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

August 1, 2023

# CALIFORNIA ENVIRONMENTAL QUALITY ACT
# ENVIRONMENTAL CHECKLIST FORM
# INITIAL STUDY (UP 22-04, IS 22-03)

| | | |
|---|---|---|
| 1. Project Title: | Biblical Ventures, LLC | |
| 2. Permit Numbers: | Major Use Permit<br>Initial Study | UP 22-04<br>IS 22-03 |
| 3. Lead Agency Name and Address: | County of Lake<br>Community Development Department<br>Courthouse, 3rd Floor, 255 North Forbes Street<br>Lakeport, CA 95453 | |
| 4. Contact Person: | Max Stockton, Assistant Planner<br>(707) 263-2221 | |
| 5. Project Location(s): | 21378 Jerusalem Grade Road, Middletown, CA<br>013-013-24 | |
| 6. Owner's Name & Address: | Biblical Ventures, LLC<br>13700 San Pablo Avenue<br>San Pablo, CA 94806 | |
| 7. General Plan Designation: | Rural Lands | |
| 8. Zoning: | "RL", Rural Lands | |
| 9. Supervisor District: | District 1 | |
| 10. Flood Zone: | "D", Undefined flood area | |
| 11. Slope: | Mostly less than 10% at cultivation site | |
| 12. Fire Hazard Severity Zone: | SRA; High Fire Risk | |
| 13. Earthquake Fault Zone: | None | |
| 14. Dam Failure Inundation Area: | Not located within Dam Failure Inundation Area | |
| 15. Parcel Size: | ±52.24 Acres | |

16. Description of Project:

- Two (2) Type 3B mixed light cultivation permits
- Two (2) Type 1C mixed light cultivation permits
- One (1) Type 13 Self Distribution permit
- 49,000 sq. ft. of canopy area (1.12 acres)
- Cultivation area of 130,376 sq. ft. (2.99 acres)
- Nineteen (19) 30' x 100' greenhouses

- Harvest storage and drying is proposed to occur in two 40’ x 50’ metal structures
- One (1) 30’x100’ greenhouse for immature plant propagation
- One (1) 30’x112’ greenhouse for immature plant propagation
- One (1) 30’x115’ greenhouse for immature plant propagation
- 9,810 total sf of ancillary nursery that would transition into mixed light cultivation.
- Storage, water storage tanks, and the appropriate irrigation infrastructure. Irrigation water for the cultivation system will be provided by an onsite, existing groundwater well
- Four (4) 5,000 gallon water storage tanks adjacent to cultivation area

Other project details:
- Cultivation will be in greenhouses inside smart pots;
- Drip irrigation system, consisting of a water storage tank, valves and filters, PVC pipe, black polyvinyl flexible tubes, drip emitters;
- Waterproof storage inside two 40’ x 50’ buildings for storage of pesticides, fertilizers and hand tools;
- Irrigation water supplied via existing groundwater well;
- Electricity will be supplied using solar power and on-grid PG&E service;
- 18 parking spaces are proposed, including one (1) ADA parking space
- Staging areas are previously disturbed areas on site (roads, parking areas)
- No trees or vegetation is proposed to be removed.

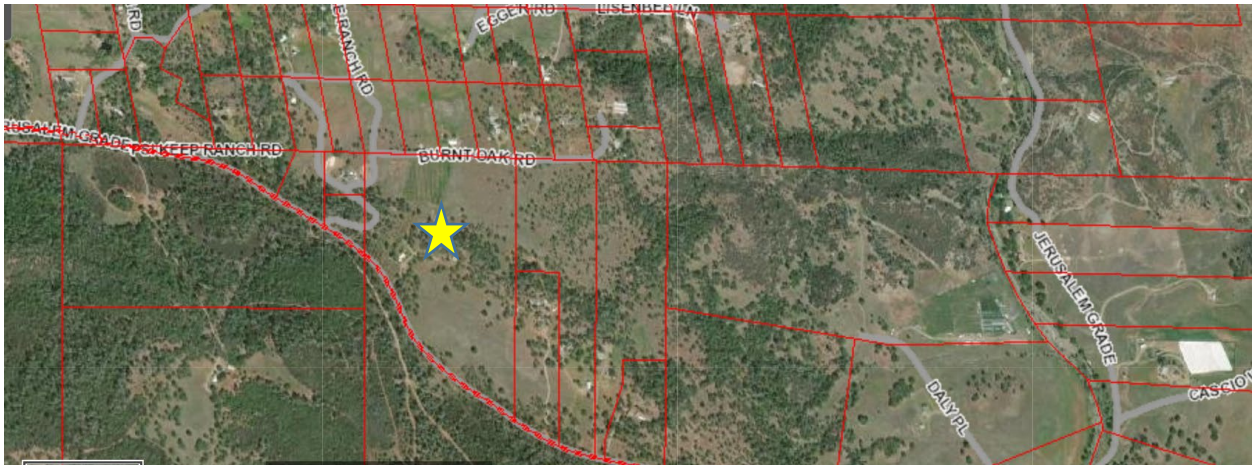
The remainder of the property would continue to operate as it has operated in the past, as orchards and undeveloped land.

The project property is accessed by a private driveway off Jerusalem Grade, accessed off of Spruce Grove Rd in Middletown.

Construction
Construction will consist of twenty-two (22) greenhouses, two (2) 40’ x 50’ metal buildings, 18 parking spaces including one ADA parking space, and one 10’ x 20’ composting area. Construction is anticipated to last between two and four months. Estimated daily trips during construction is 5 to 12 trips per day, including construction workers and deliveries. Staff estimates the total construction-related trips to be about 1,450 trips over a four-month period; this assumes 12 daily trips over a 120 day period of construction time.

Construction Equipment
The following equipment is expected to be used to construct the proposed project facilities:
- Tractor
- Skid steer
- Forklift
- Pickup trucks
- Water truck
- Hand tools

FIGURE 1 – VICINITY MAP




*Source: Lake County GIS Mapping, 2023*

Operational Details

Staff estimates that up to five (5) employees will work on site during construction and three (3) permanent full time during regular operations with up to ten (10) employees during peak harvest. Hours of operation following construction will be Monday through Sunday, 6 a.m. to 8 p.m.

Water Analysis

A Technical Memorandum was written by Northpoint Consulting Group, Annje Dodd, P.E. for this project. The Memorandum ("Memo") contained all data required by Ordinance No. 3106, adopted by the County of Lake in July 2021, for all land use projects. This Memo included a Drought Management Plan, also required by Ord. No. 3106.

The Memo contained the following data regarding water usage and conservation:

Well Test

The proposed water source is an existing groundwater well. A four-hour well test was taken on October 17, 2022, by Cal-Tech Pump Well and Water Treatment. The well pumped 19 gallons per minute (gpm) on average. At the start of the test, water was found at 34 feet below ground surface (bgs) After 1.5 hours, the water level stabilized to 44' bgs. At the end of the well test, the water level was 45' bgs, and recharged fully within nine minutes of shut-down.

Other Wells in Area

The Memo indicates that there is one other well that would use the same underground water storage at this general location, and that this neighboring well is used for domestic water only and is not used for irrigation purposes. Staff estimates that monthly water demand for dwellings is about 3,000 gallons per month, or 36,000 gallons per year.

Projected Water Demand

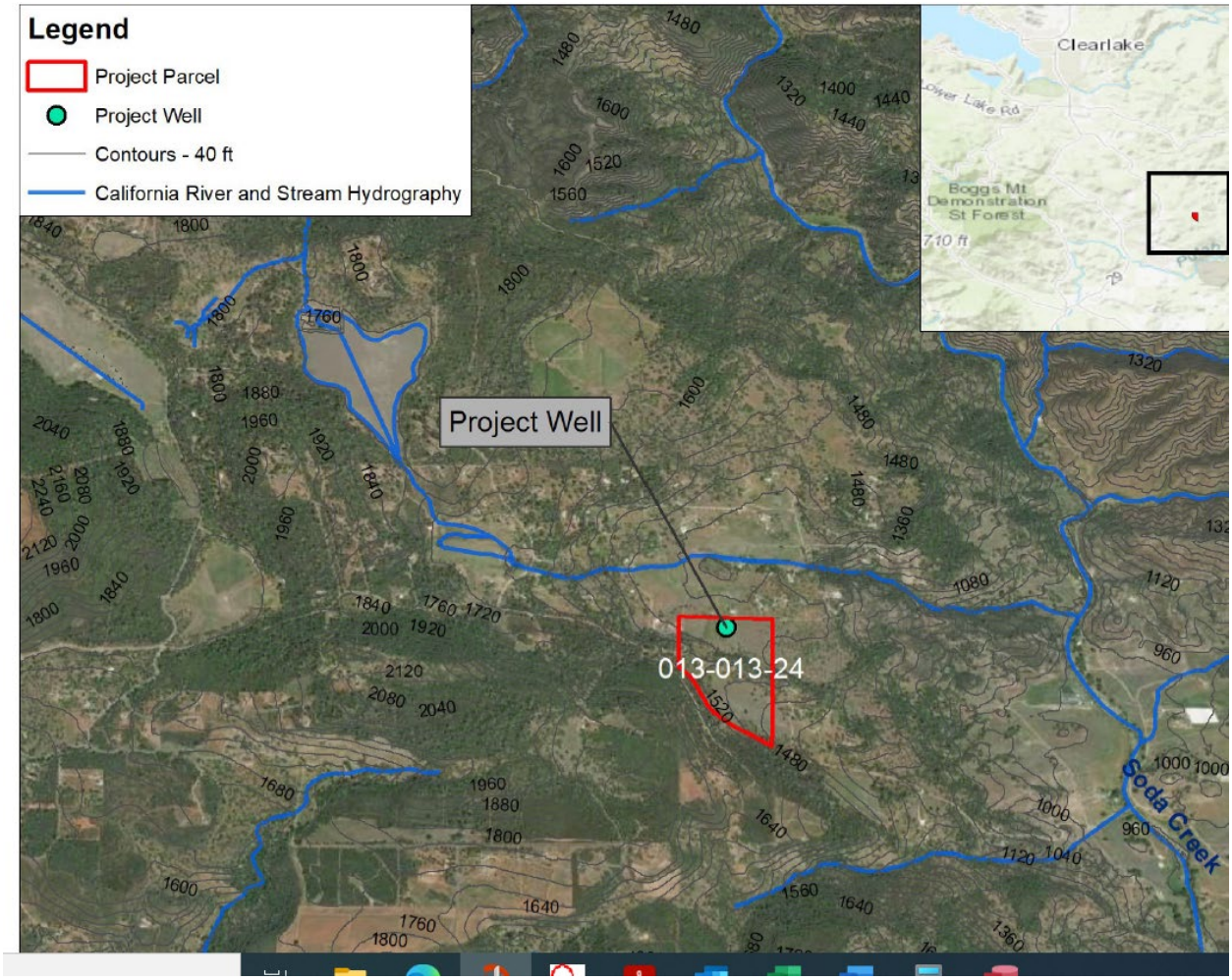
There are approximately 630 mature olive trees located in a field to the west of the cannabis cultivation area. These trees are irrigated with a slow drip irrigation system from the existing well that will be used to irrigate cannabis along with the olive trees.

The existing irrigation use was estimated using estimates of daily irrigation demand for mature olive trees during different seasons. Estimated (existing) water demand for the olive trees is 2.7 acre-feet per year, or about 879,797 gallons per year.

Proposed cannabis demand for the project, which will be in addition to the 2.7 acre-feet already used for olive tree irrigation, is estimated to be an average of 5,160 gallons per day per acre of canopy – this assumes higher demand during flowering season, and lesser demand while the plants are in a vegetative state. The Memo estimates an additional water demand of 5.3 acre-feet per year, or about 1,727,010 gallons per year. This raises the annual on-site water demand for residential use, existing olive grove, and proposed cultivation to about ±8 acre-feet per year.

On-Site Water Storage
The materials submitted by the applicant shows four (4) 5,000 gallon water tanks on site. Of these, one will be steel/ fiberglass tanks dedicated to fire suppression.

FIGURE 2 – MAPPED WATER COURSES NEAR SITE

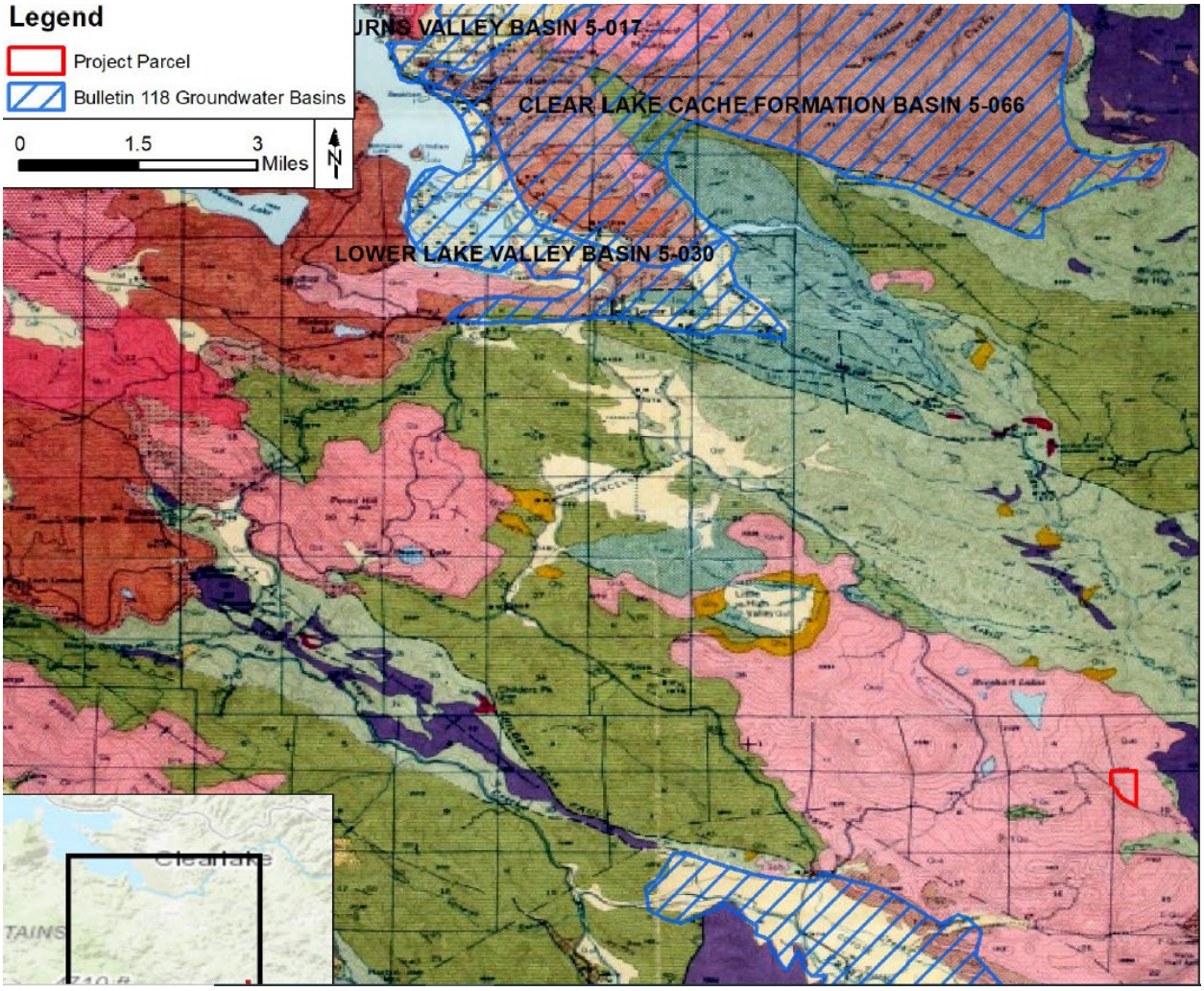



*Source: Material Submitted by Applicant, 2022*

Aquifer Recharge and Groundwater Basin Data
Hydrogeologic assessment states that there is no geologic log on record for the project well. The neighboring well, drilled in 1980, through hard blue ash and volcanic ash to a depth of 130 feet bgs. The recorded yield at that time was 100 gallons per minute. Hydrogeologic assessment states that an estimated 8.1% Lake County water demand is supplied from similar volcanic aquifers.

Hydrogeologic assessment states that a total of 16 wells are found within the same section of the subject site's well. Well tests obtained from the other wells in the Section ranged from 12 to 50 gallons per minute output according to the well data obtained by the applicant. The applicant indicates that the nearest mapped groundwater basin is the Coyote Valley groundwater basin located about 2.2 miles southwest of the project parcel.

FIGURE 3 – GROUNDWATER BASIN MAP FOR SITE AND VICINITY




*Source: Hydrological Memo provided by Applicant, 2022*

The recharge of the underground water supply that the area wells, including the project well will draw from is as follows. The estimated acreage of land that drains into the

aquifer is 180 acres. The recharge estimates take into consideration the soil types that water must permeate through, and evaluates likely drought- and non-drought year recharge rates. The hydrogeologic assessment states that average annual rainfall at this location (between 1895 and 2020) to be ±35 inches of rain. The estimated amount of annual recharge during an average rain year is 69 acre-feet per year, and 46 acre-feet per year during a drought year. This represents about 11.5% of the total annual recharge amount during a regular rain year, and about 17.4% of the total annual recharge amount during a drought year.

The assessment concludes that the project would be supported by recharge during a drought year, and that the cumulative impacts of the project will not adversely affect the other area wells.

Drought Management.
The following measures are taken as drought management and mitigation measures for this project.

- No surface water diversion
- Selection of plant varieties suitable for the climate in Lake County
- Drip irrigation systems to be used
- Cover drip lines with straw mulch or similar to reduce evaporation
- Water application rates modified from data from soil moisture meters and weathering monitoring
- Shutoff valves on hoses and water pipes
- Daily visual inspections of irrigation system
- Immediate repair of leaking or malfunctioning equipment, and
- Water use metering and budgeting

Energy Usage
The applicant has stated that a combination of both solar and on-grid power will be used. The existing house is served by on-grid power; the power lines for the existing service are along Jerusalem Grade Road. The 22 greenhouses proposed will use 'light deprivation' (up to 25 watts per square foot), and a total of up to 15 lights inside each greenhouse, as well as 22 air filtration systems inside the greenhouses, and two systems inside each of the 2000 sf building. It is probable that no less than 400 additional amps would be needed to power the greenhouses, and an additional 200 amps to power the two 40' x 50' buildings. Power demands for the security system, outdoor lighting and the well pump will be minimal.

Overall power demands will likely be up to 600 amps of additional power.

Solid Waste Management
Annual non-hazardous solid waste generated by project operations is estimated to be about 500 to 1000 pounds per year. All non-hazardous waste will be hauled to the nearest waste disposal facility located in Clear Lake. Vegetative waste will be chipped and spread on site as compost.

Wastewater Management

The site has an existing dwelling with septic system on the site, however this will not be used for the cannabis activity. New portable restrooms will be used; these restrooms will have handwash stations and will be ADA compliant.

Stormwater Management

A Stormwater Management Plan (SMP) has been prepared and submitted to Lake County Planning Department within the Property Management Plan (PMP); the Plan identifies the method of stormwater containment in the cultivation area (straw wattles), which are typical for this type of cultivation activity. The cultivation area is set back more than 100 feet from all water courses on site. Setbacks from any surface water channel or above-ground water storage facility is 100 feet or more as is required by Article 27.11(at) of the Lake County Code.

The SMP includes Grading Plans, identified as sheets C0 through C5 (6 sheets in total), and describe the methods of Best Management Practices that will be used during and after site disturbance / grading occurs. The SMP provides the following:

Erosion Control

Erosion control, also referred to as soil stabilization, consists of source control measures that are designed to prevent soil particles from detaching and becoming transported in stormwater runoff. Erosion control BMPs protect the soil surface by covering and/or binding soil particles. This project will implement the following practices for effective temporary and final erosion control during construction:

- Preserve existing vegetation where required and when feasible;
- Apply temporary erosion control to exposed areas. Reapply as necessary to maintain effectiveness;
- Implement temporary erosion control measures at regular intervals throughout the defined rainy season to achieve and maintain stability. Implement erosion control prior to the defined rainy season;
- Control erosion in concentrated flow paths by applying erosion control devices.
- Divert run-on and stormwater generated from within the facility away from all erodible materials; and
- If sediment traps or basins are installed, ensure that they are working properly and emptied of accumulated sediment and litter.

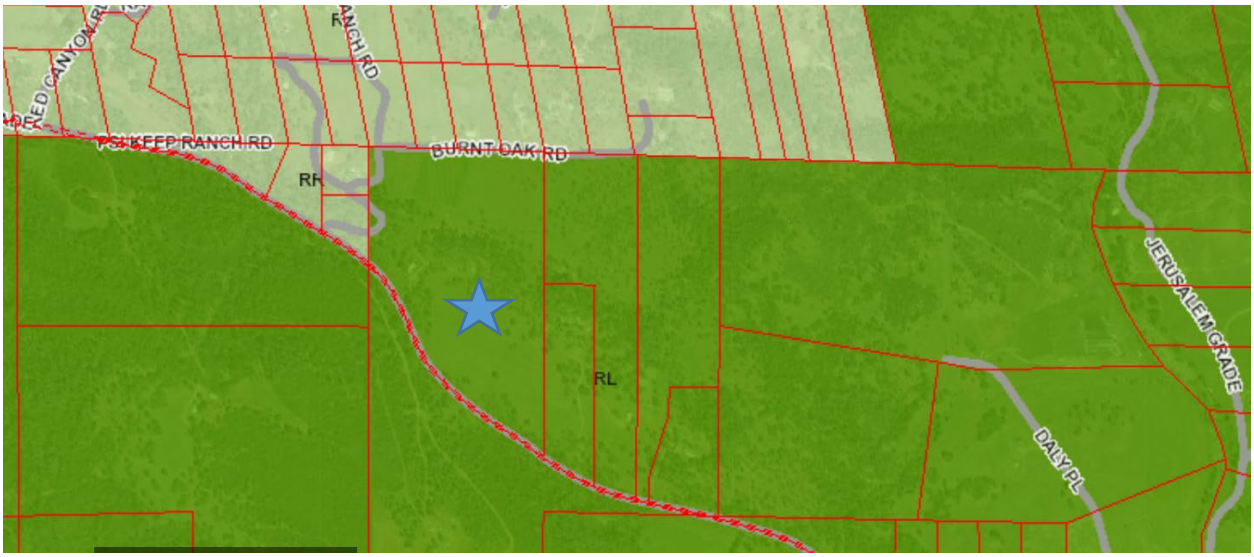
Specific erosion control BMPs for this site that can be implemented include:

- EC-2: Preservation of Existing Vegetation
- EC-3: Hydraulic Mulch
- EC-4: Hydroseeding
- EC-5: Soil Binders
- EC-6: Straw Mulch
- EC-7: Geotextiles & Mats
- EC-8: Wood Mulching
- EC-9: Earth Dikes & Drainage Swales
- SC-33: Outdoor Storage of Raw Materials
- SC-40: Contaminated or Erodible Surfaces
- TC-30: Vegetated Swale
- TC-31: Vegetated Buffer Strip

17. Surrounding Land Uses and Setting:

- North: “RR”, Rural Residential; four lots, each about 5.4 acres in size. APNs 136-031-60 and 136-041-37 are vacant; APNs 136-041-38 and 41 contain dwellings.
- East: “RL”, Rural Lands, 27.64 acres, developed with a dwelling. APN: 013-013-42
- East: “RL”, Rural Lands, 12.51 acres, developed with a dwelling. APN: 013-013-41
- South: “RL”, Rural Lands, 74.28 acres. Developed with several dwellings, sheds and barns. APN: 013-013-18
- West: “RR”, Rural Residential, 3.13 acres, undeveloped; APN: 136-091-03
- West: “RR”, Rural Residential, 3.03 acres, developed with a dwelling and agriculture buildings. APN: 136-091-02

FIGURE 4 – ZONING MAP OF CULTIVATION SITE AND NEIGHBORING LOTS




*Source: Lake County GIS Mapping*

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

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

    Lake County Department of Environmental Health
    Lake County Air Quality Management District
    Lake County Department of Public Works
    Lake County Department of Public Services
    Lake County Agricultural Commissioner
    Lake County Sheriff Department
    South Lake Fire Protection District
    Central Valley Regional Water Quality Control Board
    California Water Resources Control Board

California Department of Food and Agricultural
California Department of Pesticides Regulations
California Department of Public Health
California Bureau of Cannabis Control
California Department of Consumer Affairs
California Department of Fish & Wildlife (CDFW)
California Department of Forestry & Fire Protection (CALFIRE)
California Department of Transportation (CALTRANS)

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

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

    Lake County sent AB52 to 11 tribes on June 30, 2023, informing Tribes of the proposed project and offering consultation under AB52. Of the 11 notified Tribes, the Upper Lake Habematolel Tribe responded and deferred comment to the Middletown Rancheria Tribe. Tribal consultation was not requested.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

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

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

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

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

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

Initial Study Prepared By:
Max Stockton, Assistant Planner

_____ Date: 8-1-2023

SIGNATURE
Mireya 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

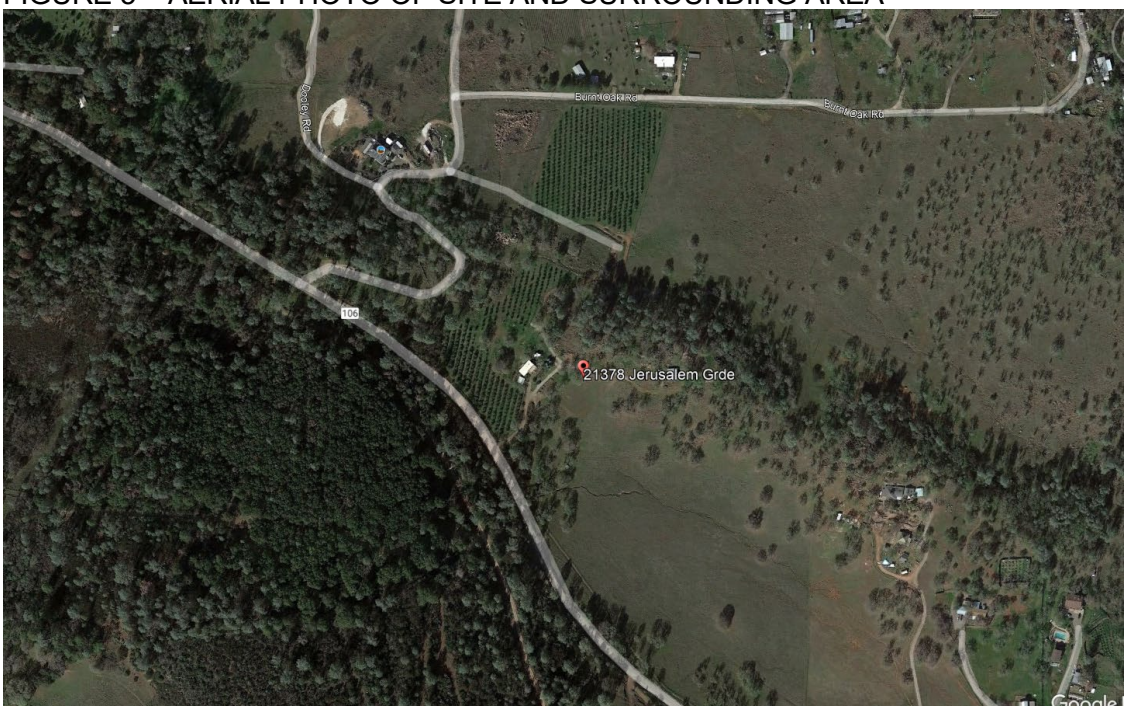
| I. AESTHETICS | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|---|---|---|---|---|---|
| Except as provided in Public Resource Code Section 21099, would the project: | | | | | |
| a) Have a substantial adverse effect on a scenic vista? | ☐ | ☒ | ☐ | ☐ | 1, 2, 3, 4, 5, 6, 9 |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☒ | ☐ | ☐ | 2, 3, 4, 9 |

| | | | | | | |
|---|---|---|---|---|---|---|
| c) | Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area would the project conflict with applicable zoning and other regulations governing scenic quality? | ☐ | ☒ | ☐ | ☐ | 1, 2, 3, 4, 5, 6, 9 |
| d) | Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☒ | ☐ | ☐ | 1, 2, 3, 4, 5, 6, 9 |

Discussion:

a) The project site is located on a relatively flat portion of the subject site, and will be visible from residences to the north, east and south, the nearest of which is located about 900 feet east of the cultivation area. The applicant has stated that a 6' tall wire fence will be installed around the cultivation areas.

FIGURE 5 – AERIAL PHOTO OF SITE AND SURROUNDING AREA




*Source: Google Earth Pro 2023*

A mitigation measure requiring this is added as follows:

AES-1: the applicant shall install a minimum 6' tall screening fence around the cultivation area. This shall occur prior to cultivation occurring on site.

Less than Significant Impact with mitigation measure added

b) The proposed project will be visible from dwellings and access roads to the north, east and south. Dwellings in the vicinity are generally more than 1000 feet from the edge of the

cultivation site, however the terrain is flat in this location, and the requirement for a 6' tall screening fence is necessary help to screen the cultivation site from view from the road and from neighboring lots. The 22 greenhouses proposed must include blackout screening so that interior light does not escape and become detrimental to the neighborhood. Mitigation measures AES -1, AES-2 and AES-3 will reduce this potential impact to 'less than significant' levels.

Less Than Significant Impact with mitigation measure added

c) The site is located within an area that contains a mixture of relatively small (5 acres) and large (over 20 acre) lots. The cultivation site will not significantly impact the scenic quality of this area if it is screened as is required by mitigation measure AES-1, and if the lighting to be used inside greenhouses, the processing buildings, and for security meet the requirements within AES-2 and AES-3 below.

Less Than Significant Impact with mitigation measure added

d) The project has potential to create additional light or glare due to greenhouses proposed. Mitigation measures are needed to assure that light from these buildings as well as exterior security lighting does not impact the surrounding area. The following mitigation measures are added:

AES-2: Prior to cultivation, the processing building will have all lighting downcast that shall not visible from publicly used roads or neighboring lots. A lighting plan showing exterior lighting shall be submitted prior to any cultivation occurring.

AES-3: Prior to any greenhouse cultivation, the applicant shall equip all greenhouses and transparent / translucent buildings with blackout screening. No light shall be visible from outside any structure that contains interior lighting.

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? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 4, 7, 8, 11, 13, 39 |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ | 1, 2, 3, 4, 5, 7, 8, 11, 13 |

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

Discussion:

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

a) The entire subject site is not located on land mapped as being within a Farmland Protection Zone.

   Less Than Significant Impact

b) The site and the surrounding lots are not under a Williamson Act contract. This project will have no effect on any Williamson Act properties.

   No Impact

c) The project site is zoned "RL" Rural Lands, and is not zoned for forestland or timberland, nor has it been used historically for timber production.

   Less Than Significant Impact

d) The project site does not contain land designated as forest lands and has not been used historically for timber production. Because forest land is not present on the project site, the proposed project has no potential to result in the loss of forest land or the conversion of forest land to non-forest use.

   No Impact

e) The project would not adversely affect neighboring lots or the subject parcel in a manner that would inhibit or prevent agricultural uses on site or on surrounding lots.

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? | ☐ | ☐ | ☒ | ☐ | 1, 3, 4, 5, 21, 24, 31, 36 |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under and applicable federal or state ambient air quality standard? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 4, 5, 21, 24, 31, 36 |
| c) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☒ | ☐ | ☐ | 1, 2, 3, 4, 5, 10, 21, 24, 31, 36 |
| d) Result in other emissions (such as those leading to odors or dust) adversely affecting a substantial number of people? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 4, 5, 21, 24, 31, 36 |

Discussion:

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

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

According to the USDA Soil Survey and the ultramafic, ultrabasic, serpentine rock and soils map of Lake County, serpentine soils have not been found within the project area, but are within the project vicinity, located 500 feet to the north of the project area. This setback would pose no threat of asbestos exposure during either construction or the operational stage, since no serpentine soil will be disturbed with this project.

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

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

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

Construction impacts, which includes site grading and pad preparation for the greenhouses and the two (2) 2,000 sf buildings, tilling the ground and trenching to provide utilities to the greenhouses and processing buildings, and fence installation, would be more significant in terms of the amount of earth that will be moved. Construction will likely occur over an estimated two (2) to four (4) month period. Staff estimates four (4) employees per day during and after construction; this will generate between 4 and 8 daily vehicle trips. Estimated delivery trips are five per week during construction, and two per week following construction. Total estimated vehicle trips during construction are about 200 trips over a four-month period.

The applicant has submitted a Grading Permit application, and an engineered Grading and Erosion Control Plan, that addresses potential impacts and necessary mitigation measures to allow the grading to proceed. This is addressed at greater length under findings for Geology and Soils in this report.

Operational impacts would include dust and fumes from site preparation of the greenhouse pads and vehicular traffic, including small delivery vehicles that would be contributors during and after site preparation and construction. Dust and fumes may be released as a result of vehicular traffic, including small delivery vehicles.

Odor is also a potential impact, particularly during harvest season. Carbon air filtration systems will be installed inside of greenhouses, which will help to minimize odors from escaping from greenhouses into the atmosphere.

~~I~~mplementation of mitigation measures as conditions of approval would reduce air quality impacts to less than significant. Dust during site preparation would be limited during periods of high winds (over 15 mph). All visibly dry, disturbed soil and road surfaces would be watered to minimize fugitive dust emissions. Air filtration systems can be installed in all buildings where flowering cannabis plants are grown or processed.

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 (CO, $SO_2$, $NO_x$, $O_3$, $PM_{10}$, $PM_{2.5}$, VOC, ROG, Pb). Any Project with daily emissions that exceed any of the thresholds of significance for these criteria pollutants should be considered as having an individually and cumulatively significant impact on both a direct and cumulative basis.

As indicated by the Project's Air Quality Management Plan, near-term construction activities and long-term operational activities would not exceed any of the thresholds of significance for criteria pollutants. Lake County has adopted Bay Area Air Quality Management District (BAAQMD) thresholds of significance as a basis for determining the significance of air quality and greenhouse gas impacts. Using the California Emissions Estimator Model, air emissions modeling performed for this Project, in the construction and the operational stage, will not generate significant quantities of ozone or particulate matter and does not exceed the BAAQMD project-level thresholds. Construction and operational emissions are summarized in the following tables:

**Comparison of Daily Construction Emissions Impacts with Thresholds of Significance**

| Criteria Pollutants | Project Emissions unmitigated (pounds/day) | BAAQMD Threshold (pounds/day) | Significance |
|---|---|---|---|
| ROG (VOC) | 1 to 10 | 54 | Less than significant |
| $NO_x$ | 10 to 20 | 54 | Less than significant |
| CO | 10 to 30 | 548 | Less than significant |
| $SO_x$ | < 1 | 219 | Less than significant |
| Exhaust $PM_{10}$ | 1 to 10 | 82 | Less than significant |
| Exhaust $PM_{2.5}$ | 1 to 10 | 54 | Less than significant |
| Greenhouse Gasses ($CO_2e$) | 2,000 to 3,500 | No threshold established | Less than significant |

**Comparison of Daily Operational Emissions Impacts with Thresholds of Significance**

| Criteria Pollutants | Project Emissions unmitigated (pounds/day) | BAAQMD Threshold (pounds/day) | Significance |
|---|---|---|---|
| ROG (VOC) | 1 to 10 | 54 | Less than significant |
| $NO_x$ | 1 to 5 | 54 | Less than significant |
| CO | 1 to 10 | 548 | Less than significant |
| $SO_x$ | < 1 | 219 | Less than significant |
| $PM_{10}$ (total) | 1 to 5 | 82 | Less than significant |
| $PM_{2.5}$ (total) | 1 to 5 | 54 | Less than significant |
| Greenhouse Gasses ($CO_2e$) | 1 to 20 | No threshold established | Less than significant |

**Comparison of Annual Operational Emissions Impacts with Thresholds of Significance**

| Criteria Pollutants | Project Emissions (tons/year) | BAAQMD Threshold (tons/year) | Significance |
|---|---|---|---|
| ROG (VOC) | 0 to 1 | 10 | Less than significant |
| $NO_X$ | 0 to 1 | 10 | Less than significant |
| CO | 0 to 1 | 100 | Less than significant |
| $SO_X$ | 0 to 1 | 40 | Less than significant |
| $PM_{10}$ | 0 to 1 | 15 | Less than significant |
| $PM_{2.5}$ | 0 to 1 | 10 | Less than significant |
| Greenhouse gasses (as $CO_2$ or methane) | 1 to 100 | 10,000 | Less than significant |

Less than Significant Impact

c) Sensitive receptors (i.e., children, senior citizens, and acutely or chronically ill people) are more susceptible to the effects of air pollution than the general population. Land uses that are considered sensitive receptors typically include residences, schools, playgrounds, childcare centers, hospitals, convalescent homes, and retirement homes. There are no schools, parks, childcare centers, convalescent homes, or retirement homes located within one mile of the project site. The nearest off-site residence meets the required setback of 200-foot from the cultivation area.

The cannabis cultivation will occur inside greenhouses that will be equipped with carbon air filtration systems, so odors can be partially or fully captured in these filtration systems.

Pesticide application will be used during the growing season and, as described in the Property Management Plan, will be applied carefully to individual plants. The cultivation areas will be inside of greenhouses and surrounded by a 6' tall fence, which will reduce the risk of off-site drift of pesticides. Additionally, no demolition or renovation will be performed which would cause asbestos exposure, and no serpentine soils have been detected and are not mapped on site.

The project has some potential for dust and odor, although the greenhouses and metal buildings are required to be equipped with carbon or similar air filtration systems, which will help abate odors generated from inside greenhouses. The following mitigation measures will help reduce impacts related to dust and odor to 'less than significant':

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

- 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 applicants must notify LCAQMD prior to beginning construction activities and prior to engine use.

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

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

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

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

- AQ-7: Prior to cultivation, all structures containing mature or harvested cannabis shall be equipped with carbon or similar air filtration systems.

Less than Significant Impact with mitigation measures added

d) The proposed project has the potential to cause objectionable odors, particularly during the harvest season. However, the applicant is installing carbon filtration systems inside the greenhouses, and the closest neighboring residence is more than 1/4 mile away, a substantial number of people will not be adversely affected.

The proposed cultivation would generate minimal amounts of carbon dioxide from operation of small gasoline engines (tillers, weed eaters, lawn mowers, etc.) and from vehicular traffic associated with staff commuting, deliveries and pickups. Additionally, Mitigation Measures AQ-1 through AQ-8 would reduce impacts of dust generation from on-site roads and parking areas, as well as odors originating from greenhouse and processing buildings.

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 |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 4, 5, 11, 12, 13, 16, 17, 29, 30, 31, 32, 33, 34 |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 4, 5, 11, 12, 13, 16, 17, 21, 24, 29, 30, 31, 32, 33, 34 |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife | ☐ | ☐ | ☒ | ☐ | 13 |

| | | | | | | |
|---|---|---|---|---|---|---|
| | corridors, or impede the use of native wildlife nursery sites? | | | | | |
| e) | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 4, 5, 11, 12, 13 |
| f) | Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☒ | 1, 2, 3, 5, 6 |

Discussion:

a) Biological Resources Assessment (BA) was prepared by Northwest Biosurvey, and is dated August 5, 2022.

The site had been significantly burned in the 2018 Mendocino Complex Fire, and much of the potential habitat had been destroyed. No sensitive plant or animal species were detected on the property during the field study.

The Assessment, which was done in season, concluded that based on the site study undertaken, there would be no impact to sensitive plant or animal species, and no mitigation measures were recommended.

Less than Significant Impact

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

The BA did not identify any riparian habitats within the cultivation area. The Property Management Plan submitted indicates that ‘no removal of riparian or any other vegetation other than burned trees is proposed as part of this project. Grading will be necessary to prepare the 22 greenhouse pads and two 2,000 sf building pads. This is addressed in the Geology and Soils section of the report.

Erosion control measures to control erosion and sedimentation during construction and operation have been identified in the Property Management Plan and in the grading plan submitted for this project (reference Sheets C0 through C6 submitted by applicant). Erosion control measures include straw wattles, vegetated swales, and buffer strips.

Less Than Significant Impact

c) According to the BA, there are no wetlands and vernal pools or other isolated wetlands within 100 feet of the project area.

Less Than Significant Impact

d) The BA stated that no specific wildlife corridors exist within or near the project area. Although no mapped wildlife corridors (such as the California Essential Habitat Connectivity Area layer in the CNDDB) exist within or near the cultivation area, the open space and the stream corridors in the cultivation area facilitate animal movement and migrations, primarily those of the black-tailed deer. The proposed Project would not have a significant impact on this movement because it would not create any unpassable barriers and the majority of the Study Area will still be available for corridor and migration routes. Of the 502 acres on the parcels, about 475 acres would remain available for natural habitat and wildlife corridors.

   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.

   Less than Significant Impact

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

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

   As such, the Property Management Plan for the Project has incorporated conservation and mitigation measures similar to those that have been included in other county oak woodlands conservation plans used in the State of California, which follow Assembly Bill 242, referred to as the Oak Woodlands Conservation Act. The project does not propose to remove any trees greater than 6-inches DBH other than some oak trees that had been burned in the 2018 fire. There are no mapped sensitive species on the site.

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

   Less than Significant Impact

f) No special conservation plans have been adopted for this site 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? | ☐ | ☒ | ☐ | ☐ | 1, 3, 4, 5, 11, 14c, 15 |
| b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5? | ☐ | ☒ | ☐ | ☐ | 1, 3, 4, 5, 11, 14, 15 |
| c) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☒ | ☐ | ☐ | 1, 3, 4, 5, 11, 14, 15 |

Discussion:

a) A Cultural Resources Assessment (CRA) for the proposed cultivation project was completed by Wolf Creek Archaeological Services, dated May 9, 2022. The purpose of this Assessment is to identify potentially significant cultural resources that may be present on site.

A California Historical Resources Information System (CHRIS) records search was completed by the Northwest Information Center (NWIC) on July 13, 2023, and the Native American Heritage Commission (NAHC) returned the results of the Sacred Lands File (SLF) search in July 2023. The County sent an AB52 notice to all eleven area tribes on July 13, 2023. The Upper Lake Habematolel Tribe submitted a letter indicating that this project was not within their tribal ancestral areas and deferred to the Middletown Rancheria Tribe. To date, the Middletown Rancheria Tribe has not submitted any comments on this project.

CHRIS comments indicated that there is no tribal evidence on the site and a low probability of historic tribal use of the site based on the Wolf Creek Archaeology Survey undertaken in 2022.

Based on the findings of the CHRIS search, field survey, and outreach efforts with the eleven local area tribes, there is no indication that the project will impact any historic or archaeologically sensitive resources as defined under CEQA Section 15064.5 or tribal cultural resources as defined under Public Resources Code Section 21074. It is possible, but unlikely, that significant artifacts or human remains could be discovered during Project construction. If, however, significant artifacts or human remains of any type are encountered it is recommended that the project sponsor contact the culturally affiliated tribe and a qualified archaeologist to assess the situation. The Sheriff's Department must also be contacted if any human remains are encountered.

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

CUL-1: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the applicant shall notify the culturally affiliated Tribe, and a qualified archaeologist to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, the applicant shall notify the Sheriff's Department, the culturally affiliated Tribe, and a qualified archaeologist for proper internment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.

CUL-2: 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.

b) A California Historical Resources Information System (CHRIS) records search was completed by the Northwest Information Center (NWIC) to determine if the Project would affect archaeological resources. The record search found that there are no mapped historically significant sites on the ±52 acre property.

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

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

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

Less than Significant Impacts with Mitigation Measure CUL-2

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

Discussion:

a) Onsite electricity will be supplied by a combination of on-grid and solar power. The County estimates that a total of 600 additional amps are needed to power the greenhouses, processing buildings, security system and well pump, as well as any other lighting that may be desired. There are no known grid capacity issues at this location, and the increase with 600 additional amps is realistic given the scope of the project.

Less than Significant Impact

b) According to the California Department of Cannabis Control's Title 4 Division 19 §15010 on compliance with the CEQA, all cannabis applications must describe their project's anticipated operational energy needs, identify the source of energy supplied for the project and the anticipated amount of energy per day, and explain whether the project will require an increase in energy demand and the need for additional energy resources.

The material submitted by the applicant states that power will come from solar and on-grid power, but does not state exactly how much additional power is needed. Staff estimates that three 200 amp services will be needed.

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 | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 4, 5, 18, 19 |

| | | | | | | |
|---|---|---|---|---|---|---|
| | a known fault? Refer to Division of Mines and Geology Special. Publication 42.<br>ii) Strong seismic ground shaking?<br>iii) Seismic-related ground failure, including liquefaction?<br>iv) Landslides? | | | | | |
| b) | Result in substantial soil erosion or the loss of topsoil? | ☐ | ☒ | ☐ | ☐ | 1, 3, 4, 5, 19, 21, 24, 25, 30 |
| c) | Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☒ | ☐ | ☐ | 1, 2, 3, 5, 6, 9, 18, 21 |
| d) | Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? | ☐ | ☐ | ☒ | ☐ | 5, 7, 39 |
| e) | Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water? | ☐ | ☐ | ☒ | ☐ | 2, 4, 5, 7, 13, 39 |
| f) | Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 4, 5, 14, 15 |

Discussion:

a) The Project site is located in a seismically active area of California and is expected to experience moderate to severe ground shaking during the lifetime of the project. That risk is not considered substantially different than that of other similar properties and projects in California.

Earthquake Faults (i)

According to the USGS Earthquake Faults map available on the Lake County GIS Portal, there are no earthquake faults in the vicinity of the subject site. Because there are no known faults located on the project site, there is little potential for the project site to rupture during a seismic event. Thus, no rupture of a known earthquake fault is anticipated and the proposed project would not expose people or structures to an adverse effects related rupture of a known earthquake fault as no structures for human occupancy are being proposed.

Seismic Ground Shaking (ii) and Seismic–Related Ground Failure, including liquefaction (iii)

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

Landslides (iv)

The project cultivation sites are generally level without significant slopes, although the remaining portions of land are significantly sloped. There are some risks of landslides on the parcel, however the proposed project's cultivation site is located on a flat area along the top of the ridgeline. According to the Landslide Hazard Identification Map prepared by the California Department of Conservation's Division of Mines and Geology, the area is considered generally stable. As such, the project's cultivation site is considered moderately susceptible to landslides and will not likely expose people or structures to substantial adverse effects involving landslides, including losses, injuries or death.

Less Than Significant Impact

b) Grading is needed to prepare the project site for cultivation. The project involves moderate grading for greenhouse and processing building pad preparation; tilling the soil to prepare for cultivation and also includes the import of soil for other cultivation activities. The applicant has provided Grading Plans as well as a list of Best Management Practices (BMPs) that will take place during site grading. With the BMPs implemented prior to and during site disturbance, the grading would not involve any adverse effects on the potential for erosion or the loss of topsoil. The proposed greenhouses require the applicant to apply for and obtain a grading permit from the Lake County Community Development Department prior to ground disturbance.

Furthermore, the project is enrolled with the SWRCB for Tier 2, Low Risk coverage under Order No. WQ 2019-001-DWQ (Cannabis Cultivation General Order). The Cannabis Cultivation General Order implements Cannabis Policy requirements with the purpose of ensuring 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, or springs. The Cannabis Cultivation General Order requires the preparation of a Site Management Plan (SMP), a Nitrogen Management Plan (NMP), and the submittal of annual technical and monitoring reports demonstrating compliance. The purpose of the SMP is to identify BPTC measures that the site intends to follow for erosion control purposes and to prevent 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 SMP and NMP are required prior to commencing cultivation activities and were submitted with the application materials. As part of the Applicant's enrollment, they are required to complete Annual Monitoring and Reporting to the State Water Board, which requires that winterization BPTC measures for erosion and sediment control are in place prior to the winter period.

The applicant's Grading Plan lists mitigation measures and best management practices that will be incorporated in this project as follows.

*Grading and the Stormwater Management Plan*

A Grading Plan and a Stormwater Management Plan (SMP) have been prepared and submitted to Lake County Planning Department within the Property Management Plan (PMP); the Plan identifies the method of stormwater containment in the cultivation area (straw wattles), which are typical for this type of cultivation activity. The cultivation area is set back more than 100 feet from all water courses on site. Setbacks from any surface water channel or above-ground water storage facility is 100 feet or more as is required by Article 27.11(at) of the Lake County Code.

The Grading Plans describe the methods of Best Management Practices that will be used during and after site disturbance / grading occurs. The SMP provides the following:

*Erosion Control during and after Grading*
Erosion control, also referred to as soil stabilization, consists of source control measures that are designed to prevent soil particles from detaching and becoming transported in stormwater runoff. Erosion control BMPs protect the soil surface by covering and/or binding soil particles. This project will implement the following practices for effective temporary and final erosion control during construction:

- Preserve existing vegetation where required and when feasible;
- Apply temporary erosion control to exposed areas. Reapply as necessary to maintain effectiveness;
- Implement temporary erosion control measures at regular intervals throughout the defined rainy season to achieve and maintain stability. Implement erosion control prior to the defined rainy season;
- Control erosion in concentrated flow paths by applying erosion control devices.
- Divert run-on and stormwater generated from within the facility away from all erodible materials; and
- If sediment traps or basins are installed, ensure that they are working properly and emptied of accumulated sediment and litter.

Specific erosion control BMPs that can be implemented are listed here and the Construction and Industrial BMP fact sheets are included in the Appendix:

- EC-2: Preservation of Existing Vegetation
- EC-3: Hydraulic Mulch
- EC-4: Hydroseeding
- EC-5: Soil Binders
- EC-6: Straw Mulch
- EC-7: Geotextiles & Mats
- EC-8: Wood Mulching
- EC-9: Earth Dikes & Drainage Swales
- SC-33: Outdoor Storage of Raw Materials
- SC-40: Contaminated or Erodible Surfaces
- TC-30: Vegetated Swale
- TC-31: Vegetated Buffer Strip

The following mitigation measures are therefore added:

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

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

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

Less Than Significant with mitigation measures added

c) The primary geologic unit or soil types where the proposed Project site is situated is Type 152 "Konocti-Hambright complex, 5 to 15 percent slopes. This soil type is identified with the following characteristics:

Type 152 – Konocti-Hambright complex, 5 to 15 percent slopes. This map unit is on hills. The vegetation is oaks, brush and annual grasses. Permeability of this soil is moderate. Surface runoff is medium, and the hazard of erosion is moderate. This soil type is relatively stable with low shrink-swell potential.

The applicant has submitted a Grading Plan (sheets no. C0 through C6) in anticipation of the grading permit being a requirement. The Grading Plan has mitigation measures that will decrease the likelihood of the loss of topsoil due to erosion. The grading plan must be followed during the course of fulfilling the requirements of the grading permit.

Less Than Significant Impact with mitigation measures added.

d) The Uniform Building Code is a set of rules that specify standards for structures. Greenhouse structures are proposed that would require a building permit, and the soil subtypes are generally stable. The applicant has submitted an Grading and Erosion Control plan in anticipation of the grading permit being a requirement, and the Building Official has the ability to require engineered footings if he believes the soil has characteristics that warrant engineered foundation footings.

Cultivation activities proposed in the project would occur on type 152 soil, which does not have expansive characteristics.

Less Than Significant Impact

e) The proposed project will be served by an ADA compliant portable chemical toilet. In addition, there is a restroom in the existing dwelling supported by an existing septic system.

The parcel is ±52.24 acres in size. The lot contains an existing septic system associated with the house that is not part of this project. The applicant will bring portable (ADA-compliant) restrooms onto the site. The applicant is responsible for servicing these portable restrooms through a private septic contractor.

Less Than Significant Impact

f) The project site does not contain any known unique geologic feature or paleontological resources, and the Cultural Resources Assessment performed by Wolf Creek Archaeological Services and dated May 9, 2022 yielded negative results of finds of significance. Disturbance of sensitive prehistoric 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? | ☐ | ☐ | ☒ | ☐ | 1, 3, 4, 5, 36 |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☒ | ☐ | 1, 3, 4, 5, 36 |

Discussion:

a) The Project consists of 1.2 acres of mixed light (greenhouse) cannabis canopy area (about 1,089,000 sq. ft.). The project site is located within the Lake County Air Basin, which is under the jurisdiction of the Lake County Air Quality Management District (LCAQMD). The LCAQMD applies air pollution regulations to all major stationary pollution sources and monitors countywide air quality.

The Lake County Air Basin is in attainment for all air pollutants with a high air quality level, and therefore the LCAQMD has not adopted thresholds of significance for Greenhouse Gase (GHG) emissions. In the interim, emissions estimates have been calculated using the California Emissions Estimator Model (CalEEMod) and compared with thresholds defined by the Bay Area Air Quality Management District (BAAQMD).

The BAAQMD threshold for GHG (including $CO_2$, $CH_4$, $N_2O$, HFCs, PFCs, $SF_6$) for projects other than stationary sources (power generating plants, mining sites, petroleum facilities, chemical plants, etc.) that are not under a GHG Reduction Plan is 1,100 metric tons of $CO_2$ per year. According to the CalEEMod estimates for this project (using figures from the Property Management Plan and other parameters that most closely match the project description) the estimated annual emissions of $CO_2$ for overall operations would be 10,908,000 grams of $CO_2$ per year (about 10.9 tons); this is assuming 5 employees driving individual vehicles 270 days per year for a distance of 10 miles arriving and 10 miles departing.

$CO_2$ emissions from vehicles average about 404 grams per mile traveled. If 5 employees are each driving 20 miles per day during the 270 day growing season, a total of 10,908,000 grams of $CO_2$ would result per year, or about 10.9 tons per year. This is well below the BAAQMD threshold of 1,100 tons per project.

Less than Significant Impact

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

- The Lake County General Plan
- The Lake County Air Quality Management District
- 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 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 $CO_2$ per capita by 2030 and no more than two (2) metric tons $CO_2$ per capita by 2050. As described in the Property Management Plan, the Project will have up to three (3) individuals working on site (owners/operators) during normal operational hours, and with an expected 1.2 metric tons of overall operational $CO_2$ per year, the per capita figure of 2.29 metric tons of operational $CO_2$ 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? | ☐ | ☐ | ☒ | ☐ | 1, 3, 5, 13, 21, 24, 29, 31, 32, 33, 34 |
| b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☐ | ☒ | ☐ | 1, 3, 5, 13, 21, 24, 29, 31, 32, 33, 34 |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☒ | 1, 2, 5 |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☒ | 2, 40 |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ | 1, 3, 4, 5, 20, 22 |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☒ | ☐ | 1, 3, 4, 5, 20, 22, 35, 37 |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | ☐ | ☐ | ☒ | ☐ | 1, 3, 4, 5, 20, 35, 37 |

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

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

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

The Property Management Plan (PMP) also addresses the following:

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

All other pesticides and fertilizers will be stored within the 40’ x 50’ lockable processing buildings, in their original containers with labels intact, and in accordance with the product labeling. Agricultural chemicals and petroleum products will be stored in secondary containment, within separate storage structures alongside compatible chemicals. The pesticide, fertilizer, chemical, and petroleum product storage buildings will have impermeable floors. The storage buildings will be located over 100 feet from any watercourses. There are several watercourses that are in vicinity of the subject site, but none mapped on the subject site. See Figure 6 below.

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

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

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

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

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

Less Than Significant Impact

b) The Project involves the use of organic fertilizers and pesticides which will be stored in a secure, stormproof structure. Flood risk is at the Project site is minimal and according to Lake County GIS Portal data and the Project is not located in or near an identified earthquake fault zone. Fire hazard risks on the Project site are high; the applicant has indicated that one (1) 5,000 gallon water tank will be exclusively for fire suppression use.

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

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

Less than Significant Impact

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 approximately 23 miles from the nearest airport, Lampson Field, which has not adopted an Airport Land Use Compatibility Plan. In accordance with regional Airport Land Use Compatibility Plans, the site would not be located within an area of influence for the airport. Therefore, there will be no hazard for people working in the project area from Lampson Field.

No Impact

f) Access to the project site is from Jerusalem Grade Road, a paved County road in this location. The project site does not contain any emergency facilities nor does it serve as an emergency evacuation route or is located adjacent to an emergency evacuation route. During long-term operation, access for emergency vehicles via Jerusalem Grade Road and connecting roadways will be available. The project is not proposing alteration to the design or capacity of any public road that would impair or interfere with the implementation of evacuation procedures. Because the project would not interfere with an adopted emergency response or evacuation plan, impacts are less than significant and no mitigation measures are required.

Less than Significant Impact

g) The project site is on an area of high fire risk. CalFire's requirement for defensible space in high fire risk areas requires the removal of brush and vegetation around all buildings for defensible space that would reduce fire risk. Additionally, the proposed project proposes one 5,000 gallon steel/ fiberglass tank to be exclusively used as a water for fire suppression.

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

Less than Significant Impact

| X. HYDROLOGY AND WATER QUALITY | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 5, 6, 29, 30 |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 5, 6, 29, 30 |

| | | | | | |
|---|---|---|---|---|---|
| c) | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:<br>i) Result in substantial erosion or siltation on-site or off-site;<br>ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;<br>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<br>iv) Impede or redirect flood flows? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 5, 6, 7, 15, 18, 29, 32 |
| d) | In any flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 5, 6, 7, 9, 23, 32 |
| e) | Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 5, 6, 29 |

Discussion:

a) The Project parcel has no mapped stream crossings or watercourses.

According to the proposed Project's *Property Management Plan – Waste Management Plan*, the cultivation operation is enrolled in the State Water Resources Control Board's Order *WQ 2019-0001-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (General Order). Compliance with this Order will ensure that cultivation operations will not significantly impact water resources by using a combination of BPTC measures, buffer zones, sediment and erosion controls, inspections and reporting, and regulatory oversight. Note also that a sediment and erosion control plan is being implemented as part of the Property Management Plan, and is the plan used to evaluate the grading permit that is concurrent with this CEQA evaluation.

Potential adverse impacts to water resources could occur during construction by modification or destruction of stream banks or riparian vegetation, the filling of wetlands, or by increased erosion and sedimentation in receiving water bodies due to soil disturbance. Project implementation will not directly impact any channels or wetlands. Soil disturbance from project implementation could increase erosion and sedimentation. Regulations at both the County and State levels require the creation and implementation of an erosion control and stormwater management plan. Furthermore, as the total area of ground disturbance from project implementation is greater than one (1) acre, the Project proponent will need to enroll for coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ).

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

Additionally, cultivators who enroll in the State Water Board's Waste Discharge Requirements for Cannabis Cultivation Order WQ 2019-001-DWQ must comply with the

Minimum Riparian Setbacks. Cannabis cultivators must comply with these setbacks for all land disturbances, cannabis cultivation activities, and facilities (e.g., material or vehicle storage, diesel powered pump locations, water storage areas, and chemical toilet placement).

As described above, the current project site has been placed as far away as possible from waterbodies and in the flattest practical areas to reduce the potential for water pollution and erosion.

Less Than Significant Impact

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

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

A Technical Memorandum was written by Northpoint Consulting Group, Annje Dodd, PhD and P.E. for this project. The Memorandum ("Memo") contained all data required by Ordinance No. 3106, adopted by the County of Lake in July 2021 for all projects that rely on water. This Memo included a Drought Management Plan, also required by Ord. No. 3106.

The Memo contained the following data regarding water usage and conservation:

*Well Test*
The proposed water source is an existing groundwater well (latitude 38.82752; longitude -122.51585). A four-hour well test was taken on October 17, 2022 by Cal-Tech Pump Well and Water Treatment. The well pumped 19 gallons per minute on average through this test. At the start of the test, water was found at 34 feet below ground surface (bgs) After 1.5 hours, the water level stabilized to 44' bgs. At the end of the well test, the water level was 45' bgs, and recharged fully within 9 minutes of shut-down.

The Memo indicates that there is one other well that would use the same underground water storage at this general location, and that this neighboring well is used for domestic water only and is not used for irrigation purposes. Staff estimates that monthly water demand for dwellings is about 3,000 gallons, or 36,000 gallons per year.

*Projected Water Demand*
There are approximately 630 mature olive trees located in a field to the west of the cannabis cultivation area that are irrigated with a slow drip irrigation system from the existing well that will be used to irrigate cannabis along with the olive trees. Olive tree irrigation takes about 4 hours each day. The existing irrigation use was estimated

using estimates of daily irrigation demand for mature olive trees during different seasons. Estimated (existing) water demand for the olive trees is 2.7 acre-feet per year, or about 879,797 gallons per year.

Proposed cannabis demand for the project, which will be in addition to the 2.7 acre-feet already used for olive tree irrigation, is estimated to be an average of 5,160 gallons per day per acre of canopy – this assumes higher demand during flowering season, and lesser demand while the plants are in a vegetative state. The Memo estimates an additional water demand of 5.3 acre-feet per year, or about 1,727,010 gallons per year. This raises the annual on-site water demand to about 8 acre-feet per year.

*On-Site Water Storage*
The materials submitted by the applicant shows four (4) 5,000 gallon water tanks on site. Of these, one will be steel/ fiberglass reserved for fire suppression.

*Aquifer Recharge and Groundwater Basin Data*
The Memo states that there is no geologic log on record for the project well. The neighboring well, drilled in 1980, through hard blue ash and volcanic ash to a depth of 130 feet bgs. The recorded yield at that time was 100 gallons per minute. The memo states that an estimated 8.1% Lake County water demand is supplied from similar volcanic aquifers.

The memo states that a total of 16 wells are found within the same section of the subject site's well. Well tests obtained from the other wells in the Section ranged from 12 to 50 gallons per minute output according to the well data obtained by the applicant. The applicant indicates that the nearest mapped groundwater basin is the Coyote Valley groundwater basin located about 2.2 miles southwest of the project parcel.

The recharge of the underground water supply that the area wells, including the project well will draw from is as follows. The estimated acreage of land that drains into the aquifer is 180 acres. The recharge estimates take into consideration the soil types that water must permeate through, and evaluates likely drought- and non-drought year recharge rates. The memo states that average annual rainfall at this location (between 1895 and 2020) to be 35.0 inches of rain. The estimated amount of annual recharge during an average rain year is 69 acre-feet per year, and 46 acre-feet per year during a drought year. This represents about 11.5% of the total annual recharge amount during a regular rain year, and about 17.4% of the total annual recharge amount during a drought year.

*Conclusion*
The Memo concludes that the project would be supported by recharge during a drought year, and that the cumulative impacts of the project will not adversely affect the other area wells. This conclusion is supported by more data that is within the Memo and has been omitted in this evaluation for brevity.

*Drought Management*
The following measures are taken as drought management and mitigation measures for this project.

- No surface water diversion
- Selection of plant varieties suitable for the climate in Lake County
- Drip irrigation systems to be used
- Cover drip lines with straw mulch or similar to reduce evaporation
- Water application rates modified from data from soil moisture meters and weathering monitoring
- Shutoff valves on hoses and water pipes
- Daily visual inspections of irrigation system
- Immediate repair of leaking or malfunctioning equipment, and
- Water use metering and budgeting

Less Than Significant Impact

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

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

According to the Storm Water Management Plan, the cultivation operations are not expected to alter the hydrology of the parcels significantly. Establishment of the cultivation operations will require some grading, but they have been located in areas partially cleared for past, non-cannabis land uses. Establishment of the cultivation operations does not require the construction of new buildings, paved roads, or other significantly permanent and impermeable surfaces that would alter runoff significantly.

In addition to significantly exceeding all setback requirements, generous vegetative buffers exist between the cultivation area and the nearest water resource. These vegetated areas will be preserved as much as possible, with the exception of any fire breaks needed for wildfire protection.

BPTC measures will be deployed in a sequence to follow the progress of site preparation, tilling, and cultivation. As the locations of soil disturbance change, erosion and sedimentation controls should be adjusted accordingly to control stormwater runoff at the downgrade perimeter and drain inlets. BPTCs to be implemented include monitoring weather to track conditions and alert crews to the onset of rainfall events, stabilizing disturbed soils with temporary erosion control or with permanent erosion control as soon

as possible after grading or construction is completed, and establishing temporary or permanent erosion control measures prior to rain events. Typical BMPs include the placement of straw, mulch, seeding, straw wattles, silt fencing, and planting of native vegetation on all disturbed areas to prevent erosion.

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

Less than Significant Impact

d) The Project site is not located in an area of potential inundation by seiche or tsunami. The project site is not located in a flood zone. Soils at the project site are relatively flat and stable, with a minimal potential to induce mudflows.

The Grading and Erosion Control plan submitted by the applicant shows mitigation measures associated with the grading permit that must be followed during site disturbance in part to reduce the potential for erosion.

Less than Significant Impact

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

As part of the project's standard operational procedures, the project proposes to implement ongoing water monitoring and conservation measures that would reduce the overall use of water. These measures are included in the Water Use Management Plan (Section 15.2) as required by Article 27, Section 27.13 (at) 3 of the Lake County Zoning Ordinance. On-going water conservation measures are identified under "b)" above.

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? | ☐ | ☐ | ☐ | ☒ | 1, 2, 3, 5, 6 |

| | | | | | |
|---|---|---|---|---|---|
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☒ | ☐ | 1, 3, 4, 5, 20, 21, 22, 27 |

Discussion:

a) The project site consists of ±52.24 acres of marginally developed land in the Middletown Planning Area. The closest community growth boundary accessible by road is Hidden Valley Lake, which is approximately 2 miles southwest of the subject site.

The area is characterized by large parcels of rural, marginally developed and undeveloped land.

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

No Impact

b) The General Plan Land Use Zone and Zoning District designation currently assigned to the Project site is Rural Land ("RL"). The Lake County Zoning Ordinance allows for commercial outdoor cannabis cultivation in the "RL" land use zone with a major use permit.

Less than Significant Impact

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

Discussion:

a) The Lake County Aggregate Resource Management Plan does not identify the portion of the Project parcel planned for cultivation as having an important source of aggregate resources. 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 Lower Lake 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 availability of a local mineral resource recovery site.

No Impact

| XIII. NOISE | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| a) Result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☒ | ☐ | ☐ | 1, 3, 4, 5, 13 |
| b) Result in the generation of excessive ground-borne vibration or ground-borne noise levels? | ☐ | ☐ | ☒ | ☐ | 1, 3, 4, 5, 13 |
| c) Result in the generation of excessive ground-borne vibration or ground-borne noise levels? | ☐ | ☐ | ☐ | ☒ | 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. Energy will be supplied by solar power.

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

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

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

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

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

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

The project would not generate ground-borne vibration or noise, except potentially during the construction stage from the use of heavy construction equipment. There will be moderate grading required for the greenhouse pads, however earth movement is not expected to generate ground-borne vibration or noise levels. According to California Department of Transportation's Transportation and Construction-Induced Vibration Guidance Manual, ground-borne vibration from heavy construction equipment does not create vibration amplitudes that could cause structural damage, when measured at a distance of 10 feet. The nearest existing off-site structures are located one quarter mile from the nearest point of construction activities and would not be exposed to substantial ground-borne vibration due to the operation of heavy construction equipment on the Project site.

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

Less Than Significant Impact

c) The project site is located approximately 10 miles from Lampson Field, administered by the Lake County Airport Land Use Commission, which has not adopted an Airport Land Use Compatibility Plan. Therefore, no impact is anticipated.

No Impact

## XIV. POPULATION AND HOUSING

| | Potentially Significant Impact | Less Than Significant With Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☐ | ☒ | 1, 3, 4, 5 |

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

Discussion:

a) The project is not anticipated to induce significant population growth to the area. The increased employment will be approximately five (5) fulltime and up to ten (10) seasonal employees to be hired locally.

No Impact

b) The project will not displace any existing housing, thus no impact is expected.

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:<br>1) Fire Protection?<br>2) Police Protection?<br>3) Schools?<br>4) Parks?<br>5) Other Public Facilities? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 4, 5, 20, 21, 22, 23, 27, 28, 29, 32, 33, 34, 36, 37 |

Discussion:

1) Fire Protection

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

2) Police Protection

The Project site falls under the jurisdiction of the Lake County Sheriff's Department. Article 27 of the Lake County Zoning Ordinance lays out specific guidelines for security measures

for commercial cannabis cultivation to prevent access of the site by unauthorized personnel and protect the physical safety of employees. This includes 1) establishing a physical barrier to secure the perimeter access and all points of entry; 2) installing a security alarm system to notify and record incident(s) where physical barriers have been breached; 3) establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors; 4) maintaining the premises such that visibility and security monitoring of the premises is possible; and 5) establishing procedures for the investigation of suspicious activities. Accidents or crime emergency incidents during operation are expected to be infrequent and minor in nature, and with these measures the impact is expected to be less than significant.

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

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

5) Other Public Facilities
As the staff will be hired locally, and no increase in impacts are expected.

Less than Significant Impact

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

Discussion:

a) The staff will be hired locally, there will be no increase in the use of existing neighborhood and regional parks or other recreational facilities that would be the direct result of this project, and no impacts are expected.

No Impact

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

No Impact

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

Discussion:

a) Roadway Analysis

The project is located off of Jerusalem Grade Road. Vehicles traveling to the site will use Jerusalem Grade Road to access the project site.

The project site is situated on the north side of Jerusalem Grade Road, a dirt, unmaintained County road at this location. The access driveway off of Jerusalem Grade Road will be 20 feet wide with turnouts at the cultivation area (20' x 60'; for emergency vehicle use if needed). The interior driveways will have 6" of gravel base in order to support a 75,000 pound emergency vehicle, typically a semi truck hauling a bulldozer. As proposed, the two interior driveways will meet California Public Resource Code (PRC) 4290 and 4291 road standards for fire equipment access. The interior driveway will need to be improved to meet Public Resource Code (PRC) 4290 and 4291 road standards. This is a typical condition of approval for all cannabis projects that involve structures such as this project.

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

Transit Analysis

The Lake County Transit Authority Route 1 – North Shore, Clearlake to Lakeport, runs along California State Highway 29, with a transit stop located in Lower Lake, approximately 5 miles from the cultivation site. This distance would make the use of public transit unfeasible.

Bicycle Lane and Pedestrian Path Analysis

The proposed Project does not conflict with any existing program plan, ordinance or policy addressing bicycle and/or pedestrian issues, including Chapter 6 of the General Plan. There are no bicycle or pedestrian facilities on Jerusalem Grade Road, a dirt road at this location.

Less than Significant Impact

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

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

To date, the County has not yet formally adopted its transportation significance thresholds or its transportation impact analysis procedures. As a result, the project-related VMT impacts were assessed based on guidelines described by the California Office of Planning and Research (OPR) in the publication *Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory*, 2018.

The OPR Technical Advisory identifies several criteria that may be used to identify certain types of projects that are unlikely to have a significant VMT impact and can be "screened" from further analysis. One of these screening criteria pertains to small projects, which OPR defines as those generating fewer than 110 new vehicle trips per day on average.

OPR specifies that VMT should be based on a typical weekday and averaged over the course of the year to take into consideration seasonal fluctuations. The estimated trips per day for the proposed project are between 5 and 12 daily trips during peak season operation (5 employees) over a period of 270 days. This includes delivery and construction-related vehicle trips.

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

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

Less than Significant Impact

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

No Impact

d) 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.

Less Than Significant Impact

e) The proposed project would not alter the physical configuration of the existing roadway network serving the area, and will have no effect on access to local streets or adjacent uses (including access for emergency vehicles). Internal gates and roadways will meet CALFIRE requirements for vehicle access according to PRC §4290 and 4291, including adequate width requirements, overhead clearances, on-site turn-arounds, sufficient base materials use. Furthermore, as noted above under impact discussion (a), increased project-related operational traffic would be minimal. The proposed project would not inhibit the ability of local roadways to continue to accommodate emergency response and evacuation activities. The proposed project would not interfere with the City's adopted emergency response plan.

Less than Significant Impact

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

5024.1, the lead agency shall consider the significance of the +resource to a California Native American tribe?

Discussion:

a) A Cultural Resources Report (CRR) for the proposed cultivation Project was completed by Wolf Creek Archaeology and is dated May 9, 2022. The Report indicated that no potentially significant items, artifacts or relics were found on the site during the site survey, and recommended that the project proceed as proposed.

A California Historical Resources Information System (CHRIS) records search was completed by the Northwest Information Center (NWIC) on July 30, 2022, and the Native American Heritage Commission (NAHC) returned the results of the Sacred Lands File (SLF) search in July 2023. The County sent an AB52 notice to all eleven area tribes on July 13, 2023. The Upper Lake Habematolel Tribe submitted a letter indicating that this project was not within their tribal ancestral areas and deferred to the Middletown Rancheria Tribe. To date, the Middletown Rancheria Tribe has not submitted any comments on this project.

CHRIS comments indicated that there is unlikely to be any tribal historic use of the property based on the Cultural Study prepared by Wolf Creek Archaeology, and based on the lack of mapped historic sites in the vicinity.

Based on the findings of the CHRIS search, field survey, and outreach efforts with the eleven local area tribes, there is no indication that the project will impact any historical or archaeological resources as defined under CEQA Section 15064.5 or tribal cultural resources as defined under Public Resources Code Section 21074. It is possible, but unlikely, that significant artifacts or human remains could be discovered during Project construction. If, however, significant artifacts or human remains of any type are encountered it is recommended that the project sponsor contact the culturally affiliated tribe and a qualified archaeologist to assess the situation. The Sheriff's Department must also be contacted if any human remains are encountered.

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

b) The California Historical Resources Information System records search showed the presence of one tribal cultural resources on the project site. The Natural Investigations Assessment however produced negative findings following an on-site survey of the cultivation portion of the site. The lead agency has determined that, in its discretion and supported by substantial evidence, no resources pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1 will be affected by the proposed project because the sensitive site is located outside the cultivation area boundary. With mitigation measures CUL-1 and CUL-2, the impact will be less than significant.

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

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

Discussion:

a) The proposed project will be served by an existing onsite irrigation well and is proposing on-grid and solar power, potentially up to 600 additional amps. There are no proposed ADA compliant portable restrooms shown on the site plans submitted, however there are two dwellings on site that have restroom facilities. One of the restrooms must be ADA compliant.

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 subject parcel is served by three existing wells as described in the Hydrology Study and submitted with the Use Permit application, and the cultivation operation is enrolled as a Tier II / Low Risk cultivation operation in the State Water Resources Control Board's *Order WQ 2017-0023-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (General Order). Compliance with this Order will ensure that cultivation operations will not significantly impact water resources by using a combination of BPTC measures for water conservation, including shut-off valves on water tanks, drip irrigation, continued maintenance of equipment, in addition to buffer zones, sediment and erosion controls, inspections and reporting, and regulatory oversight.

Less than Significant Impact

c) The project will rely on the use of restrooms that are in the two dwellings on site.

Less than Significant Impact

d) The existing landfill has sufficient capacity to accommodate the project's solid waste disposal needs. Estimated annual solid waste will be between 1/2 and 1 ton.

Eastlake Landfill, South Lake Refuse Center, and Quackenbush Mountain Resource Recovery and Compost Facility are located within reasonable proximity of the Project site. Lake County Waste Solutions Transfer Station and Recycling Center is located approximately 5 miles west of the subject parcel. As of 2019, the Eastlake Landfill had 659,200 cubic yards available for solid waste, with an additional 481,000 cubic yards approved in 2020.

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

Less than Significant

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

Less than Significant

| XX. WILDFIRE | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact | Source Number |
|---|---|---|---|---|---|
| If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project: | | | | | |
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | ☐ | ☒ | ☐ | ☐ | 1, 2, 3, 5, 6, 23, 25, 28, 29 |
| b) Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 5, 6, 23, 25, 28, 29 |

| | | | | | |
|---|---|---|---|---|---|
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | ☐ | ☒ | ☐ | ☐ | 1, 2, 3, 5, 6 |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | ☐ | ☒ | ☐ | ☐ | 1, 2, 3, 5, 6, 21, 23, 32 |

Discussion:

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

In April 2021, Lake County Planning and Building Division staff conducted a PRC 4290 and 4291 site inspection and determined that the site could be accessed by emergency vehicles, and that the on-site driveway needed to be upgraded to meet PRC 4290 and 4291 standards.

Less than Significant Impact with mitigation measure WDF-1 added (below)

b) The Project site is situated in a high risk fire hazard zone. The ±52.24 acre site has an average slope ranging from 5 to 15 percent on most of the lot. The cultivation area does not further exacerbate the risk of wildfire, or the overall effect of pollutant concentrations on area residents in the event of a wildfire. The project would be required to improve fire access and the ability to fight fires from the project site through interior driveway improvements, and through the upkeep of the property area. The applicant is proposing the installation of a PRC §4290-compliant 5,000 gallon steel/ fiberglass water tank for use as a fire suppression tank, in addition to the three other proposed 5,000 gallon water tanks.

Less than Significant Impact

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

On July 3, 2023, CalFire provided comments on the proposed project, including the need for Fire Access Roads to meet the requirements of CCR 1273/PRC §4290a and 4291, the installation of approved address numbers to be placed on all buildings and/or driveways in such a position as to be plainly visible and legible from the street or road fronting the property with numbers that shall contrast with their background will be required, and the installation of a rapid entry lock box, approved by the fire district if any gate is installed will also be required.

Less than Significant Impact with Mitigation Measure WDF-1 through WDF-3:

WDF-1: The interior driveway shall be improved to meet PRC 4290 and 4291 road standards for private driveways serving commercial uses, including turn-arounds every 400 feet or less for emergency vehicles.

WDF-2: Prior to cultivation the applicant shall maintain 100' of defensible space around all structures for the life of the project. Clearing these areas shall occur prior to a building permit being issued. Trees do not need to be removed, however all trees shall be limbed up to a height of eight feet if they are within the defensible space area. Shrubs and grasses shall be removed to reduce fuel load.

WDF-3: One 5,000 gallon water tank, made of steel or fiberglass and having connectors that can be easily connected to fire hoses shall be reserved exclusively for fire protection purposes.

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

The Project site, along with much of the parcel, burned in 2018 in the Mendocino Complex fire, and the stability of the soil on the relatively flat sections where the Project parcel is located. Steeper sections of the parcel are heavily vegetated and remain stable. The erosion mitigation measures and BMPs to be implemented will provide further stability on and around the Project site, and with no neighboring people or structures within range of downstream flooding or landslides, the impact will be less than significant impact with mitigation measures WDF-1 through WDF-4 implemented.

Less than Significant Impact with Mitigation Measures WDF-1 through WDF-4:

WDF-4: A Water tender will be present onsite during earth work to reduce the risk of wildfire and dust.

Policy HS-7.6 Development Guidelines

The County should consider fire hazards in evaluating development proposals. Within designated areas where population or residential building densities may be inappropriate to the hazards present, measures should be developed and adopted to mitigate risk to life and property loss. Lands designated as having high and extreme wildfire hazards may be developed provided that the following guidelines are satisfied:

- Developers and/or subsequent owners must assume responsibility for ongoing fire prevention maintenance activities for the project, including; abatement of fuel buildup, fire break maintenance, access provision, and provision of adequate water supply to meet fire flow.

WDF-5: As part of the proposed project, all water storage tanks will be equipped with 2.5-inch fire equipment hose connectors to ensure efficient and effective fire suppression. Additionally, a 5,000-gallon water tank will be installed solely for the purpose of fire suppression, providing ample water supply to tackle any potential fire emergency.

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

Discussion:

a) According to the biological study conducted by Northwest Boisurvey dated August 5, 2022. The Biblical Ventures cannabis cultivation project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal habitat. According to the Cultural Assessment undertaken for this project, the project will not eliminate important examples of the major periods of California tribal or cultural history or prehistory when mitigation measures are implemented.

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

   Less than significant with mitigation measures added

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

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

Less than significant with 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, Geology and Soils, Cultural and Tribal Resources, Wildfire, and Noise have the potential to impact human beings. Implementation of and compliance with mitigation measures identified in each section as conditions of approval would not result in substantial adverse indirect or direct effects on human beings and impacts would be considered less than significant.

Less than significant with mitigation measures added

Source List

1. Lake County General Plan
2. Lake County GIS Database
3. Lake County Zoning Ordinance
4. Lower Lake Area Plan
5. Biblical Ventures 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 GIS Serpentine Soil Mapping
11. California Natural Diversity Database (https://wildlife.ca.gov/Data/CNDDB)
12. U.S. Fish and Wildlife Service National Wetlands Inventory
13. Biological Resources Assessment for Biblical Ventures, prepared by Northwest Biosurvey, dated August 5, 2022.
14. Cultural Resources Assessment, prepared by Wolf Creek Archaeology, dated May 9, 2022.
15. California Historical Resource Information Systems (CHRIS); Northwest Information Center, Sonoma State University; Rohnert Park, CA.
16. Water Resources Division, Lake County Department of Public Works Wetlands Mapping.
17. U.S.G.S. Geologic Map and Structure Sections of the Clear Lake Volcanic, Northern California, Miscellaneous Investigation Series, 1995
18. Official Alquist-Priolo Earthquake Fault Zone maps for Lake County
19. Landslide Hazards in the Eastern Clear Lake Area, Lake County, California, Landslide Hazard Identification Map No. 16, California Department of Conservation, Division of Mines and Geology, DMG Open –File Report 89-27, 1990
20. Lake County Emergency Management Plan
21. Lake County Hazardous Waste Management Plan, adopted 1989
22. Lake County Airport Land Use Compatibility Plan, adopted 1992
23. California Department of Forestry and Fire Protection - Fire Hazard Mapping

24. National Pollution Discharge Elimination System (NPDES)
25. FEMA Flood Hazard Maps
26. Lake County Aggregate Resource Management Plan
27. Lake County Bicycle Plan
28. Lake County Transit for Bus Routes
29. Lake County Environmental Health Division
30. Lake County Grading Ordinance
31. Lake County Natural Hazard database
32. Lake County Countywide Integrated Waste Management Plan and Siting Element, 1996
33. Lake County Water Resources
34. Lake County Waste Management Department
35. California Department of Transportation (Caltrans)
36. Lake County Air Quality Management District website
37. South Lake Fire Protection District
38. Site Visit – August 2022
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)