



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

October 18, 2023

**CALIFORNIA ENVIRONMENTAL QUALITY ACT
ENVIRONMENTAL CHECKLIST FORM
INITIAL STUDY (UP 21-31, IS 21-30)**

1. Project Title: Hypnotic Valley Farms LLC
2. Permit Numbers: Major Use Permit UP 21-30
Initial Study IS 21-31
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: Eric Porter
(707) 263-2221
5. Project Location(s): 9119 High Valley Road, Clear Lake Oaks
(APN: 060-350-04 and 05)
6. Project Sponsor's Name & Address: David Sanchez and Ismael Ramirez
9119 High Valley Road,
Clear Lake Oaks, CA 95422
7. General Plan Designation: Rural Lands
8. Zoning: "RL-WW", Rural Lands – Waterway (cultivation parcel
APN: 060-350-05)

"RL-WW-SC", Rural Lands – Waterway – Scenic
Combining (clustering parcel APN: 060-350-04)
9. Supervisor District: District Three
10. Flood Zone: "X": Minimal Risk of Flooding
11. Slope: Mostly over 30%, however the cultivation area is less
than 10% slope
12. Fire Hazard Severity Zone: California State Responsibility Area (CALFIRE):
High Fire Risk
13. Earthquake Fault Zone: Not within a mapped fault zone
14. Dam Failure Inundation Area: Not located within Dam Failure Inundation Area
15. Parcel Sizes: 060-350-05 ±40.17 acres
060-350-04 ±153.29 acres
16. *Description of Project.* Cannabis cultivation will occur on Assessor Parcel Number 060-350-05. The adjacent parcel APN 060-350-04 is under identical ownership but will only be used to have the adequate size of land area. APN 060-350-04 is ±153 acres and 060-350-05 is ±40 acres for a total acreage of ±193 acres.

The current project proposal is for approximately 35,100 sf of mixed light (greenhouse) canopy and 43,560 sf of outdoor canopy. This requires three A-Type 3 and 3B licenses and a parcel at least 60 acres in size. The combined parcel size of the two subject lots is ±193 acres, which is large enough for the three licenses applied for (the A-Type 13 license has no parcel size associated).

A future proposal for all or a portion of the additional 6 acres may be submitted at a later date, but is not under consideration here.

A deed restriction called for under Lake County Code §27.13(at)1(ii)(j)(4) will be prepared and recorded but will ideally accommodate a future project on the “donor” parcel such that only a portion of its authorized cultivation area would be limited by this current proposal.

Water will be sourced on site from the proposed well(s). Well permit application numbers WE-5543-AG and WE-5544-AG. Completion reports will be provided once the wells have been installed. The applicant is proposing the use of two 5,000 gallon water storage tanks for irrigation.

All onsite uses will be related to the cannabis cultivation with the single exception of the onsite residence for owner occupancy.

Construction

Equipment: The following equipment is expected to be required to construct the proposed project buildings and facilities:

- Trencher,
- Backhoe,
- Excavator,
- Backhoe,
- Cement truck, and
- Water truck.

Construction Duration and Hours: Construction of project buildings and facilities is expected to take approximately 1 year, and is intended to be completed in three stages:

- Stage I – eight 24’ x 100’ greenhouses and 2 barns (year 1)
- Stage II – eight 24’ x 100’ greenhouses and 2 barns (year 2)
- Stage III – eight 24’ x 100’ greenhouses (year 3)

Operation

The proposed project will be operated from 8 am to 8 pm, seven days a week from March 1 through December 31 of each year.

Number of Employees

The cannabis operation will employ 3 permanent employees, working 8 am to 8 pm, 3.5 days per week. These employees will live in the existing studio cottage on the adjacent parcel. An additional 5 temporary employees will be hired during harvest periods (typically May, July, and October). These employees will be brought to the site by a licensed agricultural labor contractor.

Estimated Daily Trips

During non-peak operation periods, vehicle trips generated will be minimal. Because the permanent employees will live onsite, no work trips will be generated, and daily travel will be limited to non-work trips by the off-shift employees. In addition, there will be occasional trips to deliver materials to the site, and trips to take product offsite. These are estimated to be no more than 1 trip per day each.

During peak operation periods (May, July, and October), an additional 2 round trips per day will occur when the agricultural labor contractor transports the temporary workers to and from the site.

Water Analysis

A Technical Memorandum (referred to as “Water Analysis” in this report) was prepared by Northpoint Consulting, Annje Dodd, PhD and P.E. for the project. The Water Analysis is dated November 29, 2021.

Projected (project-related) water usage is estimated to be 906,000 gallons per year or about 2.78 acre feet. Water for irrigation will be supplied by two existing permitted wells located on APN 060-350-05. Well tests on each well showed a yield of 55 gallons per minute (GPM) combined. Total drawdown during the four hour pump test varied; well 1 dropped a total of 79 feet; well 2 dropped a total of 133 feet. Both wells recovered to 100% after a 24-hour shutdown period.

Water will be pumped into forty-four 5,000 gallon water tanks that are adjacent to the cultivation site. One or two of the water tanks will be used for fire suppression, and will be to CalFire specifications for fire usage.

The Water Analysis indicates that the water basin is outside of the High Valley Groundwater Basin no. 5-16. The site is located between this water basin and Clear Lake.

The aquifer capacity is not stated in the Water Analysis, however the recharge rate of the aquifer is identified. The total recharge area is determined to be 93.8 acres in size. The recharge amount during drought years is 15.0 acre feet per year. The recharge amount during non-drought years is 17.8 acre-feet per year. The project will use about 2.75 acre-feet of water per year. The Water Analysis concludes that “(o)verall, approximately ± 0.36 inches of rainfall would need to infiltrate into the recharge area’s groundwater table to meet the project’s demand. There appears to be sufficient recharge potential to meet the project’s demand during both average and dry years.”

Energy Usage

All electricity for the proposed project will be provided by Pacific Gas and Electric (PG&E), which currently provides power to the dwelling located on the project site. It is estimated that between 200 and 400 amp service will be needed for the cannabis portion of the energy demand for the sitse. No new facilities, other than a connection to the power lines, will be required to provide power to the proposed facilities. This power will be used to operate the well pump, and for lighting and cannabis cultivation. No air conditioning will be provided to the greenhouses. No alternative sources of electricity are planned to be used for the proposed project.

Solid Waste Management

Annual non-hazardous solid waste generated by project operations is estimated to include:

- 100 pounds of printer paper (peak daily usage of 5 pounds),
- 1 ton of plastic wrap, pallet shrink wrap, and plastic trellises (peak daily usage of 100 pounds),
- 3-4 tons of cultivation greenwaste and 500 pounds of wooden pallets to be disposed of as greenwaste, and
- 20 gallons of 90% isopropyl alcohol (peak daily usage of 0.5 gallons).

All non-hazardous waste will be hauled to the nearest waste disposal facility located in Lakeport.

No hazardous waste generated by project operations will need to be hauled offsite. Such waste will be is expected to include:

- Biological hazards such as powdery mildew and fungus, which can grow on cannabis will be managed using OMRI-certified horticultural oils and greenhouse management practices; any affected product will be added to the compost, and
- Chemical hazards, which will include nutrients (to be delivered through soil amendment and through the irrigation system), and certified organic pesticides.

Wastewater Management

A Stormwater Management Plan (SMP) has been developed by Timberland Resource Consultants (TRC) and submitted to the Waterboard, as well as to Lake County Planning Division. The SMP addresses specific measures and site upgrades that will be performed and the specific locations of those prescriptions. Culvert replacements will be performed at 5 crossing locations (all existing culverts are functioning properly but are undersized for a 100 year storm event). Existing road drainage features help drain the road surface and limit/eliminate potential road sediment delivery. Those features include out-sloping, waterbars and rolling dips, as well as straw wattles.

Additional drainage upgrades are prescribed. Best Management Practices (BMP) will be utilized. Culvert upgrades will be rock armored at both inlets and outlets. Seed free organic straw mulch will be strategically placed to minimize erosion potential as needed and burlap straw wattles shall be placed in strategic locations to aid in the minimization and elimination of erosion.

Stormwater Management

A Stormwater Management Plan (SMP) has been development by Timberland Resource Consultants (TRC) and submitted to the Waterboard. The SMP addresses specific measures and site upgrades that will be performed and the specific locations of those prescriptions. Culvert replacements will be performed at 5 crossing locations (all existing culverts are functioning properly but are undersized for a 100 year storm event). Existing road drainage features help drain the road surface and limit/eliminate potential road sediment delivery. Those features include out-sloping, waterbars and rolling dips. Additional drainage upgrades are prescribed. Best Management Practices (BMP) will be utilized. Culvert upgrades will be rock armored at both inlets and outlets. Seed free organic straw mulch will be strategically placed to minimize erosion potential as needed and burlap straw wattles may be placed in strategic locations to aid in the minimization and elimination of erosion.

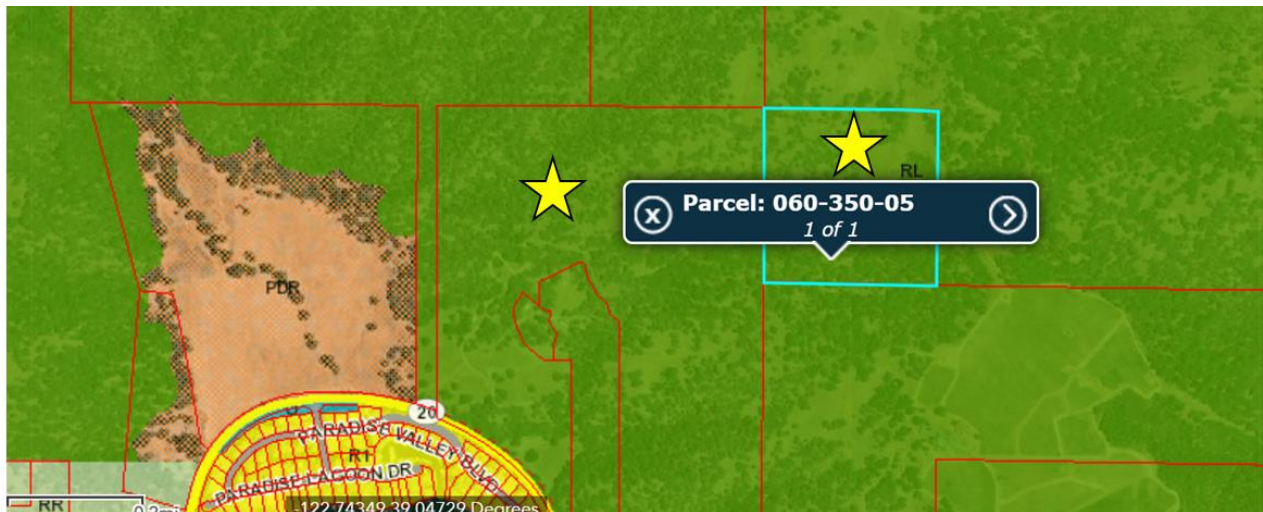
Environmental Treatments

The applicant has included the following environmental commitments, in addition to those described above, to minimize the environmental impacts of project construction and operations:

- Design of greenhouse ventilation fans so that noise levels will not exceed 55 dBA¹ at the property line,
- During the period between when the vines and irrigation equipment is removed from the area to be developed and when the construction starts, this area will be cropped with nitrogen-fixing plants and straw will be applied to minimize erosion.
- Biological hazards, such as mold and fungi on cannabis product, will be rendered unusable and will be placed in a composting area to bio-degrade,
- One employee will be a certified private pesticide applicator and will train other employees on the proper use and application of pesticides,
- All pesticides will be used per manufacturer's directions, as indicated on the label,
- Nutrients and pesticides will be stored in a secure, locked area of the designated storage barn that is clearly labeled with a warning sign barn. Pesticides and isopropyl alcohol (used for cleaning and sterilizing equipment) will be stored in a locked "job" box accessed only by trained employees.
- Exhaust fans will be shut off during pesticide applications until the pesticides have settled, to prevent the exhausting of pesticides,
- Pesticides will not be applied when pollinators are present,
- Drift from pesticide applications will be managed, as outlined above, to prevent drift towards plants attractive to pollinators,
- Pesticides will not be sprayed directly to surface waters and will not be allowed to drift to surface waters. Pesticides will not be applied when winds blow towards nearby surface water bodies,
- Pesticides will not be used within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool on the lot of record or within a 100 foot setback from any identified spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland, or vernal pool,
- Only properly labeled pesticides will be utilized, and

17. *Surrounding Uses.* All properties surrounding the project property are also currently zoned "RL" Rural Lands, with a few lots containing residences, including the owner's home.

FIGURE 1 – ZONING OF SUBJECT SITE AND SURROUNDING LOTS



Source: Material Provided by the Applicant

18. Other public agencies whose approval is required (e.g., Permits, financing approval, or participation agreement). Other organizations in the review process for permitting purposes, financial approval, or participation agreement can include but are not limited to:

- Lake County Department of Environmental Health
- Lake County Air Quality Management District
- Lake County Department of Public Works
- Lake County Sheriff Department
- Lake County Fire Protection District
- Central Valley Regional Water Quality Control Board
- California Water Resources Control Board
- California Department of Food and Agriculture
- 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)

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

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

Lake County sent letters to 11 tribes on October 4, 2021, informing tribes of the proposed project and offering consultation under AB-52. Of the 11 notified Tribes, only the Big Valley and Yocha Dehe Tribes responded, indicating that the project site was located outside of their Tribal area.

The Archaeological Study prepared by WCR Consultants identified a sensitive cultural site on APN: 060-350-05; this is further addressed in “Cultural” and “Tribal” sections of this report.

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

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

DETERMINATION: (To be completed by the lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Initial Study Prepared By Eric Porter, Associate Planner



Date: August 9, 2023

SIGNATURE

Mireya G. Turner, Director
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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 4, 5, 6, 9 |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|------------------------|

- | | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|---------------------|
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2, 3, 4, 9 |
| c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area would the project conflict with applicable zoning and other regulations governing scenic quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 4, 5, 6, 9 |
| d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 4, 5, 6, 9 |

Discussion:

- a) The project parcels are zoned “RL-WW” – Rural Lands - Waterway. The cultivation site portion of the property is flat and surrounded by hilly terrain that will block the view of the cultivation site from the public road and from most neighboring lots. The non-cannabis portion of the lot 05 contains substantial tree coverage, which further blocks the view of the cultivation site from public roads and neighboring lots.

The nearest scenic highway is SR 20, located about 2/3 of a mile southeast of the cultivation area.

The site takes access from High Valley Road, a County gravel road at this location. This road will need to be brought to CalFire road standards as a condition of approval of this use permit (Public Resource Code [PRC] 4290 and 4291). The project however will not adversely damage or impact any scenic vista at this location.

The proposed project would involve the construction of greenhouses and several small buildings on the project property. Therefore, the impact would be less than significant, and no mitigation measures are required.

Less than Significant Impact

- b) The proposed project is not visible from a state scenic highway, would not result in the removal of any trees, and does not contain any rock outcroppings or historic buildings. The proposed project would not substantially damage any scenic resources visible from a state scenic highway, and no mitigation measures are required.

Less than Significant Impact

- c) The proposed project would involve the construction of eighteen greenhouses and several buildings on the cultivation site. The terrain and tree coverage will conceal the cultivation site from most of the neighboring properties, and entirely from Highway 20.

Less Than Significant Impact

- d) Even though the proposed project is located in a rural area of Lake County, it would involve the installation of greenhouse and security lighting, which would be a new source of light in

the area. To reduce this impact to a less-than-significant level, the following mitigation measures are required:

- AES-1: The permit holder will prepare an Outdoor Lighting Plan that meets the lighting recommendations of the International Dark Sky Association, to be found at: <https://www.darksky.org/our-work/lighting>. An Outdoor Lighting Plan shall be submitted to the Lake County Community Development Department for review and approval prior to operation of the facility. All exterior lighting shall be downcast and not visible from neighboring lots or public roads.
- AES-2: Prior to cultivation, all greenhouses and other buildings incorporating artificial lighting that can be seen from outside each building shall be equipped with blackout screening to lessen the impact of such lighting on surrounding parcels and to maintain dark skies.
- AES-3: All cultivation areas shall be screened from view from neighboring lots and public roads by a minimum 6' tall screening fence. Fabric screening is not permitted due to poor durability; the screening may occur by using chain link with slats, or by using solid wood or metal fencing.

Less Than Significant Impact with mitigation measures added

| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 4, 7, 8, 11, 13, 39 |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 3, 4, 5, 7, 8, 11, 13 |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 4, 5, 7, 8, 11, 13 |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 4, 5, 6, 9 |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 4, 5, 7, 8, 11, 13 |

Discussion:

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

- a) The project area consists of two parcels, both of which have a general plan designation of Rural Lands. The land on both parcels is not categorized as Prime farmland, and the properties are not within an Agricultural Protection Zone.

Less Than Significant Impact

- b) The Property is not under a Williamson Act contract and the Project would not interfere with the ability of the owner or neighbors to use the remaining land for more traditional crop production and/or grazing land. None of the neighboring lots are under a Williamson Act contract, and the southeast is a crop-producing lot, but the crops are more than 1000 feet from the cultivation area.

No Impact

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

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

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

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

The applicant has stated that no trees would be removed to accommodate the road widening and the outdoor cultivation / parking / processing areas.

Less Than Significant Impact

- d) The site is not a designated forest-land property and according to the material submitted by the applicant, no trees will be removed by this project.

Less Than Significant Impact

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

Less Than Significant Impact

III. AIR QUALITY

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

Discussion:

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

- a) There are no adopted air quality plans that impact this property. The applicant has provided an Air Quality element to the property management plan that addresses air quality associated with the project. Outdoor cultivation activities are difficult to mask harvest-related odors, however this particular site is located in a sparsely populated area, and distance from sensitive receptors will allow odors to dissipate in part before reaching sensitive receptors in the vicinity. The nearest dwellings are located over 1000 feet to the south and southwest of the site and are not in the prevailing wind direction, which typically comes from the northwest and blows toward the southeast.

Less Than Significant Impact

- b) The Project area is in the Lake County Air Basin, which is designated as in attainment for state and federal air quality standards for criteria pollutants (CO₂, SO₂, NO_x, O₃, PM₁₀, PM_{2.5}, VOC, ROG, Pb). Any Project with daily emissions that exceed any of the thresholds of significance for these criteria pollutants should be considered as having an individually and cumulatively significant impact on both a direct and cumulative basis.

As for cannabis cultivation, the most likely particulates are CO₂ emissions from vehicles. According to the EPA, vehicles emit on average 404 grams of CO₂ emissions per vehicle mile. According to the Property Management Plan, the project will have up six trips per day during peak harvest season including deliveries. The cultivation site is located about 4 miles from Clearlake Oaks, the nearest population base and the place most likely to have employees residing that would share a van to the site during harvest time.

The growing season is typically up to 6 months long for outdoor cultivation with harvesting occurring during the last month of the season and can be year-round with greenhouse cultivation. The applicant did not provide the number of temporary or full-time employees for Hypnotic Farms; there for staff is assuming 3 temporary employees. These employees would most likely drive 4 miles each way (24 miles per day), and assuming that the operations will occur Monday through Saturday for six month during cultivation (outdoor) and twelve months (greenhouse), total annual trip miles traveled would be about 6,912 miles. It is probable that at least one delivery per week would occur, and would likely originate from Clear Lake or located about five miles from the site. Total annual trip-miles are projected to be about 7,432 miles including deliveries.

A vehicle emits an average of 404 grams of CO₂ emissions per vehicle mile traveled. Assuming 7,432 vehicle miles per year, a total of 3,002,528 grams of CO₂ emissions will likely result annually, or 3.002 tons of CO₂ emissions per year.

Lake County does not have a significance threshold for CO₂ emissions and uses the Bay Area Air Quality Management District's (BAAQMD) significance threshold of 1,100 tons *per project* as a significance baseline. If the project produces 3.002 tons of CO₂ emissions per year, it would take over 366 years for this project to meet the significance threshold used by BAAQMD and Lake County.

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

Comparison of Daily Construction Emissions Impacts with Thresholds of Significance

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

Comparison of Daily Operational Emissions Impacts with Thresholds of Significance

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

Comparison of Annual Operational Emissions Impacts with Thresholds of Significance

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

Less than Significant Impact

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

There are no schools, parks, childcare centers, convalescent homes, or retirement homes located in proximity to the Project site. The nearest off-site residences are over 1,000 feet from the Project site, well over the 200-foot setback for offsite residences from commercial cannabis cultivation as described in Article 27.13 of the Lake County Zoning Ordinance.

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

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

- AQ-1: Prior to obtaining the necessary permits and/or approvals for any phase, applicant shall contact the Lake County Air Quality Management District (LCAQMD) and obtain an Authority to Construct (A/C) permit for all operations and for any diesel-powered equipment and/or other equipment with potential for air emissions.

- AQ-2: All mobile diesel equipment used must be in compliance with state registration requirements. Portable and stationary diesel-powered equipment must meet all federal, state, and local requirements, including the requirements of the State Air Toxic Control Measures for compression ignition engines. Additionally, all engines must notify LCAQMD prior to beginning construction activities and prior to engine use.
- AQ-3: The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the LCAQMD such information in order to complete an updated Air Toxic emission Inventory.
- AQ-4: All vegetation during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, including waste material is prohibited.
- AQ-5: The applicant shall have the primary access and parking areas surfaced with chip seal, asphalt, or an equivalent all weather surfacing to reduce fugitive dust generation. The use of white rock as a road base or surface material for travel routes and/or parking areas is prohibited.
- AQ-6: All areas subject to infrequent use of driveways, overflow parking, etc., shall be surfaced with gravel, chip seal, asphalt, or an equivalent all weather surfacing. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations.

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

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

Less than Significant Impact

IV. BIOLOGICAL RESOURCES

| Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|--------------------------------|--|------------------------------|-----------|---------------|
|--------------------------------|--|------------------------------|-----------|---------------|

Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

2, 5, 11, 12, 13, 16, 24, 29, 30, 31, 32, 33, 34, 45

- | | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 4, 5, 11, 12, 13, 16, 17, 29, 30, 31, 32, 33, 34, 45 |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 3, 4, 5, 11, 12, 13, 16, 17, 21, 24, 29, 30, 31, 32, 33, 34, 45 |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13 |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 4, 5, 11, 12, 13 |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 3, 5, 6 |

Discussion:

- a) A Botanical Survey (Survey) of the project site parcels was prepared for the project by Michael Weldon, Consulting Biologist and is dated July 19, 2021. The Survey concluded that there were no listed botanical taxa observed on the site and made no recommendations for mitigation.

Further, a Biological Survey was prepared for the site by Naiad Biological Consulting and dated February 5, 2021. The Biological Survey made several recommendations that essentially required adherence to the submitted maps and Plans for this project. The biologist recommended that all water courses be avoided, which is consistent with the plans submitted and required by Article 27.13(at). The biologist recommended the use of straw wattles (included on the plans submitted, silt fences and berms to inhibit stormwater runoff). The biologist also recommended a Botanical Survey be done, which was prepared and submitted yielding negative results. The biologist also recommended that any ground disturbance occur during non-nesting seasons (September 1 to January 31), however County rules prohibit ground movement (grading) during rainy months. Lastly, there were no observed special status animal species observed on the site.

Widening the project site's existing driveway and clearing brush and grass for defensible space will cause the need for a grading permit, however no trees are proposed to be removed, and may be limbed up to a height of eight feet for fire prevention purposes.

The following mitigation measures will help reduce potential impacts on Biological Resources to less than significant levels.

- BIO-1: The buffers and setbacks identified in the Biological Report, and throughout the associated maps, shall be respected when carrying on with the project plan as a measure to protect sensitive habitats and special-status species that may reside within these habitats. Cultivating cannabis in other locations not defined in the Biological Report, protocol level surveys shall be required prior to ground disturbance in specific locations in order to more accurately establish the project sites required setbacks from watercourse and delineated wetland features.
- BIO-2: During the development of this project best management practices (BMPs) shall be used to prevent sediment, fuels or contaminants from entering the surrounding terrestrial and aquatic environments. The implementation of BMPs will be dependent on the project construction methods. Best Practicable Treatment or Control (BPTC) and BMPs have been listed in Appendix F for the client's reference when proceeding with any land development associated with the project assessed in this Report.
- BIO-3: Migratory bird nesting season occurs between February 1 and August 31. If project construction methods result in a sufficient amount of noise from the use of machinery, then construction occur between September 1 and January 31 in order to avoid disturbance to migratory nesting birds. This is also dependent on the location of project development and the projects proximity to nesting bird habitat, such as the riparian corridors identified within the Study Area. If construction is proposed to occur within the migratory bird nesting season (February 1 and August 31), then a biologist survey for nesting birds within the proximity of the project area within a couple weeks (approximately 14 days) prior to the project construction and prior to any vegetation removal. This shall be done as a measure to investigate if any migratory, or nonmigratory, birds have constructed nests in any of the trees within a proximity to the project that may be impacted by noise disturbance.

Less Than Significant Impact with mitigation measures added

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

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

As established in the Property Management Plan, the project would be setback a minimum of 100 feet from the top of the bank of any water bodies, including all unnamed watercourses. Additionally, the project proposes to install straw wattles around the cultivation site to reduce sediment movement and runoff from the cultivation site to protect watercourses and waterbodies, as well as maintain natural vegetation buffers between the watercourses and the cultivation site and apply a native grass seed mixture and certified weed-free straw mulch to all areas of exposed soil. All purchased products including chemicals, fertilizers/nutrients, pesticides, petroleum products and sanitation products will

all be kept in their manufactures original containers/packaging and stored a minimum of 100 feet from all designated surface water areas, including the Class III jurisdictional watercourses and ditch-relief Class IV features. All fertilizers/nutrients and pesticides, when not in use, are stored in their manufacturer's original containers/packaging and undercover inside the secure processing facility. Petroleum products are stored under cover and in State of California-approved containers with secondary containment and will be stored within the storage container. Sanitation products are stored in their manufacturer's original containers/packaging within a secure cabinet inside the existing processing facility. Spill containment and cleanup equipment will be maintained within the processing facility. All employees will be trained to properly use all equipment according to the manufacturer's procedures. All pouring activities of any products will take place on gravel and within a secondary containment. Adherence to these best management practices for the storage, use, and disposal of hazardous materials as established in the Project Management Plan and in accordance with applicable State and local regulations would reduce the chances for spills that could migrate to jurisdictional watercourses.

Less than Significant Impact

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

No Impact

- d) The BA conducted identified two unnamed Class III watercourses within the project site. However, all project activities would be setback a minimum of 100 feet from the top of the bank of any water bodies, including all unnamed watercourses and best management practices for the prevention of impacts to such waterways have been included as project features in the project's Property Management Plan consistent with State and local regulations. Additionally, as discussed in response to checklist question IV(a), Kelsey Creek is located offsite and down a steep slope. Due to the separation distance and the steep terrain, it is unlikely that any frogs would migrate to the top of the ridge as no estivation habitat suitable for amphibian habitat exists there. Implementation of the Project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

The project site does not provide significant wildlife habitat or movement corridors and the project would not alter or impact wildlife access to or use of surrounding areas that may provide such habitat or corridors. With regard to nesting birds, mitigation measure BIO-2 would ensure that the project would not impede the use of native wildlife nursery sites.

Less than Significant Impact

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

Less Than Significant Impact

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

No Impact

V. CULTURAL RESOURCES

| | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|--|--------------------------------|--|------------------------------|--------------------------|-------------------------|
| Would the project: | | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 11, 14c, 15 |
| b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 11, 14, 15 |
| c) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 11, 14, 15 |

Discussion:

- a) A Cultural Resource Assessment was prepared for this project by William Rich, Archaeologist and owner of William Rich & Associates, Inc., and dated April 2021. A second study was done previously by Wolf Creek Archaeological Services, dated August 15, 2020, but this first survey only covered a portion of APN: 060-350-04 and did not consider APN: 060-350-05.

The “Rich” Assessment indicated that a recent prehistoric site was found during the survey on APN: 060-350-05, and that it needed to be mapped and avoided. The identified site was outside of the cannabis cultivation boundary. The site is identified in the Assessment as being WRA-01 (the Arellano Site).

The Assessment references Sonoma State’s CHRIS Department comments, indicating that a previous survey was conducted for this site, and several surveys of the sites had been conducted previously. One of the older surveys lists site P-17-001149 as being potentially historic with lithic scatter being discovered, however Mr. Rich determined that this site was mis-mapped and is actually located on the next terrace downslope well outside of the project area. The Study then states that multicomponent archaeological site P-17-000920, a larger site containing the ancestral Pomo village of Patolkaleo and the historic-period Henry Alter homestead and grave, is located along the southern property boundary, adjacent to and encompassing part of the State Route 20 corridor. This site is approximately 3,175 feet (967 meters) southwest of the proposed cultivation area and is bisected by the property driveway entrance project access road.

The Study then states that newly identified site, WRA-01 (Arellano Site), is located immediately adjacent to the proposed cultivation area at APN 060-350-005 and designated as an ESA on the site design map (see Rich Archaeological Study, Figure 3; Appendix A). Directly north of the west half of the site, 18 cultivation greenhouses are proposed for construction on an infilled

earthen foundation. The area directly west of the archaeological site is proposed for outdoor, full-sun cannabis cultivation. An existing two-track dirt road bisecting this site is proposed for use as an equipment access road. Additionally, a well is proposed to be drilled within the archaeological site boundaries.

Specific recommendations in the Study for WRA-01 (Arellano Site) include:

- This archaeological site should generally be avoided until further archaeological testing, evaluations and mitigation can address potential impacts.
- The existing road that bisects the site should only be used if improved with imported base rock, suitable fill, or other material to cover the road surface. No grading, widening, or other ground disturbances of the road surface should occur.
- Proposed well-drilling within the site should only occur while being observed by a qualified cultural resources monitor. Ground disturbance should be minimized to only the excavation of the bore hole. Monitoring should be focused on recovering any important information regarding depth of soil horizons, cultural constituents, etc. A monitoring report should be completed and filed with the Northwest Information Center.

Notification of the Project was sent to all eleven local tribes on October 4, 2021. The Community Development Department received comments from the Big Valley Tribe and the Yocha Dehe Tribe. In an email dated October 4, 2021, the Big Valley Tribe deferred to the Elem Colony. In a letter dated October 15, 2021, the Yocha Dehe Tribe also deferred to the Elem Colony and the Upper Lake Habematolel Tribe, who represents the Elem Colony. On August 9, 2023, staff notified the Upper Lake Habematolel Tribe of the continuance of the review on this project and offered consultation.

Lake County is rich in tribal heritage, and there is some potential for this site to have undiscovered tribal resources, artifacts or remains on the property that may be inadvertently discovered during site disturbance. There is an identified sensitive site on APN 04 that will require avoidance. Because of this, the County routinely requires certain mitigation measures that related to Cultural and Tribal resources as follows:

- CUL-1: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the applicant shall notify the culturally affiliated Tribe, and a qualified archaeologist to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, the applicant shall notify the Sheriff's Department, the culturally affiliated Tribe, and a qualified archaeologist for proper internment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.
- CUL-2: All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the culturally affiliated Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds.

- CUL-3: Should human remains be uncovered during ground-disturbing activities, all construction shall halt within 50 feet of the find and the County Coroner shall be notified immediately. Compliance with Section 15064.5 (e) (1) of the CEQA Guidelines and Health and Safety Code Section 7050.5 shall be required. If the coroner determines that the remains are Native American, the coroner shall ask the NAHC to identify a Most Likely Descendant, who will work with the construction contractor, agency officials, and a qualified professional archaeologist to determine an appropriate avoidance strategy or other treatment plan. Project-related ground disturbance in the vicinity of the find shall not resume until the process detailed in CEQA Guidelines Section 15064.5 (e) has been completed.
- CUL-4: Prior to cultivation, the applicant shall retain a professional archaeologist to update the conditions of the site by mapping the WRA-01 (Arellano Site) on site as an avoidance measure and reporting this mapping to the Office of Historic Preservation's DPR 523 resource recordation forms to reflect the sensitive site on the subject property.

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

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

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

- b) No previously identified human remains within the project area were recorded on cultural resources databases and none were observed during the survey of the project site. The Study references a historic gravesite in the vicinity, however the grave site is located well outside the cultivation area. Mitigation measures CUL-1 through CUL-4 would ensure that human remains are respectfully re-interred if they are discovered during site disturbance, and that proper Tribal protocols for notification and interment are followed and would reduce potential impacts to less-than-significant levels.

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

VI. ENERGY

| | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|---|--------------------------------|--|-------------------------------------|--------------------------|---------------|
| Would the project: | | | | | |
| a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resource, during construction or operation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5 |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5 |

Discussion:

- a) For operation of the proposed project, power from PG&E would be provided to the greenhouses, the well pump, security lighting, and the dwelling. There are no grid capacity issues at this location, and it is likely that at least one additional 200 amp service will be necessary, bringing the total on-site amperage to 400 (the house is already served by on-grid power).

The use of electricity to power the well pump and the cannabis operations would not result in significant environmental impacts due to the wasteful, inefficient, or unnecessary consumption of energy resources. The project will use LED lighting for all interior lights in the greenhouses will be equipped with an interior frame and curtain system to retain heat and eliminates the need to condition the greenhouses, and because monthly energy use will be tracked. The impact is considered less than significant.

- b) Project operations would rely on electricity provided by PG&E, which is required to comply with California Renewable Energy Portfolio Standard, which requires that 60% of the state's electricity to come from renewable sources by 2030 and all of the state's electricity to come from renewable sources by 2045 (California Public Utilities Commission 2021). Therefore, this impact is considered less than significant, and no mitigation measures are required.

Less Than Significant Impact

VII. GEOLOGY AND SOILS

| | | | | |
|--------------------------------|--|------------------------------|-----------|---------------|
| Potentially Significant Impact | Less Than Significant With Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|--------------------------------|--|------------------------------|-----------|---------------|

Would the project:

- | | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------------|
| a) Directly or indirectly cause potentially substantial adverse effects, including the risk of loss, injury, or death involving: | | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 4, 5, 18, 19 |
| ii) Strong seismic ground shaking? | | | | | |
| iii) Seismic-related ground failure, including liquefaction? | | | | | |
| iv) Landslides? | | | | | |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 19, 21, 24, 25, 30 |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 5, 6, 9, 18, 21 |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5, 7, 39 |

- | | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-----------------------|
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2, 4, 5, 7, 13, 39 |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 4, 5, 14, 15 |

Discussion:

a) Earthquake Faults (i)

No earthquake faults are mapped on the subject site; the nearest mapped fault is the Clover Valley fault, located about 8/10 of a mile from the cultivation site. This site is not overly prone to earthquake-related activity due to its location.

Landslides (iv)

The cultivation site contains type 178 “Millsholm-Bressa-Hopland association”, 30 to 50% slope soil, and is located on a high portion of the property; it is highly unlikely that landslides will impact this project given the direction of slope, the lack of slope on the cultivation site, and the soil on the site, which is not classified as being unstable and prone to landslides. This soil association is prone to rapid runoff due primarily to the slopes that typify this soil classification, and to a rapid rate of erosion. The applicant has prepared and submitted an engineered Drainage and Erosion Control plan that will be followed during site preparation and over the life of the project.

Less Than Significant Impact

- b) The cultivation site is flat, and minimal grading would be required to construct the project features. While the processing building will be constructed on concrete foundations, relatively little earth movement is required for this project. Because less than 500 cubic yards of soil movement are required, the County has determined that only a simple grading permit from Lake County may be required for this project.

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

Less Than Significant Impact

- c) The proposed project would involve the construction of eighteen greenhouses and a processing building that will require concrete foundation. The portion of the site where the buildings will be located is flat, and thus does not present a risk of instability. The soil in the areas to be developed with cultivation facilities is Type 178, which is listed as well drained, with a drainage class of medium, and is not generally subject to expansion. This impact is considered less than significant and no mitigation is required.

Less Than Significant Impact

- d) Type 178 soil is not prone to expansion according to the USDS Soil Survey for Lake County.

No Impact

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

No Impact

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

Less Than Significant Impact

VIII. GREENHOUSE GAS EMISSIONS

| | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|--|--------------------------------|--|-------------------------------------|--------------------------|----------------|
| Would the project: | | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 36 |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 36 |

Discussion:

- a) In general, greenhouse gas emissions from construction activities include the use of construction equipment, trenching, landscaping, haul trucks, delivery vehicles, and stationary equipment (such as generators, if any are used). Given that the project site area is flat and will require very minimal grading, greenhouse gas emissions resulting from construction would be from building pad preparation; deliveries, employee trips to and from the site during construction.

The webpage for the California Air Quality Resource (URL <https://ww2.arb.ca.gov/>) lists a chart showing 18 air emissions and gasses that have global warming potential. Each type of gas has identified thresholds of 'significance' that range from 1 (CO₂) to 23,900 (Tetrafluoromethane). Gasses also have impact durations. CO₂ has no measurable life-span of impacts; other gasses such as Tetrafluoromethane (PFC-14) can impact the environment for as long as 50,000 years.

As for cannabis cultivation, the most likely particulates are CO₂ emissions from vehicles. According to the EPA, vehicles emit on average 404 grams of CO₂ emissions per vehicle mile. According to the Property Management Plan, the project will have up six trips per day during peak harvest season including deliveries. The cultivation site is located about 4 miles from Clearlake Oaks, the nearest population base and the place most likely to have employees residing that would share a van to the site during harvest time.

The growing season is typically up to 6 months long for outdoor cultivation with harvesting occurring during the last month of the season and can be year-round with greenhouse cultivation. The applicant did not provide the number of temporary or full-time employees for Hypnotic Farms; there for staff is assuming 3 temporary employees. These employees would most likely drive 4 miles each way (24 miles per day), and assuming that the operations will occur Monday through Saturday for six month during cultivation (outdoor) and twelve months (greenhouse), total annual trip miles traveled would be about 6,912 miles. It is probable that at least one delivery per week would occur, and would likely originate from Clear Lake or located about five miles from the site. Total annual trip-miles are projected to be about 7,432 miles including deliveries.

A vehicle emits an average of 404 grams of CO₂ emissions per vehicle mile traveled. Assuming 7,432 vehicle miles per year, a total of 3,002,528 grams of CO₂ emissions will likely result annually, or 3.002 tons of CO₂ emissions per year.

Lake County does not have a significance threshold for CO₂ emissions and uses the Bay Area Air Quality Management District's (BAAQMD) significance threshold of 1,100 tons per project as a significance baseline. If the project produces 3.002 tons of CO₂ emissions per year, it would take over 366 years for this project to meet the significance threshold used by BAAQMD and Lake County.

Lake County does not have a significance threshold for CO₂ emissions and uses the Bay Area Air Quality Management District's (BAAQMD) significance threshold of 1,100 tons per project as a significance baseline. If the project produces 3.98 tons of CO₂ emissions per year, it would take about 276 years for this project to meet the significance threshold used by BAAQMD and Lake County.

- b) Lake County does not have a significance threshold for CO₂ emissions and uses the Bay Area Air Quality Management District's (BAAQMD) significance threshold of 1,100 tons per project as a significance baseline. As stated in "a)" above, this project is projected to generate about 3.002 tons of CO₂ emissions per year, which is well below any significance levels established by the Bay Area Air Quality Management District, and used by the Lake County Air Quality Management District.

Less than Significant Impact

- c) For purposes of this analysis, the Project was evaluated against the following applicable plans, policies, and regulations:
- The Lake County General Plan
 - The Lake County Air Quality Management District
 - AB 32 Climate Change Scoping Plan
 - AB 1346 Air Pollution: Small Off-Road Equipment

Policy HS-3.6 of the Lake County General Plan on Regional Agency Review of Development Proposals states that the "County shall solicit and consider comments from local and regional agencies on proposed projects that may affect regional air quality. The County shall continue to submit development proposals to the Lake County Air Quality Management District for review and comment, in compliance with the California Environmental Quality Act (CEQA) prior to consideration by the County." The proposed Project was sent out for review from the LCAQMD and the only concern was restricting the use of an onsite generator to emergency situations only.

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

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

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

Less than Significant Impact

IX. HAZARDS AND HAZARDOUS MATERIALS

| | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|---|
| Would the project: | | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1, 3, 5, 13, 21, 24, 29, 31, 32, 33, 34 |
| b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 5, 13, 21, 24, 29, 31, 32, 33, 34 |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 5 |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2, 40 |

- | | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|----------------------------|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 3, 4, 5, 20, 22 |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 20, 22, 35, 37 |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 20, 35, 37 |

Discussion

- a) This proposal will use organic pest control and fertilizers. This will significantly limit potential environmental hazards that would otherwise result. Fertilizers and pesticides will be kept in their original containers inside a locked and secure shed, and will consist of organic fertilizers and pesticides, which are required to maintain the chemical integrity of the cannabis flowers.

Cannabis waste is required to be chipped and disbursed on site; burning cannabis waste is prohibited.

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

Less Than Significant Impact

- b) The construction and operation of the proposed project would involve the use of a limited amount of organic chemicals. These activities could create a hazard to the public or the environment through the accidental release of these chemicals into the environment. All fertilizers and pesticides shall be kept in their original containers, and stored in a lockable building on site. No chemicals shall be used during windy days; this is a typical condition of approval that is added to cannabis cultivation activities.

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

Less than Significant Impact

- c) There are no schools located within one-quarter mile of the proposed Project site.

No Impact

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

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

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

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

No Impact

- e) The Project site is located about 15 miles from the nearest public airport or public use airport (Lampson Field). Lampson Field is administered by the Lake County Airport Land Use Commission, which has not adopted an Airport Land Use Compatibility Plan. There will be no hazard for people working in the Project area from a public airport or public use airport.

No Impact

- f) Construction of the proposed project would involve the movement of construction materials to and from the site. Operation of the proposed project would involve only occasional additional traffic to the project site for materials delivery and product shipments, but this would be similar to the activity associated with the ongoing agricultural activities occurring on the neighboring eastern site. The interior driveway will need to meet PRC 4290 and 4291 road standards, which will improve the internal circulation. Big Valley Road is a paved County road that connects with Highway 20 in Clearlake Oaks.

Less than Significant Impact

- g) The project site is located in an area designated as SRA High Fire risk on the County's GIS mapping program. The proposed project would have forty-four 5,000 gallon water tanks, several of which are to be used for fire suppression if needed.

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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 5, 6, 29, 30 |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 5, 6, 29, 30 |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would: | | | | | |
| i) Result in substantial erosion or siltation on-site or off-site; | | | | | |
| ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 5, 6, 7, 15, 18, 29, 32 |
| iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or | | | | | |
| iv) Impede or redirect flood flows? | | | | | |
| d) In any flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 5, 6, 7, 9, 23, 32 |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 5, 6, 29 |

Discussion:

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

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

- Established and re-established vegetation within and around the proposed cultivation operation will be maintained/protected as a permanent erosion and sediment control measure.
- A native grass seed mixture and certified weed-free straw mulch will be applied to all areas of exposed soil prior to November 15th of each year, until permanent stabilization has been achieved.

- Gravel will be applied to the surfaces of access roads, pathways, and the aisles between the garden beds/pots of the proposed cultivation areas, to allow for infiltration while mitigating the generation of sediment laden stormwater runoff.
- Straw rolls/wattles will be installed before November 15th of each year throughout the proposed cultivation operation per the Project's engineered Erosion and Sediment Control Site Plan, to filter pollutants and promote stormwater retention and infiltration.
- If areas of concentrated stormwater runoff begin to develop, additional erosion and sediment control measures will be implemented to protect those areas and their outfalls

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

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

Less Than Significant Impact

- b) Due to exceptional drought conditions, the Lake County Board of Supervisors passed an Urgency Ordinance (Ordinance 3106) on July 27, 2021, requiring land use applicants to provide enhanced water analysis during a declared drought emergency. Ordinance 3106 requires that all project that require a CEQA analysis of water use include the following items in a Hydrology Report prepared by a licensed professional experienced in water resources:
- Approximate amount of water available for the project's identified water source,
 - Approximate recharge rate for the project's identified water source, and
 - Cumulative impact of water use to surrounding areas due to the project

Water Analysis

A Technical Memorandum (referred to as "Water Analysis" in this report) was prepared by Northpoint Consulting, Annje Dodd, PhD and P.E. for the project. The Water Analysis is dated November 29, 2021.

Projected (project-related) water usage is estimated to be 906,000 gallons per year or about 2.78 acre feet. Water for irrigation will be supplied by two existing permitted wells located on APN 060-350-05. Well tests on each well showed a yield of 55 gallons per minute (GPM) combined. Total drawdown during the four hour pump test varied; well 1 dropped a total of 79 feet; well 2 dropped a total of 133 feet. Both wells recovered to 100% after a 24-hour shutdown period.

Water will be pumped into forty-four 5,000 gallon water tanks that are adjacent to the cultivation site. One or two of the water tanks will be used for fire suppression, and will be to CalFire specifications for fire usage.

The Water Analysis indicates that the water basin is outside of the High Valley Groundwater Basin no. 5-16. The site is located between this water basin and Clear Lake.

The aquifer capacity is not stated in the Water Analysis, however the recharge rate of the aquifer is identified. The total recharge area is determined to be 93.8 acres in size. The recharge amount during drought years is 15.0 acre feet per year. The recharge amount during non-drought years is 17.8 acre-feet per year. The project will use about 2.75 acre-feet of water per year. The Water Analysis concludes that “(o)verall, approximately ± 0.36 inches of rainfall would need to infiltrate into the recharge area’s groundwater table to meet the project’s demand. There appears to be sufficient recharge potential to meet the project’s demand during both average and dry years.”

Less Than Significant Impact

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

The applicant has provided an engineered Drainage and Erosion Control plan that shows Best Management Practices by channelling the stormwater into a confined area, and allowing stormwater to infiltrate the soil within the cultivation area boundary.

This is particularly important given that the Type 178 soil is prone to rapid runoff and erosion, in part due to the slopes normally associated with this soil type.

The following mitigation measure is added to assure that the project’s stormwater will be contained on site and will not channel into an existing water source.

- HYD-1: The applicant shall adhere to the engineered Drainage and Erosion Control Plan submitted during construction and for the life of the project. The Drainage and Erosion Control Plan was prepared by OurEvolution Engineering and is undated.

Less Than Significant Impact with Mitigation Incorporated

- d) The Project site is not located in a mapped flood plain, and there are no histories of seiches or tsunamis in Lake County.

No Impact

- e) The Project Property is located within the Sacramento River Basin. The Water Quality Control Plan for the California Regional Water Quality Control Board Central Valley Region (Basin Plan) is applicable to the Sacramento River Basin, as well as the San Joaquin River Basin. The State Water Resource Control Board’s Cannabis General Order (2019-001-DWQ) adheres to water quality and management standards identified and outlined within the Basin Plan. Compliance with the Cannabis General Order will ensure that the project does not conflict with or obstruct implementation of a water quality control plan. There are no water quality control plans or sustainable groundwater management plans in place for this site.

Less than Significant Impact

XI. LAND USE PLANNING

| Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|--------------------------------|--|------------------------------|-----------|---------------|
|--------------------------------|--|------------------------------|-----------|---------------|

Would the project:

- | | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|----------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 3, 5, 6 |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 20, 21, 22, 27 |

Discussion:

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

No Impact

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

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

Less than Significant Impact

XII. MINERAL RESOURCES

| Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|--------------------------------|--|------------------------------|-----------|---------------|
|--------------------------------|--|------------------------------|-----------|---------------|

Would the project:

- | | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|----------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 3, 4, 5, 26 |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 3, 4, 5, 26 |

Discussion:

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

No Impact

- b) According to the California Geological Survey's Aggregate Availability Map, the Project site is not within the vicinity of a site being used for aggregate production. In addition, the site not delineated on the County of Lake's General Plan, the Shoreline Communities Area Plan nor the Lake County Aggregate Resource Management Plan as a mineral resource site. Therefore, the project has no potential to result in the loss of a local mineral resource site.

No Impact

XIII. NOISE

| | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|------------------------|
| Would the project: | | | | | |
| a) Result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 13 |
| b) Result in the generation of excessive ground-borne vibration or ground-borne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 13 |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 3, 4, 5, 11, 14, 15 |

Discussion:

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

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

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

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

- NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00 a.m. and 7:00 p.m., and Saturdays from 12:00 noon to 5:00 p.m. to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.
- NOI-2: Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00 a.m. to 10:00 p.m. and 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.

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

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

The Project would not generate ground-borne vibration or noise, except potentially during the construction phase from the use of heavy construction equipment. The Project is not expected to employ any pile driving, rock blasting, or rock crushing equipment during construction activities, which are the primary sources of ground-borne noise and vibration during construction. As such, the Project is not expected to create unusual groundborne vibration due to site development or facility operation.

Less Than Significant Impact

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

No Impact

XIV. POPULATION AND HOUSING

| | | | | |
|--------------------------------|--|------------------------------|-----------|---------------|
| Potentially Significant Impact | Less Than Significant With Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|--------------------------------|--|------------------------------|-----------|---------------|

Would the project:

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

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? 1, 3, 4, 5

Discussion:

- a) The Project is not anticipated to induce significant population growth to the area. The increased employment will be three (3) fulltime and five (5) seasonal employees. The three full-time employees will live in the existing house on site; the seasonal employees will vanpool to the site.

No Impact

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

No Impact

XV. PUBLIC SERVICES

| Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|--------------------------------|--|------------------------------|-----------|---------------|
|--------------------------------|--|------------------------------|-----------|---------------|

Would the project:

- | | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|---|
| a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 4, 5, 20, 21, 22, 23, 27, 28, 29, 32, 33, 34, 36, 37 |
| 1) Fire Protection? | | | | | |
| 2) Police Protection? | | | | | |
| 3) Schools? | | | | | |
| 4) Parks? | | | | | |
| 5) Other Public Facilities? | | | | | |

Discussion:

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

- *Fire Protection.* Lake County Fire Protection District; CAL FIRE
- *Police Protection.* Lake County Sheriff's Department
- *Schools and Parks.* No impact.

- *Other Public Facilities.* No change to public roads are requested and none appear to be needed; the interior driveway is private, and is required to comply with PRC 4290 and 4291 regulations for fire safety reasons. Power demand of the project is minimal and can be accommodated by on-grid power (up to 400 additional amps is anticipated). No other public facilities will be impacted by this project.

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

Less than Significant Impact

XVI. RECREATION

| | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|--|--------------------------------|--|------------------------------|-------------------------------------|---------------|
| Would the project: | | | | | |
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 3, 4, 5 |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 3, 4, 5 |

Discussion:

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

No Impact

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

No Impact

XVII. TRANSPORTATION

| | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|--|--------------------------------|--|-------------------------------------|--------------------------|-----------------------------------|
| Would the project: | | | | | |
| a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 9, 20, 22, 27, 28, 35 |
| b) For a land use project, would the project conflict with or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)(1)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 9, 20, 22, 27, 28, 35 |

| | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|---|
| c) For a transportation project, would the project conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(2)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 3, 4, 5, 9, 20, 22, 27, 28, 35 |
| d) Substantially increase hazards due to geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 3, 4, 5, 9, 20, 22, 27, 28, 35 |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 9, 20, 22, 27, 28, 35 |

Discussion:

- a) The project would be accessible from an existing private, gravel driveway off of High Valley Road, an existing gravel and dirt public road. No transit, bicycle, or pedestrian facilities exist within the vicinity of the project site.

The growing season is typically up to 6 months long for outdoor cultivation with harvesting occurring during the last month of the season and can be year-round with greenhouse cultivation. Assuming 3 temporary employees driving 1 mile each way (6 miles per day), and assuming that the operations will occur Monday through Thursday for two months during peak harvest season, total annual trip miles traveled would be about 192 miles. It is probable that at least one delivery per week would occur and would likely originate from Clear Lake or located about five miles from the site. Total annual trip-miles are projected to be about 240 miles including deliveries.

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

Less than Significant Impact

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

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

The County has not formally adopted transportation significance thresholds. As a result, the project-related VMT impacts were assessed based on guidelines described by the California Office of Planning and Research (OPR) in the publication *Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory*, 2018. The OPR Technical Advisory identifies several criteria that may be used to identify certain types of projects that are unlikely to have a significant VMT impact and can be “screened” from further analysis.

One of these screening criteria pertains to small projects, which OPR defines as those generating fewer than 110 new vehicle trips per day on average. OPR specifies that VMT should be based on a typical weekday and averaged over the course of the year to take into consideration seasonal fluctuations. The estimated trips per day for the proposed Project will be under the 110 trip threshold for significance by the State.

The proposed Project would not generate or attract more than 110 trips per day, and therefore it is not expected for the Project to have a potentially significant level of VMT.

Less than Significant Impact

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

No Impact

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

Less Than Significant Impact

- d) The proposed Project would not alter the physical configuration of the existing roadway network serving the area and will have no effect on access to local streets or adjacent uses (including access for emergency vehicles). Internal gates and roadways shall meet CALFIRE requirements for vehicle access according to PRC §4290, including adequate width requirements. Furthermore, as noted above under impact discussion (a), increased project-related operational traffic would be about 50 trips per day plus occasional delivery trips; this amount does not meet any 'level of significance' and is considered to have a less-than-significant impact. The proposed Project would not inhibit the ability of local roadways to continue to accommodate emergency response and evacuation activities, and the interior roadway will be improved to meet CAL FIRE commercial driveway standards, including emergency on-site turn arounds. The proposed Project would not interfere with the City's adopted emergency response plan.

Less than Significant Impact

XVIII. TRIBAL CULTURAL RESOURCES

| | | | | |
|--------------------------------|--|------------------------------|-----------|---------------|
| Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|--------------------------------|--|------------------------------|-----------|---------------|

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)?

| | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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 Resources Evaluations (CRE) for the proposed cultivation Project was prepared for this project by William Rich, Rich and Associates and dated April 2021. A pedestrian field survey of a 50 acre portion of the Project area was conducted for the CRE, and yielded negative results.

The Study references Sonoma State’s CHRIS Department comments, indicating that a previous survey was conducted for this site, and several surveys of the sites had been conducted previously. One of the older surveys lists site P-17-001149 as being potentially historic with lithic scatter being discovered, however Mr. Rich determined that this site was mis-mapped and is actually located on the next terrace downslope well outside of the project area. The Study then states that multicomponent archaeological site P-17-000920, a larger site containing the ancestral Pomo village of Patolkaleo and the historic-period Henry Alter homestead and grave, is located along the southern property boundary, adjacent to and encompassing part of the State Route 20 corridor. This site is approximately 3,175 feet (967 meters) southwest of the proposed cultivation area and is bisected by the property driveway entrance project access road.

The Study then states that newly identified site, WRA-01 (Arellano Site), is located immediately adjacent to the proposed cultivation area at APN 060-350-005 and designated as an ESA on the site design map (see Rich Archaeological Study, Figure 3; Appendix A). Directly north of the west half of the site, 18 cultivation greenhouses are proposed for construction on an infilled earthen foundation. The area directly west of the archaeological site is proposed for outdoor, full-sun cannabis cultivation. An existing two-track dirt road bisecting this site is proposed for use as an equipment access road. Additionally, a well is proposed to be drilled within the archaeological site boundaries.

Specific recommendations in the Study for WRA-01 (Arellano Site) include:

- This archaeological site should generally be avoided until further archaeological testing, evaluations and mitigation can address potential impacts.
- The existing road that bisects the site should only be used if improved with imported base rock, suitable fill, or other material to cover the road surface. No grading, widening, or other ground disturbances of the road surface should occur.
- Proposed well-drilling within the site should only occur while being observed by a qualified cultural resources monitor. Ground disturbance should be minimized to only the excavation of the bore hole. Monitoring should be focused on recovering any important information regarding depth of soil horizons, cultural constituents, etc. A monitoring report should be completed and filed with the Northwest Information Center.

Notification of the Project was sent to all eleven local tribes on October 4, 2021. The Community Development Department received comments from the Big Valley Tribe and the Yocha Dehe Tribe. In an email dated October 4, 2021, the Big Valley Tribe deferred to the Elem Colony. In a letter dated October 15, 2021, the Yocha Dehe Tribe also deferred to the Elem Colony and the Upper Lake Habematolel Tribe, who represents the Elem Colony. On August 9, 2023, staff notified the Upper Lake Habematolel Tribe of the continuance of the review on this project and offered consultation.

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

- b) It is possible, but unlikely due to the lack of new site disturbance that is needed, that significant artifacts or human remains could be discovered during Project construction. If, however, significant artifacts or human remains of any type are encountered it is recommended that the Project sponsor shall contact the culturally affiliated tribe and a qualified archaeologist to assess the situation. The Sheriff’s Department must also be contacted if any human remains are encountered.

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

| XIX. UTILITIES | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|--------------------------------|
| Would the project: | | | | | |
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 29, 32, 33, 34, 37 |
| b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 5, 6, 22, 31 |
| c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 2, 3, 5, 6, 22 |
| d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 5, 6, 35, 36 |
| e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 5, 6, 35, 36 |

Discussion:

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

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

Less than Significant Impact

- b) The propose outdoor cultivation operation has an estimated annual water use requirement of approximately 906,000 gallons.

All water for the proposed cultivation operation will come from Well #1 and Well #2, which according to the Hydrology Study submitted have adequate productivity and recharge rates to serve the project without jeopardizing other area wells.

Water level monitoring is required by the Lake County Zoning Ordinance. Ordinance Article 27 Section 27.13(at) requires the production well to have a water meter and water level monitor.

Less than Significant Impact

- c) The Project will be served by ADA-compliant portable restroom and handwashing facilities.

Less Than Significant Impact

- d) The project will likely generate between 400 and 600 pounds of solid waste per year; this is typical for a cannabis project of this size and scale. The Eastlake Landfill, South Lake Refuse Center, and Quackenbush Mountain Resource Recovery and Compost Facility are located within reasonable proximity of the Project site. As of 2019, the Eastlake Landfill had 659,200 cubic yards available for solid waste, with an additional 481,000 cubic yards of expansion area approved in 2020.

There is adequate solid waste capacity to accommodate the proposed Project, and the project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure.

Less than Significant Impact

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

Less than Significant Impact

XX. WILDFIRE

| Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|--------------------------------|--|------------------------------|-----------|---------------|
|--------------------------------|--|------------------------------|-----------|---------------|

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- | | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 5, 6, 23, 25, 28, 29 |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------|

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

Discussion:

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

Less than Significant Impact

- b) The Project site is situated in a moderate to very high fire hazard severity zone that is surrounded by and directly adjacent to a very high fire hazard severity zoned lots. The cultivation portion of the site is relatively flat and located in the center of the cultivation lot. The applicant is required to improve the interior driveway to make it comply with PRC 4290 and 4291; this includes widening the driveway to 20'; putting a 6" gravel surface on the driveway to enable a 75,000 pound emergency vehicle to use it; installing gates that are 2' wider than the driveway, and providing on-site emergency vehicle turn-arounds. This will also require a minimum of 5,000 gallons of water to be reserved for fire suppression; the fire suppression tank(s) will be made of steel or fiberglass and will have connectors that can be easily used by local emergency responders if needed.

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

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

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

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

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

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

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

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

Less than Significant Impact

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

Less than Significant Impact

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

| | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|---|--------------------------------|--|------------------------------|--------------------------|---------------|
| a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ALL |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ALL |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ALL |

Discussion:

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

According to the biological and cultural studies conducted, the proposed Project does not have the potential to substantially degrade the quality of the environment, substantially reduce

the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory when mitigation measures are implemented.

Mitigation measures are listed herein to reduce impacts related to Aesthetics, Air Quality, Biological Resources, Cultural/Tribal Resources, Hydrology, Noise, and Wildfire.

Less than significant with mitigation measures added

- b) Potentially significant impacts have been identified related Aesthetics, Air Quality, Biological Resources, Cultural/Tribal Resources, 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.

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

Less than significant with mitigation measures added

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

Less than significant with mitigation measures added

Impact Categories defined by CEQA

Source List

1. Lake County General Plan
2. Lake County GIS Database
3. Lake County Zoning Ordinance
4. Shoreline Communities Area Plan
5. Hypnotic Farms Cannabis Cultivation Application – Major Use Permit.
6. U.S.G.S. Topographic Maps
7. U.S.D.A. Lake County Soil Survey
8. Lake County Important Farmland Map, California Department of Conservation Farmland Mapping and Monitoring Program
9. Department of Transportation’s Scenic Highway Mapping Program, (<https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>)
10. Lake County Serpentine Soil Mapping
11. California Natural Diversity Database (<https://wildlife.ca.gov/Data/CNDDDB>)
12. U.S. Fish and Wildlife Service National Wetlands Inventory

13. Botanical Survey and Biological Report, prepared by Michael Weldon, Consulting Biologist, dated July 19, 2021 (Botanical Survey) and Naiad Consulting (Biological Survey) which is dated February 5, 2021.
14. Cultural Resource Evaluation prepared by William Rich and Associates and dated April 2021.
15. California Historical Resource Information Systems (CHRIS); Northwest Information Center, Sonoma State University; Rohnert Park, CA.
16. Water Resources Division, Lake County Department of Public Works Wetlands Mapping.
17. U.S.G.S. Geologic Map and Structure Sections of the Clear Lake Volcanic, Northern California, Miscellaneous Investigation Series, 1995
18. Official Alquist-Priolo Earthquake Fault Zone maps for Lake County
19. Landslide Hazards in the Eastern Clear Lake Area, Lake County, California, Landslide Hazard Identification Map No. 16, California Department of Conservation, Division of Mines and Geology, DMG Open –File Report 89-27, 1990
20. Lake County Emergency Management Plan
21. Lake County Hazardous Waste Management Plan, adopted 1989
22. Lake County Airport Land Use Compatibility Plan, adopted 1992
23. California Department of Forestry and Fire Protection - Fire Hazard Mapping
24. National Pollution Discharge Elimination System (NPDES)
25. FEMA Flood Hazard Maps
26. Lake County Aggregate Resource Management Plan
27. Lake County Bicycle Plan
28. Lake County Transit for Bus Routes
29. Lake County Environmental Health Division
30. Lake County Grading Ordinance
31. Lake County Natural Hazard database
32. Lake County Countywide Integrated Waste Management Plan and Siting Element, 1996
33. Lake County Water Resources
34. Lake County Waste Management Department
35. California Department of Transportation (Caltrans)
36. Lake County Air Quality Management District website
37. Lake County Fire Protection District
38. Site Visit – July 24, 2020
39. United States Department of Agriculture – Natural Resources Conservation Service Web Soil Survey
40. Hazardous Waste and Substances Sites List,
41. State Water Resources Control Board (SWRCB) Cannabis Policy and General Order
42. Lake County Groundwater Management Plan, March 31st, 2006.
43. Lake County Rules and Regulations (LCF) for On-Site Sewage Disposal
44. Lake County Municipal Code: Sanitary Disposal of Sewage (Chapter 9: Health and Sanitation, Article III)