons/day) during August and September would require 12 hours and 1 minute (721 minutes) of pumping at 12 gpm. Therefore, based on well yield and recovery measurements it appears that the well can sustainably produce the water required to meet the proposed projects water demand.

Irrigation

The well will pump water to four 2,500-gallon water tanks through underground irrigation lines. Water will then be delivered to the potting beds using highly efficient drip irrigation. Water lines are a combination of PVC piping, black poly tubing, and drip lines. The water storage tanks will be equipped with float valves to prevent overflow and runoff of irrigation water when full. Additionally, safety valves will be equipped to supply lines in case the flow of water needs to be stopped in an emergency situation. A meter compliant with Title 23, Division 3, Chapter 2. 7 of the California Code of Regulations will be attached to the water system and all data will be recorded and maintained for a 5-year duration minimum. All records will be made available to all interested state and county departments upon request.

Groundwater Basin Information and Hydrogeology

According to www.ecoatlas.com3 the project site is located within the Kelsey Creek-Clear Lake Watershed Region (watershed -HUC-10), and the Kelsey Creek sub-watershed (HUC-12 180201160303), all within the jurisdiction of the North Coast Regional Water Quality Control Board. The Kelsey Creek Watershed totals 28,614 acres, or 44.7 square miles and occupies approximately 10% of the entire Clear Lake watershed. Kelsey Creek is the primary drainage in the watershed and is the third largest tributary to Clear Lake and contributes to approximately 16% of the streamflow into Clear Lake. The site is located in the southern portion of the Kelsey Creek Watershed that is characterized by uplands with elevations in as high as 4,700 above MSL. The region is thought to have two distinct aquifers. The first being a shallow, generally unconfined alluvial aquifer, and the deeper aquifer consisting of volcanic rock and ash. The recharge to the shallow aquifers is thought to be through a combination of direct precipitation and stream flow while recharge to the deeper volcanic aquifer is less known but is generally thought to be by underflow from adjacent uplands. Domestic wells proximate to the site generally tap into the shallow alluvial aquifer material.

The project site is located in the Kelsey Creek Watershed within an alluvial aquifer Quaternary age. The aquifer is considered unconfined and recharge to the aquifer likely occurs primarily through underflow from the overlying upland areas and direct infiltration of precipitation. The estimated groundwater usage for the entire site including the proposed project is approximately 4.78-acre feet/ year. This value includes the proposed project water usage of 4.04 acre-feet/year. Based on well yield test data collected at the site, it appears that the aquifer storage and recharge area are sufficient to provide for sustainable annual water use at the site and within the area.

In summary:

Estimated Cultivation Usage (2 acres canopy) = 4.0 acre-feet/year
Estimated Worker Usage = 0.04 acre-feet/year
Residential Domestic Water Usage = 0.75 acre-feet/year
Total Estimated Site Water Use = 4.78 acre-feet/year
Estimated Annual Recharge – 14.68 acre-feet/year
Estimated Recharge During Severe Drought – 6.77 acre-feet/year
Sustained Well Yield after 4 hrs. of pumping = 12 gpm
Peak Daily Water Demand = 8,656 gallons

The quantity of groundwater to be used for the project compared to the quantity of available groundwater indicates that pumping for the proposed project is unlikely to result in significant declines in groundwater elevations or depletion of groundwater resources over time. The horizontal and vertical separations between the project wells and the nearest streams and neighboring wells should not result in significant well interference or impacts to creeks.

Recharge Rate

Groundwater recharge is the replenishment of an aquifer with water from the land surface. It is usually expressed as an average rate of inches of water per year, similar to precipitation. Thus, the volume of recharge is the rate times the land area under consideration times the time period and is usually expressed as acre-feet per year. In addition to precipitation, other sources of recharge to an aquifer are stream and lake or pond seepage, irrigation return flow (both from canals and fields) inter-aquifer flows, and urban recharge (from water mains, septic tanks, sewers, drainage ditches).

For this site, the alluvial aquifer is considered generally unconfined with only thin layers of clay creating minimal aquifer pressure. Drainage features that intersect and border the site have likely eroded through some of the overlying clay layers and are contributing to the recharge of the site's aquifer through the stream bottom. However, it is also likely that a portion of the rainwater falling directly on the site infiltrates the ground surface and migrates downward through the soil matrix until it recharges the aquifer.

To estimate the groundwater recharge at the site we first assumed that the recharge to the aquifer is primarily through rainfall and that all rainfall accumulated within the 42.44-acre cultivation parcel drains to the nearby creeks that intersect and border the site. Therefore, the annual precipitation available for recharge onsite can be estimated using the following data and equation.

42.44 acres x 2.66 feet (annual precipitation on the site) =
112.89 acre-feet Estimated Annual Precipitation Onsite

However, this estimate does not account for surface run-off, stream underflow, and evapotranspiration that occurs in all watersheds. According to the USGS, the long-term average precipitation that recharges groundwater in these northern California regions is approximately 15 percent but can be as low as 1.67%. Since this site has relatively mixed topography with both upland and low-lying areas, we estimate that the long-term average precipitation that recharges groundwater within the entire site is near the regional average of 13%. With this data and the precipitation data presented above, we can re-calculate the groundwater recharge within the cultivation parcel using the following equation.

112.89 acre-feet (annual precipitation onsite) x 0.13 (long term average for recharge) = 14.68 acre-feet/year Estimated Average Aquifer Recharge

The total site water usage is estimated to be 4.78 acre-feet/year and the average site aquifer recharge is estimated to be 14.68 acre-feet/year therefore, it appears that the project will have enough water to meet its demands without creating aquifer overdraft conditions.

Cumulative Impact to Surrounding Areas

To evaluate potential well pumping impacts to surface water bodies or wells on other properties, the potential lateral extent of pumping from the planned project well was estimated. Using general relationships discussed in Driscoll (1986)[21], we estimated the lateral pumping influence using information from the 2021 well yield test. An approximate relationship between specific capacity calculated from the well yield testing, and aquifer transmissivity was used to obtain aquifer characteristics and estimate a potential radius of pumping influence. Transmissivity was estimated for an unconfined aquifer, using the relationship of Specific Capacity (yield/drawdown) x the coefficient of 1,500 (unconfined). To develop the slope of the drawdown curve from the pumping well, the value of Δs (drawdown over one log graph cycle) was calculated for a distance-drawdown relationship, where T = 528Q/Δs (Driscoll,1986, Equation 9.11).

The estimated specific capacity for the project well was calculated to be 0.37 gpm/foot drawdown (12 gpm/32.25 feet drawdown). Using this data and applying it to the site, we calculated a zone of pumping influence extending approximately 130 feet from the irrigation well, assuming an unconfined aquifer. There are no known neighboring wells within 130 feet of the irrigation well.

There are no class I or class II water bodies within the well estimated radius of pumping influence and therefore direct connectivity to nearby streams is not considered a concern to this assessment.

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

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

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

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

c) 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. A sediment and erosion control plan is also being implemented as part of the larger Site Management Plan.

According to the Biological Assessment, the project site contains a number of unnamed,

intermittent Class III watercourses along the southeastern project site boundary and one class II unnamed tributary along the northwestern project site boundary; however, the cultivation area is nearly completely flat with little to no slope. The project site is within Zone D: "Areas of Undetermined Flood Hazard."

According to the engineered Grading and Erosion Control Plan, a minimal amount (a maximum of 45 cubic yards) of grading would be required during construction. Additionally, the project would be setback a minimum of 100 feet from the top of the bank of any water bodies, including the unnamed Class III and Class II watercourses. As such, the project would not substantially alter the existing topography of the project site and would not alter the course of any waterbodies. As detailed in the Property Management

Plan and support materials provided, the project would employ best management practices and mitigation measures (GEO-1, GEO-2, and GEO-3) related to erosion and water quality, and would adhere to all related federal, state, and local requirements, as applicable. In addition to not altering the existing topography, the project would not construct or install substantial structures that would alter the existing drainage; the proposed processing facility, greenhouses, and water tanks would not have a large footprint (approximately 0.004 percent of the cultivation parcel). Accordingly, the project would not result in substantial erosion or siltation, increase the rate or amount of runoff, provide additional sources of polluted runoff, or impede flood flows.

Due to the natural conditions of the Project site and with these erosion mitigation measures, the Project i) will not result in substantial erosion or siltation on-site or off-site; ii) will not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite; iii) will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; and iv) will not impede or redirect flood flows.

Less than Significant Impact

d) The Project site is not located in an area of potential inundation by seiche or tsunami. The Project site is designated to be in Flood Zone D – undetermined flood zone – not in a special flood hazard area.

Less than Significant Impact

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

<u>Drought Emergency Water Conservation Measures</u>
During a Lake County or State declared Drought emergency the applicant plans to do the following water conservation methods:

- Reduce canopy by 15%, which would save 195,450 gallons of water a year.
- Spread several inches of mulch over the entire outdoor grow, this will help minimize the evaporation from soil, especially during the late summer months. This will save approximately 33,660 gallons of water a year.
- Installation of wind breaks and shade cloths to help minimize soil evaporation, saving approximately 14,688 gallons a year.

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

<u>Seasonal Static Water Level Monitoring</u>

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

Water Level Monitoring During Extraction

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

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

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

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

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

XI. LAND USE PLANNING	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Physically divide an established community?	☐	☐	☐	☒	1, 2, 3, 5, 6
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	1, 3, 4, 5, 20, 21, 22, 27

Discussion:

a) The properties proximate to the south and west of the site and within the same valley are primarily developed as residential ranch style properties. The properties to the north and northeast of the site are located in upland areas above the valley and also consist of residential ranch style properties. Many of the properties have two homes and some have small ponds. No significant agriculture (grapes or orchards) is present on the properties near the site and there does not appear to be much livestock activity either. Review of aerial photo shows that some cannabis cultivation is present in the northwest corner of the valley and approximately 0.4 miles from the proposed cultivation onsite.

The proposed project site would not physically divide any established community.

No Impact

b) The project site is subject to the Lake County General Plan, the Lake County Zoning Ordinance, and the Lakeport Area Plan. The cultivation parcel is zoned “RL-B5-SC” Rural Lands–Special Lot Size/Density–Scenic.

The cultivation parcel’s “RL” land use designation allows commercial cannabis cultivation per Lake County Zoning Ordinance (Article 27, Table B) and subsection (at) with a use permit. In accordance with Article 27, the project is requesting approval of a Major Use Permit that is composed of two A-Type 3 “Medium Outdoor” commercial cannabis cultivation licenses and one A-Type 13 “Self-Transport Distribution” license. The project would be required to adhere to all incorporated mitigation measures and conditions of approval of the Major Use Permit.

The zoning for the parcels includes the “SC” Scenic Combining district, however, there are no scenic vistas on or adjacent to the parcels. Additionally, as detailed in II(a), due to existing topography and surrounding vegetation, as well as the distance from common public roadways, the cultivation site cannot be seen from off-site. Additionally, the cultivation area would be surrounded by fencing with privacy screening and all proposed uses and structures would comply with the county’s regulations for the “SC” combing district.

No portions of the project site are located within the Commercial Cannabis Cultivation Exclusion Area or within the Community Growth Boundaries.

Based on the above, the project would not conflict with the Lake County General Plan, the Lake County Zoning Ordinance, and the Cobb Area Plan.

Less than Significant Impact

XII. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	1, 3, 4, 5, 26
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒	1, 3, 4, 5, 26

Discussion:

a) The cultivation site contains no known or mapped mineral resources. Furthermore, a minimal amount of grading (a maximum of 45 cubic yards) is proposed and no large-scale removal of material, including mineral resources would occur. Therefore, the project would not result in the loss of availability of mineral resources.

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.

No Impact

XIII. NOISE	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐	1, 3, 4, 5, 13

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

Discussion:

a) Given the intervening topography and the distance between the cultivation site and the nearest residences (over 2,000 feet away), it is highly unlikely that operation of the project would increase ambient noise in excess of maximum levels specified in Zoning Ordinance Section 21-41.11 (Table 11.2). There is also some potential for increased noise due to increased traffic during peak harvest times. However, pursuant to the project's Property Management Plan, the project's core business hours of operation would take place between 8:00 AM and 7:00 PM with deliveries and pickups restricted to between 9:00 AM and 7:00 PM Monday through Saturday as well as Sunday between 12:00 PM and 5:00 PM. Additionally, a Community Liaison/Emergency Contact would be available 24-hours a day, 7-days a week, including holidays, to accept any complaints regarding project operation's, including noise.

Some infrequent noise could occur if a backup power generator is activated during generator testing. Mitigation is included to address potential noise impacts from the emergency generator.

In regard to the Lake County General Plan Chapter 8 - Noise, there are no sensitive noise receptors within one (1) mile of the project site, and Community Noise Equivalent Levels (CNEL) are not expected to exceed the 55 dBA during daytime hours (7am – 10pm) or 45 dBA during night hours (10pm – 7am) when measured at the property line.

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

NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00am and 7:00pm, and Saturdays from 12:00 noon to 5:00 pm to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.

NOI-2: Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00AM to 10:00PM and 45 dBA between the hours of 10:00PM to 7:00AM within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.

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.

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

Less Than Significant Impact

c) The Project site is located approximately 11.4 miles from Lampson Field, administered by the Lake County Airport Land Use Commission, which has not adopted an Airport Land Use Compatibility Plan. Therefore, no impact is anticipated.

No Impact

XIV. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	1, 3, 4, 5
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1, 3, 4, 5

Discussion:

a) The Project is not anticipated to induce significant population growth to the area. The increased employment will be approximately two (2) fulltime and up to five (5) seasonal employees to be hired locally.

No Impact

b) The Project site contains a single-family dwelling with a detached garage. This will remain in place.

No Impact

XV. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: 1) Fire Protection? 2) Police Protection? 3) Schools? 4) Parks? 5) Other Public Facilities?	☐	☐	☒	☐	1, 2, 3, 4, 5, 20, 21, 22, 23, 27, 28, 29, 32, 33, 34, 36, 37

Discussion:

1) Fire Protection

The South Lake County Fire Protection District provides fire protection services to the proposed Project area. The proposed Project would be served by the South Lake County Fire Protection Station in Cobb, an existing station located approximately 4.3 roadway miles from the Project site. Development of the proposed Project would impact fire protection services by increasing the demand on existing County Fire District resources. To offset the increased demand for fire protection services, the proposed Project would be conditioned by the County to provide a minimum of fire safety and support fire suppression activities and installations, including compliance with State and local fire codes, as well as minimum private water supply reserves for emergency fire use. With these measures in place, the project would have a less than significant impact on fire protection.

2) Police Protection

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

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

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

5) Other Public Facilities
The small staff will be hired locally, and no impacts are expected.

Less than Significant Impact

XVI. RECREATION	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒	1, 2, 3, 4, 5
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	1, 3, 4, 5

Discussion:

a) As the small staff 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?	☐	☐	☒	☐	1, 3, 4, 5, 9, 20, 22, 27, 28, 35
b) For a land use project, would the project conflict with or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)(1)?	☐	☐	☒	☐	1, 3, 4, 5, 9, 20, 22, 27, 28, 35
c) Substantially increase hazards due to geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒	1, 3, 4, 5, 9, 20, 22, 27, 28, 35
d) Result in inadequate emergency access?	☐	☐	☒	☐	1, 3, 4, 5, 9, 20, 22, 27, 28, 35

Discussion:

a) The project would be accessible from a private driveway off Bottle Rock Road. No transit, bicycle, or pedestrian facilities exist within the vicinity of the project site. Pursuant to Public Resource Code 4290 and 4291 Fire Safety Requirements, the access roadway would be a minimum of 20 feet wide, consist of all-weather surfacing, and would be engineered to support a load of 50,000 pounds: Bottle Rock Road meets all these requirements. There

Less than Significant Impact

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

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

To date, the County has not yet formally adopted its transportation significance thresholds or its transportation impact analysis procedures. As a result, the project related VMT impacts were assessed based on guidelines described by the California Office of Planning and Research (OPR) in the publication *Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory*, 2018. The OPR Technical Advisory identifies several criteria that may be used to identify certain types of projects that are unlikely to have a significant VMT impact and can be "screened" from further analysis. One of these screening criteria pertains to small projects, which OPR defines as those generating fewer than 110 new vehicle trips per day on average. OPR specifies that VMT should be based on a typical weekday and averaged over the course of the year to take into consideration seasonal fluctuations. The estimated trips per day for the proposed Project are between 5 to 12 during construction and operation.

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

The proposed Project would not generate or attract more than 12 trips per day, and therefore it is not expected for the Project to have a potentially significant level of VMT. Impacts related to CEQA Guidelines section 15064.3. subdivision (b) would be less than significant.

Less than Significant Impact

c) The Project 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 and will not need to be operated on Bottle Rock Road.

No 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 will meet CALFIRE requirements for vehicle access according to PRC §4290, including adequate width requirements. Furthermore, as noted above under impact discussion (a), increased project-related operational traffic would be minimal. The proposed Project would not inhibit the ability of local roadways to continue to accommodate emergency response and evacuation activities. The proposed project would not interfere with the City's adopted emergency response plan.

Less than Significant Impact

XVIII. TRIBAL CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:					

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☒	☐	☐	1, 3, 4, 5, 11, 14, 15
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the +resource to a California Native American tribe?	☐	☒	☐	☐	1, 3, 4, 5, 11, 14, 15

Discussion:

a) A Cultural Resource Evaluation (September 11, 2020) of the project site was conducted by Wolf Creek Archaeology. The purpose of the investigation was to locate, describe, and evaluate any archaeological or historical resources that may be present in the area. The background research indicated that no prehistoric sites had been recorded within 1 mile of the project area. A field inspection conducted as part of the Cultural Resource Evaluation involved a complete reconnaissance of the project area. The ground surface was examined for historic and prehistoric cultural materials. The Cultural Resources Evaluation determined that there was a site that has potential to meet criteria as a significant historic resource that does exist within the project area. The applicant has created a building envelope to exclude this area from their project site. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource. A minimal amount of grading (a maximum of 45 cubic yards) is proposed, however the entire cultivation area (404,668 square-feet) would be disturbed and there is some potential for previously unknown cultural resources, including historical resources, to be encountered. Therefore, mitigation is included below to ensure that potential impacts to unknown historical resources would be less than significant

Less than Significant Impact with Mitigation Measures CUL-1 and CUL-2

b) In response to the Cultural Resources Report, the applicant has created a second building envelope for their cultivation site. This has been done to protect a site that has been found by the Culture Resource Evaluation to meet the criteria as a significant historic resource.

Less than Significant Impact with Mitigation Measures CUL-1 and CUL-2

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	☐	☐	☒	☐	1, 3, 4, 5, 29, 32, 33, 34, 37

	relocation of which could cause significant environmental effects?					
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☒	☐	☐	1, 2, 3, 5, 6, 22, 31
c)	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	1, 2, 3, 5, 6, 22
d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐	1, 2, 3, 5, 6, 35, 36
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐	1, 2, 3, 5, 6, 35, 36

Discussion:

a) The subject parcel is served by an existing agricultural well and onsite septic system. In accordance with the State Water Quality Control Board Cannabis General Order, the project would implement best management practices to conserve and monitor water use, the project would not result in significant impacts regarding water consumption. Pursuant to Article 27, the project would be required to conform to all applicable electrical codes, including those regulating proper installation. The project site does not contain a telecommunication system and is not supplied with natural gas; however, the project would not require them. Accordingly, the project would not require or result in the relocation or construction of new or expanded utilities. The electricity will be supplied using the existing PG&E power source for the security system and lights.

   Less than Significant Impact

b) The subject parcel is served by an existing well as described in the Hydrology Study and Drought Management Plan submitted with the Use Permit application, and the cultivation operation is enrolled as a Tier II / Low Risk cultivation operation in the State Water Resources Control Board's *Order WQ 2017-0023-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 BPTC measures for water conservation, including shut-off valves on water tanks, drip irrigation, continued maintenance of equipment, in addition to buffer zones, sediment and erosion controls, inspections and reporting, and regulatory oversight.

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

c) The subject parcel is served by an existing onsite septic system. The applicant proposes to use an ADA compliant portable restroom and three regular portable restrooms with handwashing stations.

Less than Significant Impact

d) The existing landfill has sufficient capacity to accommodate the project's solid waste disposal needs.

According to the *Property Management Plan – Waste Management* any organic waste storage will be sealed as required. Petroleum products will be stored year-round in State of California-approved containers with secondary containment and separate from pesticides and fertilizers, within the storage area.

Non-cannabis green waste can be shredded in a wood-chipper, as necessary. Green waste can be mixed with soil and inoculated with humus. Cannabis waste should be shredded and mixed with at least an equal number of compostable materials such as food waste, yard waste, or growing medium (to render the cannabis unconsumable). Cannabis waste must be kept inside the locked fence, or other locked compound always. Cannabis waste bins and plant waste receptacles will be demarcated for temporary storage prior to disposal at an approved waste management site (See Site Maps).

There will be a dedicated area in the cultivation compound where Cannabis waste is handled. This area will be surveilled by video camera, and Cannabis waste will be weighed at regular intervals as part of the Track and Trace Program. Cannabis waste will be handled with appropriate personal protective equipment, including long-sleeved shirts, pants, boots, dust mask, eye protection, and gloves. Cannabis waste will either be composted onsite or disposed at a licensed landfill offsite after rendering it unconsumable.

The project does not propose the storage or use of any hazardous materials. All solid waste will be stored in bins with secure fitting lids until being disposed of at Eastlake Landfill, at least once a week during the cultivation season.

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

Less than Significant

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

Less than Significant

XX. WILDFIRE	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					

a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	1, 2, 3, 5, 6, 23, 25, 28, 29
b)	Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐	1, 2, 3, 5, 6, 23, 25, 28, 29
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☒	☐	☐	1, 2, 3, 5, 6
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☒	☐	☐	1, 2, 3, 5, 6, 21, 23, 32

Discussion:

a) The project will not further impair an adopted emergency response plan or evacuation plan. The applicant will 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.

In May of 2020, Lake County Building Division staff conducted a PRC 4290 and 4291 site inspection and determined that the project parcel is exempt from 4290 requirements due to the fact it is strictly outdoor grow with two 100 sq, ft, storage sheds for fertilizer and pesticide storage, per the Chief Building Official. Despite the decision, the applicant is taking measures to ensure the Project site meets PRC §4290 compliance.

Less than Significant Impact

b) The Project site is situated between a moderate fire hazard zone and a high-risk fire hazard zone, and the overall parcel boundary is considerably sloped, despite the Project site and access to the project site being relatively flat. The cultivation area 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 the installation of a PRC §4290-compliant water tank, in addition to the proposed water tanks.

Less than Significant Impact

c) The proposed Project, as described in the application documents and confirmed through site visits to the property, would not exacerbate fire risk through the installation of maintenance of associated infrastructure. The proposed Project will require maintenance to meet and/or maintain roadway and driveway standards. A steel or fiberglass fire suppression water tank will be located at the cultivation site.

In The project shall be required to adhere to state and county regulations regarding fire prevention and suppression as well as site access, including compliance with Public Resource Code 4290 and 4291, which affects defensible space, road widths and slopes, gate opening widths, surface material on roads and driveways, and overhead clearances as well as other factors related to wildfire mitigation. The project would install and maintain 100-foot-wide fuel breaks, improve the access driveway, and install one 5,000-gallon steel or fiberglass water tank for fire suppression use. However, no changes to roadways, including Bottle Rock Road, or additional utilities, including power lines, are proposed. The infrastructure improvements described above are intended to comply with applicable fire safety requirements and best practices and would serve to reduce fire risk and assist in suppression of fires.

Less than Significant Impact with Mitigation Measure WDF-1:

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

d) The project shall be required to adhere to state and county regulations regarding fire prevention and suppression as well as site access, including compliance with Public Resource Code 4290 and 4291, which affects defensible space, road widths and slopes, gate opening widths, surface material on roads and driveways, and overhead clearances as well as other factors related to wildfire mitigation. The project would install and maintain 100-foot-wide fuel breaks, improve the access driveway, and install one 5,000-gallon steel or fiberglass water tank for fire suppression use. However, no changes to roadways, including Bottle Rock Road, or additional utilities, including power lines, are proposed. The infrastructure improvements described above are intended to comply with applicable fire safety requirements and best practices and would serve to reduce fire risk and assist in suppression of fires.

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

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

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

XXI. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause	☐	☒	☐	☐	ALL

	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?				
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐ ALL
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐ ALL

Discussion:

a) The project proposes a cultivation of commercial cannabis in a somewhat previously disturbed area with low groundcover and Mitigation Measures are proposed that would reduce project-related impacts to less-than-significant levels. Because of this, there would be minimal risk of degradation of the environment. As proposed, this project is not anticipated to significantly impact the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

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

Less than significant with AES-1 through AES-4; AQ-1 through AQ-6; BIO-1 through BIO-2, CUL-1 through CUL-2; GEO-1 through GEO-5; HAZ-1 through HAZ-7; HYD-1 through HYD-4; NOI-1 through NOI-2; WDF-1 through WDF-3

b) Potentially significant impacts have been identified related to Aesthetics, Air Quality, Biological Resources, Cultural and Tribal Resources, Geology and Soils, Hazardous Material, Hydrology, 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.

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

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

Less than significant with AES-1 through AES-4; AQ-1 through AQ-6; BIO-1 through BIO-2; CUL-1 through CUL-2; GEO-1 through GEO-5; HAZ-1 through HAZ-7; HYD-1 through HYD-4; NOI-1 through NOI-2; WDF-1 through WDF-3

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

Less than significant with AES-1 through AES-4; AQ-1 through AQ-6; BIO-1 through BIO-2; CUL-1 through CUL-2; GEO-1 through GEO-5; HAZ-1 through HAZ-7; HYD-1 through HYD-4; NOI-1 through NOI-2; WDF-1 through WDF-3
Impact Categories defined by CEQA

Source List

1. Lake County General Plan
2. Lake County GIS Database
3. Lake County Zoning Ordinance
4. Shoreline Communities Area Plan
5. Subba Farms Cultivation Application – Major Use Permit.
6. U.S.G.S. Topographic Maps
7. U.S.D.A. Lake County Soil Survey
8. Lake County Important Farmland Map, California Department of Conservation Farmland Mapping and Monitoring Program
9. Department of Transportation's Scenic Highway Mapping Program, (https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways)
10. Lake County Serpentine Soil Mapping
11. California Natural Diversity Database (https://wildlife.ca.gov/Data/CNDDB)
12. U.S. Fish and Wildlife Service National Wetlands Inventory
13. Biological Resources Assessment for the Cannabis Cultivation Operation at 12905 Bottle Rock Road, Cobb prepared by Pinecrest Environmental Consulting, January 31, 2020, and in season on May 29, 2021.
14. Cultural Resources Assessment for the Cannabis Cultivation Operation at 12905 Bottle Rock Rd, Cobb, CA, prepared by John Parker on January 10, 2020.
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. United States Department of Agriculture – Natural Resources Conservation Service Web Soil Survey
38. Hazardous Waste and Substances Sites List,
39. State Water Resources Control Board (SWRCB) Cannabis Policy and General Order
40. Lake County Groundwater Management Plan, March 31st, 2006.
41. Lake County Rules and Regulations (LCF) for On-Site Sewage Disposal
42. Lake County Municipal Code: Sanitary Disposal of Sewage (Chapter 9: Health and Sanitation, Article III)