



## COUNTY OF LAKE

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

October 22, 2024

# CALIFORNIA ENVIRONMENTAL QUALITY ACT ENVIRONMENTAL CHECKLIST FORM INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION (UP 23-10, IS 23-21)

1. Project Title: Clearpath Canyon, LLC
2. Permit Numbers: Major Use Permit UP 23-10  
Initial Study, IS 23-21
3. Lead Agency Name and Address: County of Lake  
Community Development Department  
Courthouse, 3<sup>rd</sup> Floor, 255 North Forbes Street  
Lakeport, CA 95453
4. Contact Person: Trish Turner, Assistant Planner II  
(707) 263-2221
5. Project Location(s): 2050 and 2122 Ogulin Canyon Road  
Clearlake, CA 95422  
APNs: 010-053-01 and 010-053-02
6. Project Sponsor's Name & Address: Clearpath Canyon, LLC  
637 Lindaro Street, Suite 201  
San Rafael, CA 94901
7. General Plan Designation: RL – Rural Lands
8. Zoning: "RL" Rural Lands; "WW" Waterway
9. Supervisor District: District Two (2)
10. Flood Zone: "D"; Area of Undetermined Flood Hazard.
11. Slope: Moderately steep to gently sloping; cultivation sites are less than 10%
12. Fire Hazard Severity Zone: California State Responsibility Area (CALFIRE):  
Wildland Fire Hazard Area

- 13. Earthquake Fault Zone:** Cross Spring fault zone, Late Quaternary
- 14. Dam Failure Inundation Area:** Not located within Dam Failure Inundation Area
- 15. Parcel size:** 302.45 total combined acres
- 16. Description of Project:**

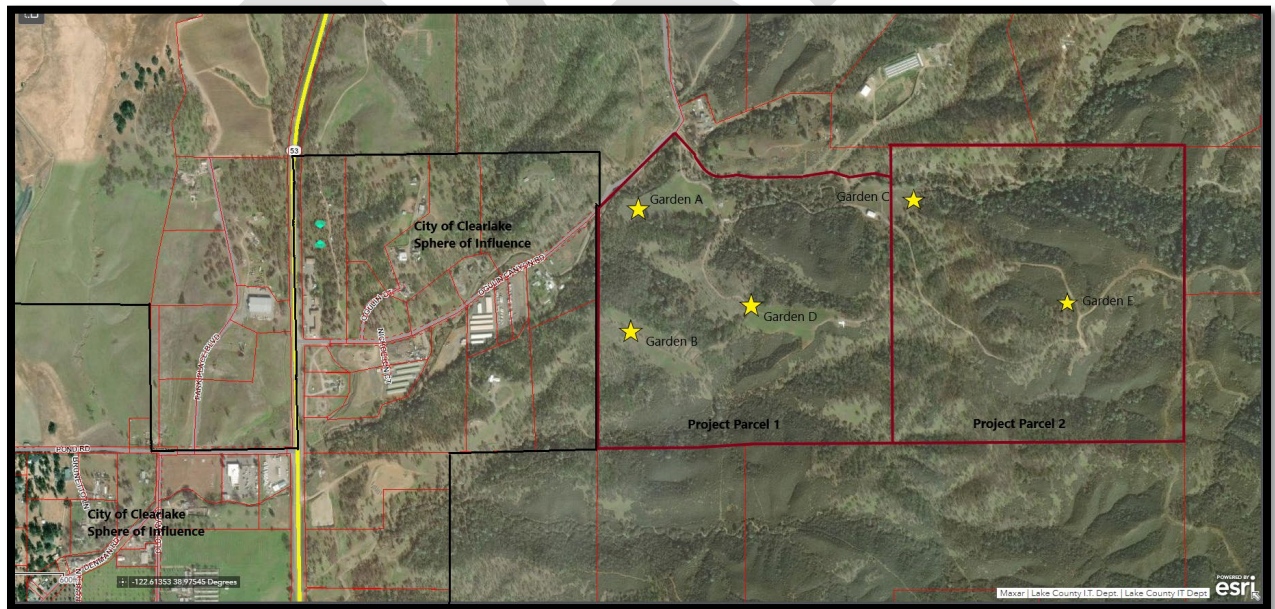
The Applicant, Clearpath Canyon, LLC is proposing a Major Use Permit, UP 23-10, for commercial cannabis cultivation at 2050 and 2022 Ogulin Canyon Rd., Clearlake (APNs: 010-053-01 and 010-053-02) as described in the Applicant's submitted material including the following license types:

Fifteen (15) A - Type-3 "Outdoor" Cultivation Licenses for a total of 653,400 sf of outdoor canopy (Table 1) area. The proposed project will cultivate in full-sun or will use light deprivation within temporary agriculture exempt hoop structures.

One (1) Type 13 Self-Distribution, transport only License

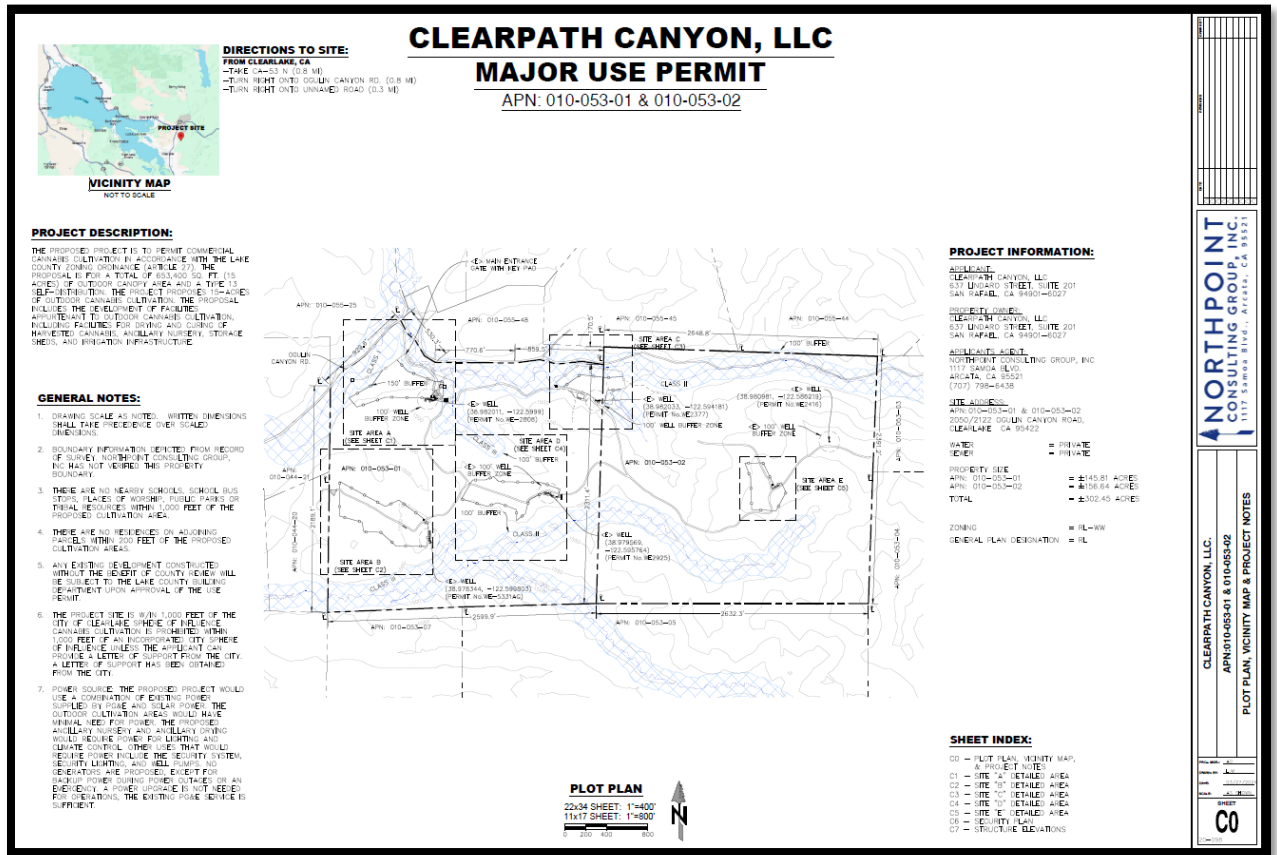
The proposed Clearpath Canyon, LLC Cannabis Cultivation Project (Proposed Project) consists of the cultivation of commercial cannabis on two parcels (APNs 010-053-01 and 010-053-02) located in the unincorporated area of Clearlake. The project property is accessed by a private driveway off Ogulin Canyon Road in Clearlake, California. Historical uses of the site include agricultural uses such as hops farming and commercial cannabis cultivation of EA 20-22 for UP 19-36.

*Figure 1- Vicinity Map*



*Source: Lake County GIS website 2024*

Figure 2: Site Plans



Source: Submitted Project Material

The proposed Clearpath Canyon, LLC project is located northeast of the City of Clearlake, Lake County, on Ogulin Canyon Road about one (1) mile east of State Highway 53 (Figure 1). The project site consists of two contiguous parcels, APN 010-053-01 (145.8 acres) and 010-053-02 (156.6 acres), totaling approximately 302.4 acres (See Site Plan, Sheet C0 - Attachment 1).

The project site is accessed via a gravel driveway from Ogulin Canyon Road through an existing security gate, which is accessed from State Route 53. There is a well-maintained existing network of unpaved roads throughout the project site.

The project site is part of a former hops farm, operated as Hops-Meister Farms, cultivating approximately 13.6 acres of hops beginning in about 2009. Hops-Meister Farms grew a variety of hops for the micro-brewing beer industry. Hops-Meister Farms removed the hops plants to prepare the fields for cultivation of crops that would be more financially feasible.

The site has been developed to include hops farming, orchards, agricultural support facilities, including a 1,200 square foot single family residence, septic system, barn, accessory structures, multiple wells, and accessory agricultural facilities (e.g., irrigation facilities). The pre-existing agriculture activities covered over 18 acres. Other land uses on the project site include residential, timberland, grazing land, and open space. There are also remnants of almond orchards in existence prior to 1993.

Elevations in the project area range from approximately 1,435 feet to 1,775 feet above mean sea level. The topography of the parcel is mountainous with several small plateaus, ridges, ravines, and valleys. Slopes on the parcel range from 0% to over 50%. The vegetation in the area is mainly oaks, pine, native understory, chaparral/manzanita brush, and natural grasses, along with existing agricultural fields.

The project area drains in various directions, but ultimately drains into Burns Valley Creek, a perennial (Class I) creek that runs parallel to Ogulin Canyon Road, which flows towards the southwest, and is a tributary to Clear Lake. An intermittent, Class II watercourse flows to Burns Valley Creek along the northern edges of the property. Multiple ephemeral (Class III) drainages drain into these onsite watercourses. A ponded area with wetland indicators was identified onsite. The ponded area is approximately 0.17 acres. See Figure 2 for locations of onsite wetlands, streams and stream classifications.

All cultivation areas and disturbed areas are located outside of appropriate stream and wetland buffers, per State Water Resources Control Board regulations (150 feet from Class I, 100 feet from Class II and wetlands, and 50 feet from Class III watercourses). The minimum buffer from watercourses, per Lake County Zoning Ordinance, is 100 feet, which is greater than the 50-foot buffer for Class III watercourses.

The site is zoned Rural Residential (RL) and has a corresponding land use designation of Rural Residential (RL). Land uses surrounding the project site include residential estates, heavy service commercial, light industrial, hay production, row crops, grazing land, and open space. The western property line of APN 010-053-01 is adjacent to the City limits of Clearlake and the City's C-4 Zoning District, defined as "Heavy Service Commercial – Light Industrial".

The project site is within 1,000 feet of the City of Clearlake sphere of influence. Cannabis cultivation is prohibited within 1,000 feet of an incorporated city sphere of influence unless the applicant can provide a letter of support from the city. A letter of support has been obtained from the City in October 2023 and is included with the application materials (see Attachment 6).

*Table 1. Summary of Cultivation Sites*

Site	Name	Cultivation Area		Canopy Area	
		acres	sq. ft.	acres	sq. ft.
A	Northwestern Hops Field	4.42	192,663	4.07	177,436
B	Southwest Clearing	6.42	279,444	5.25	228,692
C	Northeast Hops Field	1.95	85,137	1.16	50,501
D	Central Hops Field	4.23	184,454	2.98	129,798
E	Chaparral Clearing	2.61	113,485	1.54	66,973
<b>Total</b>		<b>19.63</b>	<b>855,183</b>	<b>15.00</b>	<b>653,400</b>

*Source: Submitted Project Description*

### Existing facilities:

The proposal includes commercial cannabis cultivation in five gardens identified as “A,” “B,” “C,” “D,” and “E” as seen in Table 1 below. The development of facilities appurtenant to outdoor cannabis cultivation, including facilities for drying and curing of harvested cannabis, ancillary nursery, storage sheds, and irrigation infrastructure are listed within the existing and proposed facilities section below. Irrigation water for the cultivation system will be provided by up to five (5) existing groundwater wells. Water will be pumped and/or gravity fed to water storage tanks where it will be pumped to each site using small horsepower pumps powered by a solar pump or existing PG&E service.

- Security gate
- Access driveway
- 2,800 sf (40' by 70') garage/storage building.
- Existing PG&E service
- Interior roadways

### Proposed facilities:

- Up to 15 acres of outdoor cultivation canopy area within 19.63 acres cultivation area
- Ancillary nursery (immature plant propagation) space will take place in the drying building when drying is not occurring. Ancillary nursery space may also occur in temporary ag-exempt hoop structures when cultivation is not occurring.
- 2,800 sf (40' by 70') of ancillary drying and curing within an existing garage/storage building.
- Security fencing around the perimeter of the cultivation area consisting of 6-8 ft. high wire fences, constructed of heavy gauge wire fence or similar, with a steel gates and padlocks.
- Cultivation will be in above-ground raised garden beds or containers (e.g., smart pots).
- Drip irrigation system, consisting of a water storage tank, valves and filters, PVC pipe, black polyvinyl flexible tubes, drip emitters.
- Eight Connex container or similar for storage of chemicals and hand tools.
- Irrigation water is supplied via five (5) existing groundwater wells.
- (46) 5,000-gallon water storage tanks (total of 230,000 gallons of water storage).
- Electricity will be supplied by an existing PG&E service and a proposed small-scale ground mount solar array
- Six (6) 2,500-gallon capacity fire suppression water storage tanks made of steel or fiberglass, located adjacent to each cultivation area (15,000 gallons of fire suppression water storage).
- Up to five (5) portable restrooms, located adjacent to each cultivation area.
- Up to 29 parking spaces, including the two ADA-space
- Trash enclosures. Compost piles, and soil piles located within each fenced cultivation area.
- Improve the roadways leading to the drying and curing building to comply with commercial roadway requirements outlined in SRA 4290/4291 regulations.

- Implement culvert upgrades or replacement when widening the roadway.

The project site is within 1,000 feet of the City of Clearlake (City) sphere of influence. Cannabis cultivation is prohibited within 1,000 feet of an incorporated city sphere of influence unless the applicant can provide a letter of support from the City of Clearlake. A letter of support has been obtained from the Clearlake City Manager dated 10/13/2023 and submitted to the Lake County Planning Division as part of the Major Use Permit application package.

### Power Source

The proposed project would use a combination of existing power supplied by PG&E and the proposed solar power. The outdoor cultivation areas would have minimal need for power limited to security cameras. The proposed ancillary nursery would require power for lighting and climate control. Other uses that would require power include the entirety of the security system, security lighting, and well pumps. A backup generator is proposed during power outages or the event of a declared emergency. A power upgrade is not needed for operations, the existing PG&E service is sufficient.

### Water Demand

There are five (5) existing, permitted groundwater wells that would be used for cultivation. The yield for each well is summarized in Table 3. The wells range in depth from 114 ft to 460 ft and have a combined yield of 720 gpm (1,161 acre-feet/year or AFY).

Table 2. Summary of well information

Site	Name (Well Latitude/Longitude)	Well #	Depth (ft)	Yield (gpm)	Yield (AFY)
A	Northwestern Hops Field (38.982011, -122.599900)	1	240	60	96.8
B	Southwest Clearing (38.978344, -122.599803)	5	340	300	483.9
C	Northeast Hops Field (38.982033, -122.594181)	2	114	60	96.8
D	Central Hops Field (38.979569, -122.595764)	4	358	200	322.6
E	Chaparral Clearing (38.980981, -122.586219)	3	460	100	161.3
			Total	720	1,161

Source: Submitted Project Description

Water from the irrigation well would be pumped to adjacent 5,000-gallon water storage tanks using a solar powered pump, where water would be pumped through an above ground pipe system (aka, irrigation lines) to the cultivation area.

According to the applicant's submitted Property Management Plan, the water demand is estimated as 1.2 to 14.7 gallons per canopy square foot per year, which is summarized in Table 2. This equates to 290-3,560 gallons per day (gpd) per acre. Using the more

conservative estimate and assuming 65% of the time the cultivation is in the vegetative state and 35% in the flowering state; the water use during the flowering period is about 1.7 times the water used during the vegetative state. The total estimated irrigation water demand for 15 acres of cannabis canopy is as follows:

- Average Daily – 53,470 gpd
- Maximum Daily (Flowering Period) – 73,425 gpd
- Yearly (assuming up to 180-day outdoor season)
  - 29.5 acre-feet per year (AFY)

*Table 3. Estimated projected monthly water use based on vegetative and flowering periods*

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Irrigation (1,000 gal)	0	0	0	641	1,324	1,282	1,324	1,969	2,203	881	0	0	9,624

*Source: Submitted Project Description*

The estimated irrigation water demand reported above is an average daily rate over the course of the growing season; however, seasonal water demand likely varies in response to temporal and environmental variables (e.g., temperature, relative humidity, wind, plant age, and size, etc.)

The project proposes to use the existing groundwater wells to fill forty-six (46) 5,000-gallon water tanks adjacent to the proposed cultivation areas (Table 4), amounting to a total of 230,000-gallons of storage, representing 3 to 5 days of water storage for the cannabis operation. Water from the storage tanks will be piped to drip irrigation systems in individual greenhouses. Drip lines will be sized to irrigate the cultivation areas at a slow rate to maximize absorption and prevent runoff. Drip irrigation systems, when implemented properly, conserve water compared to other irrigation techniques.

*Table 4. Summary of water storage at each cultivation site*

Site	Name	# of 5,000 Gallon Tanks	Water Storage (gallons)
A	Northwestern Hops Field	12	60,000
B	Southwest Clearing	16	80,000
C	Northeast Hops Field	4	20,000
D	Central Hops Field	9	45,000
E	Chaparral Clearing	5	25,000
<b>Total</b>		<b>46</b>	<b>230,000</b>

*Source: Submitted Project Description*

**Access, Parking, and Traffic:** The project property is accessed by a private driveway off Ogulin Canyon Road. An existing private driveway will be used to access the cultivation area. Improvements will be made to the roadway leading to the drying and curing building to

comply with commercial roadway requirements outlined in SRA 4290/4291 regulations. A total of 29 parking spaces are proposed.

#### *Construction*

Construction traffic would occur over approximately 1 to 2 months. Larger equipment would be mobilized once at the beginning of the construction season, and out and the end of the construction season. The following equipment is expected to be used to construct the project facilities:

- Tractor
- ATV
- Backhoe
- Truck

#### *Vehicle Trips During Construction*

During construction, it is expected that there would be approximately 3 to 4 construction employees, with up to approximately 3 round trips per day. Assuming an average of one (1) delivery per month, the total construction trips would be approximately 1 trip per month. Maximum daily trips during construction would be approximately 6 to 8 trips per day.

#### **Operation Details:**

Operations would occur up to seven days per week with cultivation operations occurring approximately from March through November for mixed light cultivation. Hours of operation for the proposed activities would typically be between approximately 6:00 a.m. and 8:00 p.m. daily. The Lake County Zoning Ordinance restricts deliveries and pickups for cannabis cultivation operations from 9:00 a.m. to 7:00 p.m. Monday through Saturday and Sunday from 12:00 p.m. to 5:00 p.m.

- 1- 8 Full-time employees during regular season
- 15-20 Seasonal employees during peak season

During operations, there would be approximately 2 to 16 roundtrips for full-time employees and 30 to 40 roundtrips for seasonal employees. Delivery vehicles would be expected to occur about once monthly. Typical daily trips during normal operations would be approximately 2 to 16 trips per day and an additional 30 to 40 trips per day during planting and harvesting.

Fertilizers, pesticides, and petroleum products would be stored with compatible chemicals and outside of riparian setbacks in the proposed buildings or stormproof sheds (or similar). All waste would be kept in the secured cultivation area, and regularly hauled off-site to be disposed of properly at an appropriate waste disposal facility. Projected waste for the Proposed Project would be approximately 300 lbs. of solid waste and approximately 2,000 lbs. of organic waste annually. Any plant waste would be chipped/mulched and spread around the cultivation area. A trash enclosure, soil stockpile, and compost pile would be located within the fenced cultivation area.

The cultivation area would be fully secured with 6 to 8-foot wire deer fencing and a minimum 14-foot-wide locked gate that is wide enough to allow access for emergency vehicles per Public Resource Code (PRC) 4290 and 4291 fire safety standards.

The following erosion control measures would be followed:

- 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, such as wattles.

The property is enrolled with the State Water Resources Control Board (SWRCB) for Tier 1, 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 site was assigned WDID No. 5S17CC420612. 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 Best Practicable Treatment or Control (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 to be submitted to the SWRCB prior to commencing cultivation activities.

#### **17. Surrounding Land Uses and Setting:**

- North: Parcels to the north are zoned Rural Residential and RL (Rural Lands) District. Some parcels are developed with residences, commercial cannabis operations, and open lands.
- South: Parcels to the south are zoned RL (Rural Land) and contain open hilly lands.
- West: Parcels to the west are located within the City of Clearlake and contain commercial businesses.
- East: Parcels to the east are zoned RL (Rural Lands) and O (Open Space) District and contain open lands. There is one cannabis cultivation project located to the east.

#### **18. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):**

- County of Lake
  - Lake County Community Development Department
  - Lake County Department of Public Works
  - Lake County Air Quality Management District
  - Lake County Agricultural Commissioner
  - Lake County Sheriff Department
  - Lake County Water Resources Department
  - Lake County Public Services
  - Lake County Department of Environmental Health
- Lake County Fire Protection District
- Central Valley Regional Water Quality Control Board
- California Water Resources Control Board
- California Department of Fish and Wildlife (CDFW)
- Department of Cannabis Control (DCC)

- California Department of Forestry & Fire Protection (Cal Fire)
- California Department of Food and Agriculture
- California Department of Pesticides Regulations
- California Department of Public Health
- California Department of Consumer Affairs

**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.?**

Note: 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. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

Notification of the Project was sent to Big Valley Rancheria, Cortina Rancheria, Elem Colony, Hopland Band of Pomo Indians, Koi Nation, Mishewal-Wappo, Middletown Rancheria, Redwood Valley Rancheria, Robinson Rancheria, Scotts Valley Band of Pomo of Indians, Habematolel Pomo of Upper Lake Tribe, and Yocha Dehe Wintun Nation on January 18, 2024.

The Koi Nation Tribe submitted a formal request for Tribal Consultation via Postal Mail on January 29, 2024. In May of 2024, the Tribal Historic Preservation Officer for the Koi Nation Tribe conducted a field survey in partnership with the applicant's consultant. Following the survey, the Tribal Historic Preservation Officer identified Tribal Cultural Sensitivities within the project location and requested a second Tribal Consultation meeting with the County of Lake, Community Development Department and the consultant. The Tribal Consultation process was officially concluded on June 25, 2024, with Mitigation Measures to be integrated into the draft Initial Study to mitigate any potential impacts of the project for Tribal Cultural Resources

## **ATTACHMENTS**

- Attachment 1 – Property Management Plan and Site Plans
- Attachment 2 – Biological Reports and Memorandums
- Attachment 3 – SWRCB Notice of Applicability, Water Quality Order WQ-2019-0001-DWQ
- Attachment 4 – Hydrology Report and Drought Management Pan
- Attachment 5 – Preliminary Grading Plans
- Attachment 6 – Letter of Support from the City of Clearlake

All Attachments are available upon request at [Trish.Turner@lakecountyca.gov](mailto:Trish.Turner@lakecountyca.gov)

## **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this Project, involving at least one impact requiring mitigation to bring it to a less-than-significant level. A Mitigation

Monitoring and Reporting Program ensures compliance with mitigation measures during project implementation.

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

**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 Reviewed and revised by Trish Turner, Assistant Planner II, County of Lake

  
 \_\_\_\_\_  
 SIGNATURE

Date: 10/22/2024

SECTION 1

## EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, and then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

**I. AESTHETICS**

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

**Discussion:**

- a) The project site is located on land in a rural/residential area that is surrounded by densely vegetated hillsides of pine, brush, and oak trees. This vegetation would act as a natural screen. There are no scenic vistas on or adjacent to the subject site. Due to the rural nature of the site and because it is visually protected by the natural topography and surrounding vegetation the cultivation activities would not be visible from public roads. The proposed activities are agricultural in nature and are consistent with the past use of the property as well as the surrounding existing uses. In addition, the site is not located on or visible from a scenic highway.

**Less Than Significant Impact with Mitigation Measure AES-1 Incorporated.**

AES-1: The applicant shall install a minimum 6’ tall screening fence around the cultivation areas. Fabric screening shall not be used; the screening material shall be chain links with slats, solid wood, or metal fencing. This shall occur prior to cultivation occurring on site.

- b) The site is not located along a designated state scenic highway. State Highway 29, located approximately 5 miles south/southwest of the Proposed Project, is eligible to be designated. The project is not visible from a State Highway. There are no scenic resources, rock outcroppings, or historic buildings on or in the vicinity of this property, and the project is not visible from or located along a state scenic highway. Therefore, the impacts would be less than significant.

**Less Than Significant Impact**

- c) The site is located in a rural, unincorporated area of Lake County adjacent to the City of Clearlake. The Project is not within an urbanized area. The proposed use would not substantially degrade the existing visual character of the site or the quality of public views of the site. No additional buildings are proposed to be constructed, and no physical changes to the site are proposed other than minor scraping/grading for the cultivation of cannabis and associated facilities. The site is not visible from any public location and is consistent with the property zoning and allowable uses of the site. The historical agriculture land use was primarily hops farming, located on three of the five proposed cultivation areas “A, C, and D”. Therefore, the Proposed Project would not substantially degrade the existing visual character and/or quality of public views.

**Less Than Significant Impact**

- d) The project has some potential to create additional light and/or glare through exterior security lighting. The proposed use is an outdoor commercial cannabis cultivation operation. No mixed-light cultivation with supplemental lighting is proposed. Any lighting associated with the Proposed Project would need to comply with the recommendations of the International Dark Sky Standards and local ordinances. To ensure that light or glare does not create a new source of substantial light or glare which could adversely impact day or nighttime views in the area, Mitigation Measure AES-2 has been incorporated.

**Less Than Significant Impact with Mitigation Measure AES-2 Incorporated.**

AES-2: All outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that would not broadcast light or glare beyond the boundaries of the subject property. All lighting equipment shall comply with the recommendations of the International Dark-Sky Association ([www.darksky.org](http://www.darksky.org)) and provisions of Section 21.48 of the Zoning Ordinance. Security lighting shall be shaded, facing downward, and motion activated.

II. AGRICULTURE AND FORESTRY RESOURCES

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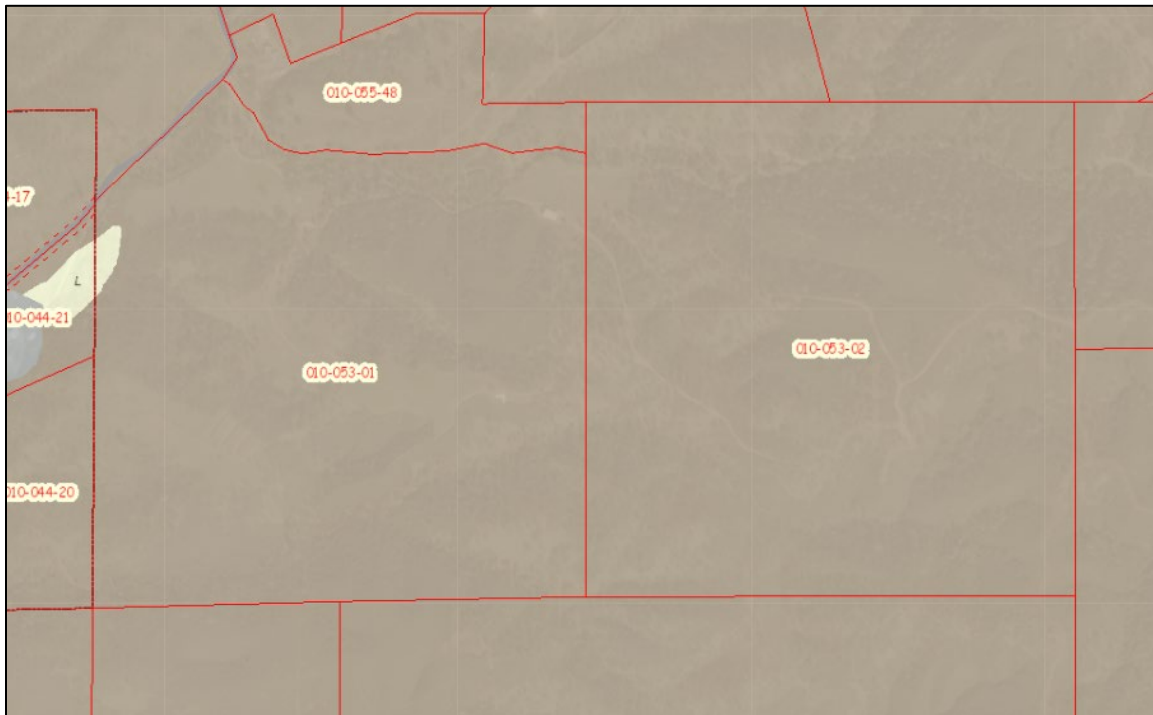
Would the project:

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

Discussion:

- a) No portion of the site slated for cultivation-related development is located on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The majority of the property is classified as Grazing Land, which is not considered “Farmland”. There is approximately 0.8 acres of Farmland of Local Importance located on the northwestern corner of APN 010-053-01 (Figure 12).

Figure 1: Mapped Farmland of Local Importance on the Subject Parcels



Source: Lake County FMMP Mapping, 2024 - Note: Brown denotes "Grazing Land" and Light Tan denotes "Farmland of Local Importance"

The small area of Farmland of Local Importance is located outside of areas proposed for development. Cultivation would only occur within the area classified as Grazing Land and would not convert farmland to non-agricultural uses. Therefore, the Proposed Project would not convert Farmland of Local Importance, or other state-designated farmland, to a non-agricultural use and no impact would occur.

#### **No Impact**

- b) The site is not under a Williamson Act contract. The cultivation site is not located within the Lake County Farmland Protection Zone and is not within 1 mile of a Farmland Protection Zone. The cultivation portion of the site would not interfere with the ability of the owner or neighbors to use the non-cannabis land for more traditional crop production. The site is zoned Rural Land (RL), which is a designated zone for agriculture, including cannabis cultivation. Therefore, the Proposed Project would not conflict with an existing zoning for agricultural use or a Williamson Act contract. No impact would occur.

#### **No Impact**

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

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

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

The property is zoned Rural Land (RL) and does not contain forest land, nor is it adjacent to forest lands or lands zoned Timberland Production. Therefore, the Proposed Project would not conflict with existing zoning and/or cause the rezoning of forest land as defined by Public Resource Code section 4526, or of timberland as defined by Government Code section 51104(g). Furthermore, the Project does not propose a zone change that would rezone forest land or timberland. Therefore, no impact would occur.

**No Impact**

- d) Please see response to Section II(c). The project would not result in the loss or conversion of forest land to non-forest use.

**No Impact**

- e) See responses to II (a) – (d). As proposed, this project would not induce changes to existing farmland that would result in its conversion to non-agricultural use.

**No Impact**

**III. AIR QUALITY**

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

- d) Result in other emissions (such as those leading to odors or dust) adversely affecting a substantial number of people?     1, 2, 3, 4, 5, 21, 24, 31, 36

Discussion:

- a) The Project site is located within the Lake County Air Basin, which is under the jurisdiction of the Lake County Air Quality Management District (LCAQMD). The LCAQMD applies air pollution regulations to all major stationary pollution sources and monitors 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 or Project vicinity and would pose no threat of asbestos exposure during either the construction phase or the operational phase. Additionally, per the Lake County Parcel Viewer, the parcel does not contain Serpentine Soils.

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.

The Planning Division sent a request for sufficiency for agency review January 4<sup>th</sup>, 2024, to the LCAQMD. A response was received on January 17, 2024. All requests in the referral comment have been incorporated into the project design or Mitigation Measures. No adverse comments or comments in opposition to the Project were received from the LCAQMD.

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 applicant has addressed Air Quality in the Property Management Plan. Additionally, the applicant has developed an Odor Complaint response process in the event that an odor complaint is received. Per the Property Management Plan, if an odor complaint is received, a response would be provided within 12 hours of receipt of the complaint, and the activities causing the odor would immediately cease. See the Property Management Plan for further details.

Construction impacts to air quality would be limited to minor grading and scraping. These would occur over a 4-to-8-week period and would be temporary in nature. Operational impacts to air quality would include dust and fumes from site preparation of the cultivation area and vehicular traffic, including delivery vehicles and employee traffic. Mitigation

Measures AQ-1 through AQ-5 have been incorporated to ensure that impacts to air quality from temporary construction activities and ongoing operational activities remain less than significant.

**Less than Significant Impact with Mitigation Measures AQ-1 through AQ-7 incorporated.**

AQ-1: Prior to obtaining the necessary permits and/or approvals for any Stage, 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. Alternatively, the applicant may provide proof that an Authority to Construct permit is not needed by the LCAQMD.

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

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

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

AQ-5: All driveways and parking areas shall be surfaced with non-white rock gravel, chip seal, asphalt, or other all-weather surfacing to reduce fugitive dust generation. The applicant shall regularly maintain any graveled areas to reduce fugitive dust generations. The use of white rock as a road base or surface material 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: All grading shall be done in accordance with the Grading Plan, prepared by Northpoint Consulting Services. Palliatives shall be applied to the soil during all grading activities to minimize dust, and inspections shall occur during certain intervals of the site preparation.

- b) The County of Lake is in attainment of state and federal ambient air quality standards. Burning cannabis waste is prohibited within the commercial cannabis ordinance for Lake County, and use of generators are only allowed during a power outage. On-site construction is likely to occur over a relatively short period of time (estimated 4 to 8 weeks) with minor grading. Potential particulate matter could be generated during construction activities and build-out of the site, however, in general, construction activities that last for less than one year, and use standard quantities and types of construction equipment, are not required to be quantified and are assumed to have a less than significant impact. It is unlikely that this

use would generate enough particulates during and after construction to violate any air quality standards.

**Less than Significant Impact**

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

There are no schools, parks, childcare centers, hospitals, convalescent homes, or retirement homes located near the project. The nearest off-site residence appears to be located more than 500 feet north from the cultivation site according to Lake County Web GIS. Article 27 of the Lake County Zoning Ordinance requires that the minimum setback requirement for commercial cannabis cultivation be 200 feet from off-site residences. Measures AQ-1 through AQ-5 require the Proposed Project to implement dust control measures that would reduce impacts of dust generation from on-site roads and parking areas.

Pesticide application would be used during the growing season and as described in the Property Management Plan, will be applied carefully to individual plants. The cultivation area will be surrounded by a fence in order to prevent off-site drift of pesticides. Additionally, no demolition or renovation will be performed which would cause asbestos exposure, and no serpentine soils have not been detected and are not mapped onsite. Impacts would be less than significant with Mitigation Measures AQ-1 through AQ-5 incorporated.

**Less than Significant Impact with Mitigation Measures AQ-1 through AQ-7 incorporated.**

- d) See response III(c). Odors generated by the plants, particularly during harvest season, would be mitigated through passive means (separation distance) and fencing. Implementation of mitigation measures would reduce air quality impacts to less than significant.

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 area will be surrounded by a fence in order to prevent off-site drift of pesticides. Additionally, no demolition or renovation will be performed which would cause asbestos exposure, and no serpentine soils have not been detected and are not mapped onsite.

Additionally, 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 and delivery / pickups. Mitigation Measures AQ-1 through AQ-5 would reduce impacts of dust generation from on-site roads and parking areas.

**Less than Significant Impact with Mitigation Measures AQ-1 through AQ-7 incorporated.**

IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 5, 11, 12, 13, 16, 24, 29, 30, 31, 32, 33, 34, 45
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4, 5, 11, 12, 13, 16, 17, 29, 30, 31, 32, 33, 34, 45
c) Have a substantial adverse effect on state or federally protected wetlands (including, not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4, 5, 11, 12, 13, 16, 17, 21, 24, 29, 30, 31, 32, 33, 34, 45
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13, 45
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4, 5, 11, 12, 13, 45
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 3, 4, 5, 13, 45

Discussion:

- a) The Proposed Project area is within the Burns Valley Frontal Clear Lake Watershed, a sub-watershed of the Upper Cache Creek watershed. A perennial stream, two intermittent streams, an isolated 0.17-acre pond/wetland, and several Class III streams are located on the property. The cultivation areas, which have been previously disturbed by agricultural activities, are comprised of agricultural and ruderal/developed vegetation, and some chaparral (chamise/scrub oak) areas. Other portions of the project site, which will not be disturbed by project activities, are comprised of annual grasslands, chaparral (chamise/scrub oak), and oak woodlands.

A Biological Resources Assessment (BA) dated September 21<sup>st</sup>, 2023, with field studies

conducted on June 11, 2019 and September 17, 2023, for the Proposed Project by Graening and Associates, LLC (Attachment 2). The purpose of the BA was to provide information as to whether the proposed cultivation area contains or potentially contains special-status species or habitat for special-status species requiring mitigation under CEQA. In addition, a Floristic Botanical Survey (BS), dated October 24<sup>th</sup>, 2023, was conducted for all areas proposed to be disturbed by the Proposed Project (Attachment 2). The purpose of the BS was to survey the project for potentially rare or sensitive plants that may be present on the property or impacted by project development. Below is a summary of the results of the BA and the BS.

### **Wildlife Species**

The Study Area had been historically utilized as a hops farm, and all proposed cultivation areas have been previously disturbed. The BA included a query of all available databases for special-status wildlife species that could be potentially impacted by the Proposed Project. All available databases were reviewed for potential sensitive species to occur within a 10-mile radius of the site. Databases included the USFWS National Wetland Inventory, California Natural Diversity Database (CNDDDB), and the USFWS species list. The BA identified three (3) special-status species with the potential to occur onsite due to suitable habitat, including one (1) bird species, one (1) amphibian species, and one (1) fish species, specifically the Northern Spotted Owl (*Strix occidentalis caurina*), the California Red-legged Frog (*Rana draytonii*), and the Delta Smelt (*Hypomesus transpacificus*). Migratory birds, including the Osprey (*Pandion haliaetus*), the Golden eagle (*Aquila chrysaetos*), and the Prairie falcon (*Falco mexicanus*), and Nesting Birds, including the Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), were also noted by the BA as having the potential to be impacted by the Proposed Project.

In addition to the database queries, onsite biological field surveys were conducted on June 11<sup>th</sup>, 2019, and September 17<sup>th</sup>, 2023. The purpose of the BA was to provide information as to whether the proposed cultivation area contains sensitive plants or potentially contains sensitive wildlife requiring mitigation under CEQA. The BA refers to the Project parcel as the Study Area. No special-status animal species were detected onsite during these field surveys.

The BA concluded that the Study Area had potential suitable nesting habitat for various migratory and nesting bird species. Although no species were identified onsite, prior to tree removal (if any) or ground clearing (if any) adjacent to trees during typical nesting bird season (March 1 through August 15), the BA recommended that surveys for nesting avian species be conducted prior to such activities to determine suitable avoidance measures, if necessary. This recommendation has been included as Mitigation Measure BIO-1.

### **Plant Species and Vegetative Communities**

The parcel contains terrestrial vegetation communities including agricultural, ruderal/developed, mixed oak/conifer woodland, pasture/annual grassland, and chaparral. None of these communities are considered Sensitive Natural Communities, per the BA. The BA reviewed available databases and determined that three (3) special-status flowering plants had the potential to occur onsite: Burke's Goldfields (*Lasthenia burkei*), Few-flowered Navarretia (*Navarretia leucocephala* ssp. *Pauciflora*), and Slender Orcutt Grass (*Orcuttia tenuis*). The BA also identified the potential of Konocti manzanita (*Arctostaphylos manzanita* ssp. *Elegans*) to occur onsite in the Chaparral Clearing.

The Botanical Survey included a pre-site survey, including an analysis of available data from

the California Native Plant Society (CNPS). The CNDDDB and the CNPS databases were queried to identify all listed plants on CNPS Lists 1B through 4 within the project site. The list identified nine (9) potentially occurring species: Bent-flowered fiddleneck (*Amsinckia lunaris*), Twig-like snapdragon (*Antirrhinum virga*), Konocti manzanita (*Arctostaphylos manzanita ssp. Elegans*), Raiche's manzanita (*Arctostaphylos stanfordiana ssp. Raichei*), Brewer's milk vetch (*Astragalus breweri*), Watershield (*Brasenia schreberi*), Mt. Saint Helena morning glory (*Calystegia collina ssp. Oxyphylla*), Bristly sedge (*Carex comos*), and Rincon Ridge ceanothus (*Ceanothus confuses*).

In addition to the database queries in both the BA and the BS, botanical field surveys were conducted over four separate years: in 2019, a survey occurred on June 11<sup>th</sup>, in 2021, surveys occurred on April 19<sup>th</sup>, April 27<sup>th</sup>, May 20<sup>th</sup>, and May 21<sup>st</sup>; in 2022, an early-season survey occurred on March 6<sup>th</sup>, and in 2023 a late-season survey was conducted on September 13<sup>th</sup> and September 17<sup>th</sup>. In total, eight botanical surveys have occurred on the property, covering the full blooming season of potential sensitive plants, per floristic survey protocols by USFWS and CDFW. None of the twelve (12) potentially sensitive plants, nor any other rare or sensitive plant species, were detected onsite during these field surveys.

However, due to the potentially suitable habitat onsite for these special-status plants, both the BA and the BS recommended a pre-construction survey for special-status plants prior to any vegetation clearing at Area E (Chaparral Clearing). This has been included as Mitigation Measure BIO-2.

#### **Potentially Jurisdictional Waters**

As described above, a perennial stream, two intermittent streams, an isolated pond/wetland, and several Class III streams are located on the property. Development associated with the Proposed Project is located outside of all appropriate buffers: 150 feet from a Class I stream, 100 feet from a Class II stream or wetland, and 100 feet from a Class III watercourse. No vernal pools or springs are within the project area. Potential impacts to watercourses and waterways are discussed further in Section b), below.

#### **Wildlife Corridors**

There are no specifically mapped wildlife corridors on the property. The BA identifies the onsite perennial watercourse as a potential wildlife corridor for fish. Potential impacts to wildlife corridors are discussed in further detail in Section d), below.

#### **Less than Significant Impact with Mitigation Measures BIO-1 through BIO-2 incorporated.**

BIO-1: Prior to cultivation, the below preconstruction surveys shall be completed:

- a. A pre-construction survey for plants and special status species shall be performed by a qualified biologist to ensure the special status plants and species are not present.
- b. If construction activities would occur during the nesting season (typically February 15<sup>th</sup> through August 31<sup>st</sup>), a pre-construction survey for the presence of Special-Status bird species or any nesting/roosting species shall be conducted by a qualified biologist within 500 feet of the proposed construction site. If

active nests are identified in this area, CDFW and /or USFWS shall be consulted to develop protective measures. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until a qualified biologist has determined the birds have fledged and are independent of the nest site.

BIO-2: Prior to vegetation clearing at Site E, a qualified botanist shall survey the site for special-status plant species. If any special-status plant species are detected during the survey, the plant shall be flagged, and an exclusion zone shall be established. This exclusion zone may be modified depending upon the species and proximity to cultivation site.

- b) Refer to Section IV (a). The parcel contains a perennial Class I watercourse, two intermittent Class II watercourses, and several ephemeral Class III watercourses. A pond/wetland is also present onsite. No development is proposed within 150 feet of the perennial watercourse, 100 feet of the intermittent watercourses and the pond/wetland, or 100 feet of the ephemeral watercourses. This is consistent with Article 27 of the Lake County Zoning Ordinance that regulates commercial cannabis cultivation, and in compliance with the SWRCB General Order.

No wetland delineation was conducted due to the proposed disturbance areas being located over 100 feet from the existing pond/wetland area. Therefore, project implementation would 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 creation and implementation of an Erosion Control Plan or Stormwater Management Plan.

The applicant has provided a Property Management Plan and a Preliminary Grading Plan with an Erosion Control Plan. These plans address controlled water runoff in a manner that reduces impacts to this stream. No development would occur within the drainage buffers and setbacks and there are no sensitive natural communities within the Project area. Erosion control measures to control erosion and sedimentation during construction and operation have been identified in the submitted plans. Erosion control measures include swales, stockpile management, road and parking lot management, and sediment management. Refer to the Project Description, above, for specific Best Management Practices (BMPs) measures slated to be impacted.

Furthermore, the project is enrolled with the SWRCB for Tier 2, Low Risk coverage under Order No. WQ 2019-001-DWQ (General Order). The site was assigned WDID No. 5S17CC420612. Tier 2 dischargers reflect cultivation sites that disturb over one acre and are located on flat slopes outside of riparian setbacks. The General Order requires the preparation of a Site Management Plan (SMP) and a Nitrogen Management Plan (NMP). The purpose of the SMP is to identify Best Practicable Treatment or Control (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.

Continued compliance with this Order would ensure that cultivation operations would not significantly impact water resources by using a combination of Best Practicable Treatment and Control (BPTC) Measures, Best Management Practices (BMPs), buffer zones, sediment and erosion controls, inspections and reporting, and regulatory oversight. Implementation of these plans, BPTCs, BMPs, compliance with Water Board, and Mitigation Measure BIO-3 would ensure that the impacts are less than significant. Refer also to Section IV(a) and (b).

**Less than Significant Impacts with Mitigation Measures BIO-3 through BIO-5 incorporated.**

BIO-3: All work shall incorporate erosion control measures consistent with Lake County Grading Regulations and the State Water Resources Control Board Order No. WQ 2019-001-DWQ.

BIO-4: Prior to any ground disturbing activities of any culvert installations or upgrades, as well as any road widening activities, the applicant shall obtain a Lake Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW).

BIO-5: For the protection of aquatic features adjacent to the Project Site, BMPs for erosional control measures, such as straw wattles and silt fencing, shall temporarily be placed along existing roadways within stream and wetland setbacks during construction activities. Native vegetation shall be planted along roadsides for long-term erosion control.

- c) Refer to Section IV (a). The BA identified an approximately 0.17-acre pond area onsite with potential wetland indicators. This area is not located on the National Wetlands Inventory (accessed 2024). Per aerial imagery, the pond has existed onsite since the early 2000's or earlier. The pond area is not associated with cannabis cultivation, and all activities associated with Project development have been sited greater than 100 feet from this ponded area. Therefore, project implementation would not directly impact any channels or wetlands.

Soil disturbance from project implementation could potentially increase erosion and sedimentation and indirectly impact the wetland. However, regulations at both the County and State levels require creation and implementation of an erosion control plan / stormwater management plan. Potential adverse impacts to water resources could occur during operation of cultivation activities resources by discharge of sediment or other pollutants (fertilizers, pesticides, human waste, etc.) into receiving waterbodies. The applicant is enrolled with the SWRCB for Tier 2, Low Risk coverage under Order No. WQ 2019-001-DWQ (Cannabis Cultivation General Order) and will continue to comply with this Order. Ongoing compliance with SWRCB regulations would ensure that cultivation operations would not significantly impact water resources by using a combination of Best Practicable Treatment and Control (BPTC) Measures, Best Management Practices (BMPs), buffer zones, sediment and erosion controls, inspections and reporting, and regulatory oversight. Therefore, a less than significant impact would occur.

**Less than Significant Impacts with Mitigation Measures BIO-3 through BIO-5 incorporated.**

- d) Refer to Section IV (a). The project area does not contain mapped wildlife corridors or critical habitat for federal or state-listed species. The BA identified the onsite perennial watercourse as a potential wildlife corridor for aquatic species, however, all cultivation would be located outside of appropriate setbacks from this watercourse and BMP measures would be

implemented to ensure that the Proposed Project did not indirectly impact this watercourse.

Although no mapped wildlife corridors (such as the California Essential Habitat Connectivity Area layer in the CNDDDB) exist within or near the Study Area, the open space and the stream corridors in the Study Area facilitate animal movement and migrations, primarily those of the black-tailed deer. The cultivation areas are proposed to be fenced, however, although the Study Area may be used by wildlife for movement or migration, the Proposed Project would not have a significant impact on this movement the fenced areas would be isolated, and the majority of the Study Area will still be available for corridor and migration routes. In addition, no change to migratory bird patterns is anticipated from the impacts of this Proposed Project.

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 with Mitigation Measures BIO-1 incorporated.**

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

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

The Property Management Plan states that the applicant does not intend to remove any trees other than potentially some existing planted walnut trees. Therefore, 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 This project does not conflict with any local policies or ordinances protecting biological resources. There are no mapped sensitive species on the site. The project will not remove trees in conflict with any tree preservation policy.

**Less than Significant Impact**

- f) No special conservation plans have been adopted for this site and no impacts are anticipated. Therefore, the Proposed use would not conflict with an adopted Habitat Conservation Plan or Natural Community Conservation Plan, or any other local, regional, or state habitat conservation plan.

**No Impact**

V. CULTURAL RESOURCES

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

Discussion:

a) A Cultural Resources Assessment was prepared by Natural Investigations Company, dated August 13<sup>th</sup>, 2019 (Attachment 3). One historic-era building (house) was identified that was greater than 50 years old. As the house is not involved in the cannabis operations it was not recorded or evaluated, is not listed in the California Register of Historical Resources (CRHR), and would not be impacted by this project, impacts to a historical resource would be less than significant. According to the Cultural Resource Assessment, five archaeological resources were newly identified during the survey, four prehistoric isolates and one historic-era dump. None of the five recorded resources qualify as a historic resource and are not eligible for listing in the CRHR.

The archeological survey consisted of a field study of approximately ±143.28-acres of the 302.44-acre property at 30–60-meter zigzag transects, due to areas of dense vegetation. The survey was completed using transects spaced approximately 30-60-meter zigzags, due to areas of dense vegetation. During the pedestrian survey all visible ground surface within the project area was carefully examined for cultural material, soil discoloration that might indicate the presence of a cultural midden, soil depressions and features indicative of the former presence of structures or buildings, or historic-era debris. Ground disturbances were visually inspected.

Five archaeological resources were newly identified during the survey, four prehistoric isolates and one historic-era dump. None of the five recorded resources qualify as a historic resource and are not eligible for listing in the CRHR. The proposed project does not have potential to cause significant impact on any resource that currently qualify as a historical resource, or that has been recommended eligible for listing in the CRHR.

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

CUL-1: All employees shall be trained in recognizing potentially significant archaeological, paleontological, or cultural materials that may be discovered during ground disturbance. Prior to ground disturbing activities, the Permittee shall submit a Cultural Resources Plan, identifying methods of sensitivity training for site workers, procedures in the event of an accidental discovery, and documentation and reporting procedures. Prior to ground disturbing activities, the Permittee shall submit verification that all site workers have reviewed the Cultural Resources Plan and received sensitivity training.

CUL-2: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted within 100 feet of the find(s). A professional archaeologist certified by the Registry of Professional Archeologists (RPA) shall be notified and shall evaluate the find(s) and recommend mitigation procedures, if necessary. The findings and mitigation measures shall be reviewed and approved by the Lake County Community Development Director prior to commencing work.

CUL-3: Should any human remains be encountered, the applicant shall halt all work within 100 feet, notify the Sheriff's Department, the culturally affiliated Tribe(s), and a qualified archaeologist for proper interment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.

CUL-4: Prior to cultivation, the applicant shall stake out the archaeologically sensitive site and avoid ground disturbance in this area. Avoidance of this site shall occur over the life of the project.

- b) According to the Cultural Resource Assessment, five archaeological resources were newly identified during the survey, four prehistoric isolates and one historic-era dump. None of the five recorded resources qualify as a historic resource and are not eligible for listing in the CRHR. The project is avoiding all identified resources.

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

- c) The project site does not contain a cemetery and there are no known cemeteries 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 Impact with Mitigation Measures CUL-1 through CUL-4 incorporated.**

**VI. ENERGY**

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

**Discussion:**

- a) Onsite power would be supplied by existing PG&E line power and solar power. The outdoor cultivation areas would have minimal needs for power. No mixed-light cultivation is proposed. Power demand for the project would include lighting and climate control systems for the nursery, security systems and lighting, and well pumps. Energy is not proposed to be used in a wasteful, inefficient, or unnecessary way.

**Less than Significant Impact**

- b) There are no mandatory energy reductions for cultivation activities within Article 27 of the Lake County Zoning Ordinance unless the applicant proposes “indoor cultivation” (not proposed with this application). The project is proposed as outdoor cultivation and has minimal power demand requirements. As proposed, the project would not conflict with or obstruct relevant energy-related components of the Lake County Zoning Ordinance or Lake County General Plan. Therefore, impacts would be less than significant.

**Less than Significant Impact**

## VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Directly or indirectly cause potentially substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4, 5, 18, 19
ii) Strong seismic ground shaking?					
iii) Seismic-related ground failure, including liquefaction?					
iv) Landslides?					
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 19, 21, 24, 25, 30
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 6, 7, 10, 16, 17, 18, 19
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5, 7, 39
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.

i) Earthquake Faults

Lake County contains numerous known active faults. There are two mapped quaternary earthquake faults near the subject site. The linear faults parallel Ogulin Canyon Road to the north. The estimated rupture for the northerly fault is less than 1,600,000 years ago and the more southerly fault is estimated to have ruptured 130,000 years ago. No Alquist-Priolo fault zones are located near the property, the nearest mapped Alquist-Priolo Earthquake Fault Zone is located 5.36 miles southwest of the Project Site. All proposed construction would be required to be built consistent with current California Building Code construction standards.

- ii, iii) Strong Seismic Ground Shaking and Seismic-Related Ground Failure, including liquefaction  
 Per the NRCS Web Soil Survey Database, there are five (5) different soil types on the parcel on areas proposed for cultivation activities. These soil types include: Bally-Phipps complex, 15 to 30 percent slopes (Map Unit 107), Bally-Phipps-Haploxeralfs association, 30 to 75 percent slopes (Map Unit 108), Manzanita loam, 5 to 15 percent slopes (Map Unit 160), Manzanita loam, 15 to 25 percent slopes (Map Unit 161), and Phipps complex, 30 to 50 percent slopes (Map Unit 197). These soil types are not generally considered as soils with a high risk for liquefaction.

Future seismic events in the Northern California region can be expected to produce seismic ground shaking at the site. No significant construction is proposed that would cause any significant danger from ground shaking. Factors determining liquefaction potential are soil type, the level and duration of seismic ground motions, the type and consistency of soils, and the depth to groundwater. According to the soil survey of Lake County, prepared by the U.S. Department of Agriculture, the cultivation site is mapped as being generally stable to unstable. The soil is not in danger of subsidence, liquefaction, or collapse as a result of the Proposed Project as there is no grading or proposed ground disturbance on any unstable soils.

In addition, no buildings are proposed that could be subject to failure from soil liquefaction. Lastly, the area is not identified as a high-risk of earthquake-triggered liquefaction per the USGS Earthquake-triggered Ground-failure Inventory.

(iv) Landslides

The Project cultivation sites are generally level without significant slopes. There are some risks of landslides on the parcel, however the Proposed Project's cultivation site is located on a flat area. According to the Landslide Hazard Identification Map prepared by the California Department of Conservation's Division of Mines and Geology, the area is considered generally stable and does not have a high risk of landslides or recorded historic landslides. As such, the Project's cultivation site is not considered highly susceptible to landslides and would not likely expose people or structures to substantial adverse effects involving landslides, including losses, injuries or death.

**Less Than Significant Impact**

- b) The areas slated for cultivation operations are primarily existing hops fields with prior agricultural activities and slopes of between 0 and 10%. Major grading is not proposed for this project. Scraping and vegetation clearing would be required for preparation of Cultivation Sites B and E. The Preliminary Grading Plan submitted with the application materials did not identify greater than 50 cubic yards of soil to be moved. The applicant does

not intend to import significant quantities of soil for the cultivation activity; even if soil were imported, this would not have any effect on the potential for erosion or the loss of topsoil.

In addition, the project is enrolled with the State Water Resources Control Board (SWRCB) for Tier 2, Low Risk coverage under Order No. WQ 2019-001-DWQ (General Order). The General Order requires the preparation of a Site Management Plan (SMP) and a Nitrogen Management Plan (NMP). The purpose of the SMP is to identify Best Practicable Treatment or Control (BPTC) measures that the site intends to follow for erosion control purposes and to prevent stormwater pollution. 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. To ensure impacts remain less than significant, Mitigation Measures GEO-1 through GEO-3 have been incorporated.

**Less Than Significant Impact with Mitigation Measures BIO-3, BIO-4, GEO-1, GEO-2, and GEO-3 Incorporated.**

GEO-1: 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-2: The permit holder shall monitor the site during the rainy season (October 15 – May 15), including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed.

GEO-3: If greater than fifty (50) cubic yards of soils are moved, a Grading Permit shall be required as part of this project. The project design shall incorporate Best Management Practices (BMPs) to the maximum extent practicable to prevent or reduce the discharge of all construction or post-construction pollutants into the County storm drainage system. BMPs typically include scheduling of activities, erosion and sediment control, operation and maintenance procedures, and other measures in accordance with Chapters 29 and 30 of the Lake County Code.

- c) As mentioned above, onsite soils are not typically considered to be subject to liquefaction. No buildings are proposed. No major grading is proposed. The site is an existing agricultural operation. Therefore, the soil is not in danger of subsidence, liquefaction, or collapse as a result of the Proposed Project.

**Less Than Significant Impact**

- d) See discussion of (a) (ii) and (ii), above. The project site is not identified as containing landslides or other unstable geologic conditions. Expansive soils possess a "shrink-swell" characteristic. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in fine-grained clay sediments from the process of wetting and drying. Structural damage may occur over a long period of time due to expansive soils, usually the result of inadequate soil and foundation engineering or the placement of structures directly on expansive soils. According to the USDA Soil Survey, the shrink-swell potential for the Proposed Project soil types are low to moderate, and therefore not considered to be expansive. There is a less than significant chance of landslide, subsidence, liquefaction or

collapse as a result of the Proposed Project. Furthermore, no grading is proposed, and no new inhabitable structures are proposed.

**Less Than Significant Impact with Mitigation Measure GEO-3 Incorporated.**

- e) The project site would initially be served by portable toilets. The project site has an existing septic system serving the existing residence. No new onsite wastewater treatment systems are proposed. Therefore, no impact would occur.

**Less Than Significant Impact**

- f) The project site does not contain any known unique geologic features or paleontological resources. Disturbance of these resources is not anticipated, however, in the event that paleontological resources are discovered, Mitigation Measure GEO-4 has been implemented to reduce impacts to less than significant.

**Less Than Significant with Mitigation Measure CUL-2 and GEO-4 Incorporated**

GEO-4: If paleontological resources are encountered during implementation of the Project, ground disturbing activities will be temporarily redirected from the vicinity of the find. A qualified paleontologist shall be retained by the developer to make an evaluation of the find. If a significant paleontological resource(s) is discovered on the property, the qualified paleontologist / archaeologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find.

**VIII. GREENHOUSE GAS EMISSIONS**

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

**Discussion:**

- a) The Project consists of 15 acres of cannabis cultivation. The site is located within the Lake County Air Basin, which is under the jurisdiction of the LCAQMD. The Lake County Air Basin is in attainment for all air pollutants and has therefore not adopted thresholds of significance for GHG emissions. The LCAQMD applies air pollution regulations to all major stationary pollution sources and monitors air quality. Climate change is caused by greenhouse gases (GHGs) emitted into the atmosphere around the world from a variety of sources, including the combustion of fuel for energy and transportation, cement

manufacturing, and refrigerant emissions. GHGs are those gases that have the ability to trap heat in the atmosphere, a process that is analogous to the way a greenhouse traps heat. GHGs may be emitted as a result of human activities, as well as through natural processes. Increasing GHG concentrations in the atmosphere are leading to global climate change.

The primary GHGs that are of concern for development projects include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O). CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O occur naturally, and through human activity. Emissions of CO<sub>2</sub> are largely by-products of fossil fuel combustion and CH<sub>4</sub> results from off-gassing associated with agricultural practices and landfills. CO<sub>2</sub> is the most common GHG emitted by human activities.

In general, greenhouse gas emissions come from construction activities (vehicles) and from post-construction activities (vehicles primarily). Construction activities on the project site will be minimal (i.e., approximately 4 to 8 weeks). Burning plant material is prohibited in Lake County, and projected trips generated will be between 2 to 16 trips per day on a regular basis, and up to 56 trips per day during peak harvest season. Accounting for both regular full-time employees and seasonal employees for peak seasonal events, approximately 25 daily trips would be more representative of average daily trips. The cultivation areas would not have specific greenhouse gas-producing elements and the cannabis plants would, to a small degree, help capture CO<sub>2</sub>.

The site is located adjacent to the City of Clearlake, which is the nearest populated area. Assuming most employees drive approximately 5 miles to and from work, times an average of 30 daily trips would equate to approximately 300 miles per day. Outdoor cultivation typically lasts for about 26 weeks. Assuming a cultivation season of about 26 weeks, working 7 days per week, approximately 54,600 driving miles could be anticipated per year.

A vehicle generates an average of 404 grams of CO<sub>2</sub> per mile traveled. The project would result in an estimated 54,600 miles traveled per year (excluding on-site idling construction equipment, which will be somewhat limited in duration), which would result in a total of 22,058,400 grams of CO<sub>2</sub> per year, or approximately 22.1 tons of CO<sub>2</sub> per year.

Although Lake County has no thresholds for significant CO<sub>2</sub> emission levels, the County uses the Bay Area Air Quality Management District's standards of 1,100 tons of CO<sub>2</sub> per project. Given the projected CO<sub>2</sub> output of this project, it would take about 50 years for this project to meet 'life of project' thresholds for CO<sub>2</sub> emissions.

### **Less than Significant Impact**

- b) To date, Lake County has not adopted any specific GHG reduction strategies or climate action plans. 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 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 Bay Area Air Quality Management District’s rules and regulations for the purpose of determining ‘levels of significance’ and for 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 CO2e per capita by 2030 and no more than two (2) metric tons CO2e per capita by 2050. The Project would produce greenhouse gas emissions construction of the project and from operation of the project from vehicular traffic and from gas-powered equipment.

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.

The Project, as proposed, does not conflict with these local, regional, or state-wide policies. The Project is for outdoor cannabis cultivation, without the use of energy-intensive lighting or fans. No wasteful use of energy is proposed. Therefore, the impacts would be less than significant.

**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
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Would the project:

- |   |                          |                                     |                          |                          |   |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|---|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1, 3, 5, 13, 21, 24, 29, 31, 32, 33, 34 |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|---|

- |   |                          |                                     |                                     |                                     |   |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|---|
| b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 1, 3, 5, 13, 21, 24, 29, 31, 32, 33, 34 |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 1, 2, 5                                 |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 2, 40                                   |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 1, 3, 4, 5, 20, 22                      |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 1, 3, 4, 5, 20, 22, 35, 37              |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | 1, 3, 4, 5, 20, 35, 37                  |

Discussion:

- a) The Proposed Project is an agricultural project on an existing agricultural farm. Materials associated with agriculture, including agricultural chemicals (e.g., fertilizers, pesticides, herbicides), petroleum products (e.g., diesel and gasoline), and standard cleaning products (e.g., hydrogen peroxide, alcohol, and bleach) are already existing onsite and could be used for the Proposed Project. These materials may be considered hazardous if released into the environment. Per application materials, all potentially harmful chemicals would be stored within airtight containers and stored within secondary containment in shipping containers or sheds located adjacent to each cultivation area.

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, including the installation of Six (6) SRA-compliant 2,500-gallon capacity water storage tanks specifically designated for fire suppression.

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. If the Project stores applicable quantities of hazardous materials (i.e., 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas), the applicant would be required to develop a Hazardous Materials Business Plan per CUPA regulations.

The Property Management Plan also addresses the following:

- Fertilizers and pesticides will be stored within secondary containment within sheds located near the cultivation area. The pesticide, fertilizer, chemical, and petroleum product storage buildings will have impermeable floors. The storage building will be located over 100 feet from any watercourses.
- Fertilizers and pesticides will be stored separately and will be properly labeled. Employees will be properly trained on fertilizer and pesticide use and will follow manufacturer's suggested application rates.
- 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. No hazardous waste would be generated onsite.

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

**Less Than Significant Impact with Mitigation Measures HAZ-1 through HAZ-5 incorporated.**

HAZ-1: Prior to operation, the applicant shall schedule an inspection with the Lake County Code Enforcement Division within Community Development Department to verify adherence to all requirements of Chapter 13 of the Lake County Code, including but not limited to adherence with Hazardous Vegetation requirements.

HAZ-2: Prior to operation, all employees shall have access to restrooms and hand-wash stations. The restrooms and hand wash stations shall meet all accessibility requirements.

HAZ-3: The proper storage of equipment, removal of litter and waste, and cutting of weeds or grass shall not constitute an attractant, breeding place, or harborage for pests.

HAZ-4: All food scraps, wrappers, food containers, cans, bottles, and other trash from the project area should be deposited in trash containers with an adequate lid or cover to contain trash. All food waste should be placed in a securely covered bin and removed from the site weekly to avoid attracting animals.

HAZ-5: The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information to complete an updated Air Toxic Emission Inventory.

- b) According to the Lake County GIS Portal data, flood risk at the Project site is minimal. The site is not located within a FEMA flood zone or adjacent to an identified earthquake fault zone. Fire hazard risk on the project site is rated by CalFire as "Very High."

See also response to IX (a). The Proposed Project involves the use of fertilizers and pesticides, which would be properly stored in a secure, stormproof structure within secondary containment. 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 for the proposed processing building would require some construction equipment and will last for about 4 to 8 weeks. All equipment staging shall occur on previously disturbed areas on the site.

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

**Less Than Significant Impact with Mitigation Measures HAZ-1 through HAZ-5 incorporated.**

- c) The Proposed Project is not located within one-quarter mile of an existing or proposed school.

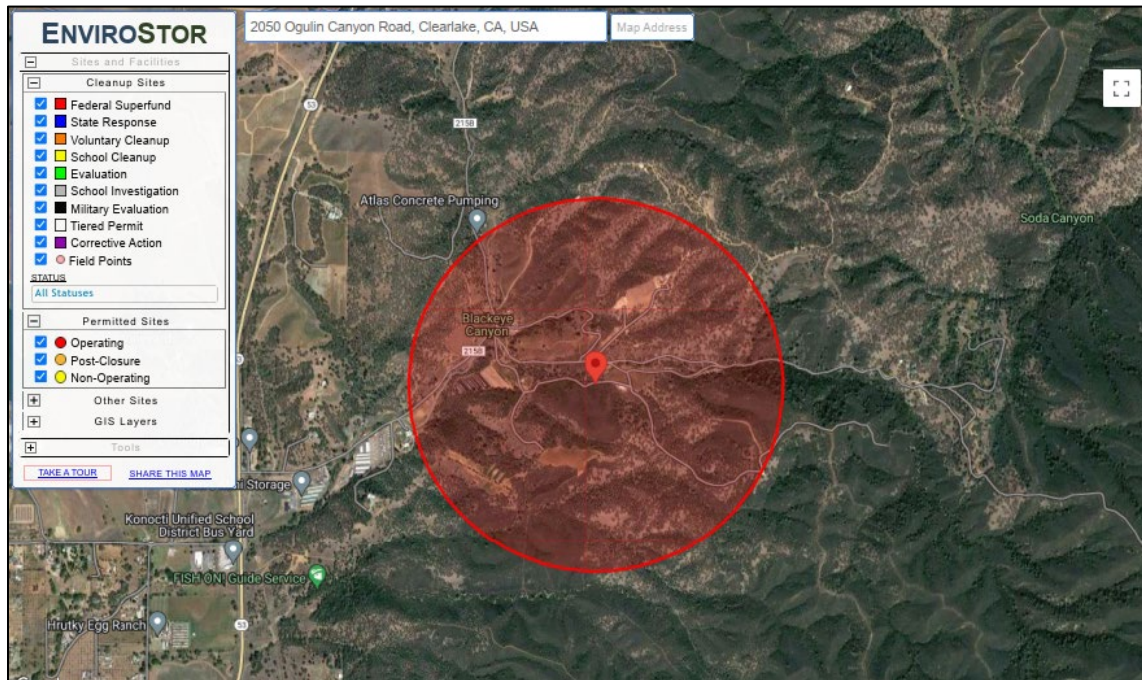
**No Impact**

- 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:

- State Water Resources Control Board (SWRCB) GeoTracker database
- Department of Toxic Substances Control EnviroStor database
- SWRCB list of solid waste disposal sites with waste constituents above hazardous waste levels outside the waste management unit.

Figure 2: Search of Project Area – No Active or Historic Cleanup Sites Present



Source: EnviroStor, 2024

The project site is not listed in any of these databases as a site containing hazardous materials as described above (Figure 13: Search of Project Area – No Active or Historic Cleanup Sites Present (Source: EnviroStor, 2024)

### No Impact

- e) The Proposed Project is not located within two (2) miles of an airport and/or within an Airport Land Use Plan.

### No Impact

- f) Access to the Site is from Ogulin Canyon Road, a well-maintained road in compliance with PRC 4290, 4291 fire safe regulations. The project site does not contain any emergency facilities, nor does it serve as a mapped evacuation route or is located adjacent to an emergency evacuation route. An emergency turnaround for vehicles is included in the site plans (Attachment 1). During long-term operation, adequate access for emergency vehicles via Ogulin Canyon Road would remain available. Furthermore, the Project would not result in a substantial alteration to the design or capacity of any public road that would impair or

interfere with the implementation of evacuation procedures. Therefore, the project would not impair or interfere with an adopted emergency response or evacuation plan.

**Less than Significant Impact**

- g) The site is mapped as being a very high fire risk, however the project will not further heighten fire risks on the site. The project would involve outdoor cultivation, which is a low fuel load based on the lack of shrubs and trees. Six (6) 2,500-gallon capacity water storage tanks, made of steel or fiberglass, would be added to the site (totaling 13,500 gallons of water suppression storage). Tanks would be located at each cultivation site, and the total fire water storage would exceed the minimum of 5,000 gallons of onsite designated fire suppression water, per CalFire requirements. The interior driveway shall be brought to PRC 4290 and 4291 commercial driveway standards, per County requirements. This requirement is further solidified by incorporation of Mitigation Measure WILD-1.

**Less Than Significant Impact with Mitigation Measure WILD-1 incorporated.**

X. HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4, 5, 13, 21, 23, 24, 33, 34, 41, 42, 46, 47, 48, 49, 50
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4, 5, 13, 21, 23, 24, 33, 34, 41, 42, 46, 47, 48, 49, 50, 51
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:					1, 3, 4, 5, 13, 21, 23, 24, 25, 29, 31, 32, 33, 34, 46, 47, 48, 49, 50
i) Result in substantial erosion or siltation on-site or off-site;					
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or					
iv) Impede or redirect flood flows?					
d) In any flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 5, 46, 47

- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

1, 3, 4, 5,  
10, 13, 21,  
23, 24, 25,  
29, 31, 32,  
33, 34, 46,  
47, 48, 49,  
50, 51

#### Discussion:

- a) The Proposed Project area is within the Burns Valley Frontal Clear Lake Watershed, a sub-watershed of the Upper Cache Creek watershed. A perennial stream, two intermittent streams, an isolated 0.17-acre pond/wetland, and several Class III streams are located on the property. Cultivation activities are set back from all onsite watercourses, per County and SWRCB watercourse setbacks (150 feet from perennial streams, 100 feet from intermittent watercourses and wetlands/ponds, and 100 feet from ephemeral drainages).

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, as all proposed development is adequately set back from onsite aquatic resources. Soil disturbance from project implementation could increase erosion and sedimentation. No wetlands are proposed to be filled.

Cultivation development is proposed for areas that have already been previously disturbed or cleared for agricultural purposes. Cultivation would occur on flat areas of 0% to 10% slope. Construction efforts for the Proposed Project would be minor; only minimal vegetation clearing and scraping would be required to prepare the sites for cultivation operations.

No onsite wastewater treatment systems are proposed to be added to the site; employees of the Proposed Project would utilize portable toilets serviced regularly by a licensed servicing company.

The applicant is enrolled with the State Water Resources Control Board (SWRCB) for Tier 2, Low Risk coverage under Order No. WQ 2019-001-DWQ (General Order). Tier 2 dischargers reflect cultivation sites that disturb over one acre and are located on flat slopes outside of riparian setbacks. 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. In addition, a sediment and erosion control plan would be implemented as part of the greater Site management Plan. In addition, a Preliminary Site Grading Plan was prepared by NorthPoint Consulting Group (2023) that incorporated an Erosion Control to address BMP measures for erosion control and prevention of sedimentation (Attachment 6).

No onsite watercourses are listed on the California Clean Water Act Section 303(d) List; however, the onsite drainages are tributary to Clear Lake. Clear Lake is listed on the 303 (d) List for Mercury and Nutrients. Inputs of mercury to Clear Lake include past and present discharges from Mercury mines, geothermal sources, erosion of soils with naturally occurring mercury, and atmospheric deposition. The Proposed Project is not a source of mercury.

Clear Lake is also on the list for over pollution of nutrients. Clear Lake Nutrients result in nuisance algae blooms as a result of phosphorous loading. Sources of phosphorous include point sources from permitted stormwater dischargers and nonpoint sources. Nonpoint sources include irrigated agriculture from about 13,000 acres throughout the County. The total cultivation proposed is 15 acres and replaces over 18 acres of pre-existing agriculture activities (hops and orchards). The proposed cultivation represents only a minor amount, 0.11%, of the County's irrigated agricultural area. In addition, as described above, the applicant is enrolled with the SWRCB General Order, which requires development of a Nitrogen Management Plan and a Site Management Plan to address discharges of waste associated with cannabis cultivation from irrigation runoff, fertilization, road construction, grading activities, etc. Enrollees are required to submit technical and monitoring reports to demonstrate compliance with the Cannabis Cultivation General Order. Because the Proposed Project does not increase irrigated agricultural area beyond pre-existing agricultural activities, represents a minor amount of the County's total irrigated area, and must comply with the Cannabis Cultivation General Order, the impacts to Clear Lake Nutrients would be less than significant.

Lastly, the Proposed Project has been designed to maintain riparian buffers and grading setbacks of 100 or 150 feet, as applicable due to watercourse classification. No development would occur within the drainage buffers and setbacks. Cultivation areas have been sited on existing flat areas historically used for agriculture. Additionally, straw wattles would be staked around the cultivation areas to provide an additional buffer between the cultivation area and surface waters. 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. The Proposed Project would be required to follow all local, regional, and state plans regulating water quality. Therefore, due to all of the above, the Proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality.

**Less Than Significant Impact with Mitigation Measures Bio-3 and Bio-4 Incorporated.**

BIO-3: All work shall incorporate erosion control measures consistent with Lake County Grading Regulations and the State Water Resources Control Board Order No. WQ 2019-001-DWQ.

BIO-4: California Department of Fish and Wildlife (CDFW) Lake Streambed Alteration Agreement (LSAA) must be obtained prior to the installation or upgrades of culverts and road widening activities.

- b) The proposed cultivation would utilize groundwater as the water source for irrigation. Water would be sourced from five (5) existing groundwater wells onsite. Wells are located adjacent to each cultivation area. No surface water diversion is proposed for this project.

The project is proposed on an existing 18-acre agricultural hops farm. Historic water demand on the site for the hops farm was 36.7 acre-feet per year (AFY). Water for the hops farm was historically sourced from onsite wells.

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 projects that require a CEQA analysis of water use include the following items in a Hydrology Report prepared by a licensed professional experienced in water resources:

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

A Hydrology Report, compliant with Ordinance 3106, was prepared for the Proposed Project by NorthPoint Consulting Group, Inc. in November 2023 (Attachment 5).

#### Well Information and Yield

The Proposed Project would source water from five (5) onsite wells. All of the wells are permitted. Wells are located adjacent to each cultivation area (Table 2). Well Completion Reports for each well can be found in Appendix B of the Hydrology Report (Attachment 5). The wells range in depth from 114 ft. to 460 ft. and have a combined yield of 720 gallons per minute (GPM), or 1,161 AFY, based on the Well Completion Reports.

In 2022, well production tests were conducted to determine the productivity of three of the five wells. Three (3) four-hour well production tests were conducted by Pollack and Sons Pump. Tests were conducted from January 31<sup>st</sup> through February 2<sup>nd</sup>, 2022. Results of the well pump tests can be found in Appendix C of the Hydrology Report and are summarized in Table 4.

Table 5: Summary of Well Production Tests conducted by Pollack & Sons Pump, 2022

Site	Location	Static Water Level (ft bgs)		2022 Pump Test Rate <sup>1</sup> (gpm)	Water Level at end of 2hr Test (ft bgs)	Water Level at end of 4hr Test (ft bgs)	Water Level after 24hrs Recovery (ft bgs)
		Well Log	2022 Pump Test				
A	Northwestern Hops Field	150+	150	38	180	200	150
B	Southwest Clearing	173	175	38	210	260	175
C	Northeast Hops Field	68	70	38	80	85	70

<sup>1</sup>The pump operator noted the yield was limited by the size of pump used to conduct the test and that the wells could yield more with a larger pump.

Source: *Hydrology Report, 2023*

The pump tests confirmed yields of at least 38 GPM per the three (3) wells tested. Using this rate of 38 GPM for all 5 wells, the tests demonstrated that the combined estimated yield of the wells is approximately 307-acre fee per year.

#### Water Demand, Storage, and Irrigation

According to the Property Management Plan, water for the entirety of the Proposed Project would be 29.8 AFY, of which 29.5 acre-feet (approximately 9,624,000 gallons) would be from cultivation irrigation, and approximately 0.33 acre-feet (approximately 109,500 gallons) would be from residential uses.

Cultivation activities are anticipated to utilize approximately 29.5 AFY for irrigation. This is based off of a conservative estimate of 14.7 gallons of water per canopy square foot. The

projected average water demand during the cultivation season is 53,470 gallons per day, and the maximum water demand during flowering season is approximately 73,425 gallons per day. Thus, assuming a 180-day cultivation season, the total demand for the project would be 29.5-acre feet per year (approximately 9.6 million gallons). See Table 3 in the Project Description for a monthly breakdown of water use (Table 5).

The Hydrology Report notes that the estimated 29.5 AFY is based off of a conservative estimate and is to be used as an upper limit of water use. Additionally, the 29.8 acre-feet of anticipated water use per year is less than the historic 36.7 acre-feet of water use for the prior site agricultural operations.

Total water storage for irrigation is proposed to be 230,000 gallons, representing 3 to 5 days of water storage for the cannabis operation. Water would be pumped and/or gravity-fed from the wells to 46 x 5,000-gallon capacity plastic water storage tanks. The locations of proposed water tanks are shown on the Site Map in Attachment 1. Water would be conveyed to the cultivation sites by well pumps and gravity-feed methods through polyethylene pipes, powered by PG&E or solar energy. From the water tanks, water would be conveyed to drip irrigation systems to water the individual cultivation beds.

Table 6: Summary of Cannabis Cultivation Sites and Associated Water Demand per Site

Site	Name	Canopy Area		Annual Demand	
		acres	sq. ft.	1,000 Gallons	AF
A	Northwestern Hops Field	4.07	177,436	2,611	8.0
B	Southwest Clearing	5.25	228,692	3,368	10.3
C	Northeast Hops Field	1.16	50,501	744	2.3
D	Central Hops Field	2.98	129,798	1,912	5.9
E	Chaparral Clearing	1.54	66,973	988	3.0
<b>Total</b>		<b>15.00</b>	<b>653,400</b>	<b>9,624</b>	<b>29.5</b>

Source: Hydrology Report, 2023

#### Groundwater Basin Information and Hydrogeology

The Proposed Project is located at the boundary of two groundwater basins: the Burns Valley Groundwater Basin ("BVGB", Basin #5-17) and the Clear Lake Cache Formation ("CLCFGB", Basin #5-66), per the Sustainable Groundwater Management Act.

The BVGB is within the Burns Valley Watershed. The valley is drained by Burns Valley Creek, flowing southwest, and eventually into Clearlake. According to the Hydrology Report, there are three water bearing formations in the BVGB, The Quaternary Alluvium ('al'), Quaternary Terrace Deposits ('tb'), and the Cache Formation ('QTc'). The Quaternary Alluvium is in the valley lowlands in the southern end of the valley are composed of silt, sand, and gravel with a thickness up to 50 feet. Groundwater in this formation is unconfined and typically provides water for domestic use. Quaternary Terrace Deposits have been deposited on the sides of the alluvial plain in the BVGB. The terrace

deposits are approximately 15 feet above the valley floor and slope up the valley to a similar elevation as the foothill exposures of the Cache Formation. The Cache Formation underlies the alluvial and terrace deposits in the basin and consists of siltstone, sandstone, and tuff, and has a maximum thickness of 200 feet. The Cache formation has low permeability and provides water to wells with yields ranging from 30 to 335 gpm. The BVGB has a "Very Low" Priority rating from the SGMA Basin Prioritization Dashboard. According to the dashboard, it has 115 total wells, 378 irrigated acres, and does not have documented groundwater decline levels.

The CLCFGB is the largest groundwater basin in Lake County, with a surface area of 47 square miles. Lower Cretaceous marine and Mesozoic ultrabasic intrusive rocks bound the south of the CLCFGB. Lower Cretaceous marine deposits border the east portion of the basin, and the Franciscan Formation borders the north and west portions of the basin, where it shares a boundary with the BVGB. The CLCFGB is drained by the North Fork Cache Creek and Cache Creek to the south and east. The primary water-bearing formation is the Cache Formation. The Cache Formation is largely made up of lake deposits and consists of tuffaceous and diatomaceous sands and silts, limestone, gravel, and intercalated volcanic rocks. In some areas the general lithology includes up to 400 feet of blue clay and shale with alternating strata of shale and limestone below 400-feet. The formation has generally low permeability with well yields ranging from 11 to 450 gpm. According to the SGMA Basin Prioritization Dashboard, the CLCFGB has a Very Low Priority Rating, the basin has 134 wells, 158 irrigated acres, and does not have documented groundwater decline levels.

The California Department of Water Resources (DWR) has not identified either the BVGB or the CLCFGB as critically overdrafted basins. Critically overdrafted is defined by DWR as, "A basin subject to critical overdraft when continuation of present water management practices would probably result in significant adverse overdraft-related environmental, social, or economic impacts." In addition, as part of the California Statewide Groundwater Elevation Monitoring (CASGEM) Program, DWR created the CASGEM Groundwater Basin Prioritization statewide ranking system to prioritize California groundwater basins in order to help identify, evaluate, and determine the need for additional groundwater level monitoring. California's groundwater basins were classified into one of four categories high-, medium-, low-, or very low-priority. As described above, both basins pertaining to this Project were ranked as "Very Low" Priority basins by the CASGEM ranking system.

#### Groundwater Recharge and Storage:

The Hydrology Report calculated groundwater recharge of the basins using the CN Method (Attachment 5). The CN method was utilized to calculate recharge over the project parcel (302.5 acres) and the recharge area, which was estimated as the contributing drainage area to the wells associated with the unnamed Class II tributaries to Burns Valley Creek (953 acres). Recharge was calculated for both drought and average precipitation years. Results are summarized in Table 6.

Table 7: Estimated annual recharge over the Recharge Area of the Project's Wells (953 acres) and the Project's Parcel Area (302.5 acres)

Recharge Area (acres)	P (inches)	CN	S (inches)	I <sub>a</sub> (inches)	Q (inches)	Recharge = $P - Q - 0.5 * I_a$ (inches)	Recharge (AF)
953	6.5	70.1	4.2655	0.85	3.2	2.9	226
953	27.1	70.1	4.2655	0.85	22.6	4.1	325
302.5	6.5	70	4.2655	0.86	3.2	2.9	72
302.5	27.1	70	4.2655	0.86	22.6	4.1	104

Source: Hydrology Report, 2023

Using best available information, the Hydrology Report estimated that over the 953-acre recharge area, recharge would equate to approximately 226 AFY during a drought year and approximately 325 AFY during an average precipitation year. For the 302.5-acre project site, recharge would equate to approximately 72 AFY during a drought year and approximately 104 AFY during an average rainfall year.

These results were further analyzed using another method of recharge from available USGS data, which yielded a much higher estimate of recharge: based on USGS estimates for groundwater recharge of between 10 to 66% of precipitation, the recharge area would recharge approximately 51.4 AFY to 339.1 AFY acre-feet during a drought precipitation year, and between 215.4 AFY to 1,421.6 AFY during an average precipitation year. For the remaining calculations in the Hydrology Report, the lowest estimates of recharge, based on 10% of precipitation, were used to calculate a conservative estimate of long-term average groundwater recharge.

Using this conservative estimate, the Hydrology Report calculated that, based on data from the lowest precipitation years since the year 2000, the long-term average recharge over a 7-year period would be 46.1 AFY for the project parcel and 145.1 AFY for the recharge area. The average recharge over the project parcel and 953-acre recharge area, based on 10% of the precipitation, over the last 23 years was 68.4 AFY and 215.4 AFY, respectively. This calculation was obtained by using precipitation information from the PRISM Climate Group and assumed three (3) drought rainfall years and four (4) average rainfall years. Refer to the Hydrology Report for further details. The Hydrology Report concluded that, using the most conservative estimates of groundwater recharge, in all cases the recharge over both the 953-acre recharge area and the 302.5-acre project parcel would exceed the project water demand of 29.8 AFY.

The Report estimated the groundwater storage beneath the project parcels (302.5 acres) to be approximately 34.1-acre feet, in excess of the project demand of 29.8 acre-feet. In addition, the estimated storage capacity of the alluvial formation of the BVGB is 4,000 acre-feet, with a usable storage capacity of 1,400-acre feet. The Project draws water from the deeper Cache Formation, which has a storage capacity of between 50,000 and 75,000 acre-feet. The long-term average recharge over the BVGB is 1,218 AFY. The Project demand of 29.8 AFY represents less than 2% of the long-term average recharge of the BVGB.

Therefore, the Hydrology Report concluded that the project's groundwater supply, both in recharge and storage, would be sufficient to meet the Project demand.

Cumulative Impact to Surrounding Areas and Drawdown Calculations:

The Project site and surrounding area have a history of use of groundwater for vineyard and hops irrigation. Current groundwater agricultural demand in the BVG was estimated by the Hydrology Report to be roughly 555 acre-feet per year, of which approximately 225 acre-feet is from existing vineyards in the upper portion of the BVGB and 330 acre-feet is from orchards located within the lower portion the BVGB. The current residential demand, located in the central portion of the BVGB, was estimated to be approximately 40 acre-feet per year.

The Hydrology Report projected future groundwater use within the BVGB for cannabis cultivation. Based on existing zoning classifications, proposed cannabis projects, and best available information, the total potential demand from both the County and the City was estimated to be 175.1 acre-feet. Including residential usage, total potential future groundwater demand within the BVGB was estimated to be 770.1 acre-feet per year. The Project demand represents less than 4% of this projected usage.

The Hydrology Report noted that this calculation did not account for the fact that the project at 2050 Ogulin Canyon Road is replacing a hops farm that historically utilized approximately 36.4 acre-feet per year of water, creating a reduction in water use of 6.9 acre-feet per year over the project area.

Based on DWRs well mapping data, there are 24 wells (including the 5 project wells) within a 1-mile radius of the project site. The surrounding wells have an average depth of 252 ft. and an average yield of 85 GPM.

The Hydrology Report calculated the drawdown effect from the Project's five (5) wells. The radius of influence around the Project wells was evaluated using Theis's equation. Using Theis equation, the drawdown from the project's wells after 12 hours of pumping at 20.4 GPM, the radius of influence, or cone of depression, around each well was determined to be approximately 700 feet. None of the surrounding wells are located within 700 feet of any Project wells; all are located outside of the cone of depression and would therefore be unimpacted by the Proposed Project development.

Furthermore, the proposed 230,000 gallons of storage proposed for the Project represents 3 days of the maximum daily water demand, providing sufficient recovery time for each onsite well and even further reducing the potential for the Project's groundwater usage to impact neighboring wells.

Impact to Surface Waters:

The Hydrology Report also analyzed the potential impact of the well usage on surface waters. As the project wells extract water from the confined Cache Formation water bearing unit, and that elevations are well below the nearest surface water body (Burns Valley Creek), and accounting for the well's depths, recharge rates, and soil composition, the Report concluded that the Project's wells are likely not hydrologically connected to surface water.

Conclusions:

The Hydrology Report concluded that, since the recorded and tested yields of the project's wells are much greater than the project's demand; the project proposes at least three (3) days of onsite maximum season water storage to allow wells to recharge; the long-term average annual recharge exceeds the project's annual demand; the aquifer storage below the project area and within the overall aquifer is sufficient to meet the project's demand and cumulative future basin demand, the project is required to comply with the County's groundwater monitoring and reporting requirements, the potential drawdown due to the project is unlikely to result in appreciable drawdown of off-site wells, the project demand represents a small fraction of potential use within the BVGB, and the project wells are not likely hydrologically connected to Burns Valley Creek; that the project would have sufficient water and would not have a significant impact on the surrounding area.

In addition to the above conclusion, the Hydrology Report recommended pre- and post-season well level monitoring and weekly water extraction and well level monitoring. These have been incorporated as Mitigation Measures HYD-1 and HYD-2. See the description under e), below, for further details.

In addition, the applicant would be required to follow the Drought Management Plan prepared for this Project. In the event that the wells are showing signs of slowing production or if a well is unable to meet project needs, the applicant would be required to cease use of the well and develop an alternative solution (e.g., reducing cultivation area, reducing cultivation season, installing additional water storage, developing a rain catchment system, etc.). This has been incorporated as Mitigation Measure HYD-3 to ensure that impacts remain less than significant.

#### **Less Than Significant Impact with Mitigation Measures HYD-1 and HYD-2 Incorporated**

HYD-1: The production well shall have a meter to measure the amount of water pumped. The production wells shall have continuous water level monitors. The methodology of the monitoring program shall be described. A monitoring well of equal depth within the cone of influence of the production well may be substituted for the water level monitoring of the production well. The monitoring wells shall be constructed, and monitoring began at least three months before the use of the supply well. The applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually and/or upon made upon request.

HYD-2: The applicant shall adhere to the measures described in the Drought Management Plan (Hydrology Report, 2023) during periods of a declared drought emergency. In addition, in the event that a well is unable to supply required water for the project, the applicant shall either (1) reduce the amount of cultivation and/or length of cultivation season, as appropriate, (2) install additional water storage, (3) implement a rainwater catchment system, or (4) develop an alternative, legal water source in coordination with Lake County and Water Resource agencies. In no event shall water be diverted from surface waters.

- c) The proposed cultivation areas are in flat areas that have already been cleared and graded for agriculture or would require minimum clearing and grading for new cultivation and have been designed to maintain riparian buffers and grading setbacks of 100 feet or 150 feet, depending on stream classification. No development would occur within the drainage buffers and setbacks. The Proposed Project has been designed to maintain existing flow paths. Also, the Proposed Project does not include increases in impervious area.

Therefore, the Proposed Project would not alter an existing drainage patterns or addition of impervious surfaces.

(i) As discussed in Section X(a) above, construction activities and operation of the Proposed Project would not result in substantial erosion or siltation, with compliance with the erosion control plan and SWRCB General Order.

(ii), (iii) The Proposed Project does not propose an increase in impervious surfaces. No buildings are proposed. If hoop houses are used, they would be temporary and would follow the requirements of Ordinance 3132, thus not increasing impervious surface area. In addition, the project would be required to comply with the SWRCB General Order and implement BMPS. See the Project Description for a list of BMPs to be implemented onsite, including installation of straw wattles, preserving existing vegetation, rocking access roads, and implementing sediment control measures on disturbed areas. Therefore, the project would not increase the rate or amount of surface runoff or create or contribute to runoff water which would exceed the capacity of an existing drainage system.

(iv) The proposed cultivation area is not within a FEMA Flood Zone. The project would not impede or redirect flood flows.

#### **Less than significant impact**

- d) The proposed cultivation areas are not located in a floodplain, tsunami, or seiche zone.

#### **No 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 include:

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

- Immediate repair of leaking or malfunctioning equipment
- Water-use metering and budgeting

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

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

#### Water Level Monitoring During Extraction

The purpose of monitoring the water level in a well during extraction is to evaluate the performance of the well and determine the effect of the pumping rate on the water source during each cultivation season. This information will be used to determine the capacity and yield of the Project's wells and to aid the cultivators in determining pump rates and the need for water storage. The frequency of water level monitoring will depend on the source, the source's capacity, and the pumping rate. It is recommended that initially the water level be monitored twice per week or more, and that the frequency be adjusted as needed depending on the impact that the pumping rate has on the well water level. Records will be kept, and elevations reported to the County as part of the project's annual reporting requirements. Reporting will include a hydrograph plot of the water level measurements for all project wells during the cultivation season and compared to prior seasons. This has been incorporated in Mitigation Measure HYD-1.

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

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

#### Drought Emergency Water Conservation Measures

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

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

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

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

- Reduce the amount of cultivation and/or length of cultivation season
- Install additional water storage
- If possible, develop an alternative, legal, water source that meets the requirements of Lake County Codes and Ordinances.

The requirement to follow the Drought Emergency Water Conservation Measures has been included as Mitigation Measure HYD-2.

**Less Than Significant Impact with Mitigation Measures HYD-1 and HYD-2 Incorporated**

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

**Discussion:**

- The Proposed Project is located on an existing agricultural property and no land divisions or residential development are proposed. This project does not have the potential to physically divide an established community, which typically include new freeways and highways, major arterial streets, and railroad lines or development that would make traveling more difficult in the area. No new roads are proposed, and the project is consistent with existing Rural Lands zoning requirements. Therefore, the Proposed Project would not physically divide an established community, and no impact would occur.

**No Impact**

- b) The Proposed Project is located within the Shoreline Communities Area Plan and designated Rural Lands (RL) in the Lake County General Plan. These Plans do not have specific language regarding the cultivation of commercial cannabis. The parcels are zoned Rural Lands (RL) District. The proposed Project is consistent with the existing General Plan and Zoning designation, including Article 27 of the County of Lake Zoning Ordinance, which allows the cultivation in lands zoned RL. The Project is consistent with the Lake County Cannabis Cultivation Ordinance (Number 3084). Furthermore, the Project Site is not located in a Commercial Cannabis Cultivation Exclusion Zone, as defined by the County.

The Proposed Project is located within 1,000 feet of the City of Clearlake Sphere of Influence. Cannabis Cultivation is prohibited within 1,000 feet of an incorporated City Sphere of Influence unless they obtain a letter of support. The applicant has obtained a letter of support from the City (Attachment 6), and therefore, the Proposed Project is consistent with the City of Clearlake Sphere of Influence policies. As such, the Proposed Project is not in conflict with any land use plan, policy, or regulation and a less than significant impact would occur.

**Less than Significant Impact**

**XII. MINERAL RESOURCES**

	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4, 5, 26
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4, 5, 26

**Discussion:**

- a) The Aggregate Resource Management Plan (ARMP) does not identify the project site as having an important source of aggregate. Additionally, according to the California Department of Conservation, Mineral Land Classification, there are no known mineral resources on the project site. Further, the Proposed Project does not propose structures or uses that would permanently prevent future access to any mineral resources on site.

**No Impact**

- b) According to the California Geological Survey’s Aggregate Availability Map, the Project site is not within the vicinity of a site being used for aggregate production. In addition, the site not delineated on the County of Lake’s General Plan, the Shoreline Communities Area Plan nor the Lake County Aggregate Resource Management Plan as a mineral resource site.

Therefore, the project has no potential to result in the loss of 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 13
b) Result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 13

**Discussion:**

- a) Noise related to outdoor cannabis cultivation could occur either during construction, or as the result of machinery related to operations, such as a well pump. Power would be supplied by PG&E line power and solar power. A backup generator is proposed for power outages.

The project has potential to generate noise related to site preparation, and during the life of the project. With regard to the Lake County General Plan Chapter 8 - Noise, sensitive receptors are defined as schools, health care facilities, and libraries. 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. Additionally, Chapter 8 – Noise states that noise-reducing mitigation measures during construction when residential uses or other sensitive receptors are located within 500 feet shall be implemented. As stated previously, the nearest residence to the Project area is located approximately 500 feet to the north. Therefore, although the property size, topography, and vegetation would help to diminish noises potentially heard by neighboring properties, the Mitigation Measures NOI-1 and NOI-2 have been incorporated to fully limit the potential sources of noise.

**Impacts would be Less than Significant 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 7:00 a.m. and 7:00 p.m., and Saturdays from 12:00 noon to 5:00 p.m. to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels. This mitigation does not apply to night work.

NOI-2: Maximum non-construction related sounds levels shall not exceed levels of 55

dBA between the hours of 7:00 a.m. to 10:00 p.m. and 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.

- b) The project is not expected to create significant groundborne vibration due to construction or to post-construction operation, as no construction is proposed. No new buildings or roads are proposed to be constructed, and thus no pile driving, rock blasting, or rock crushing equipment (typical sources of groundborne vibration) would be used during construction activities. There will be limited scraping and vegetation clearing for preparation of the Cultivation Areas, however, these activities are consistent with existing past agricultural uses of the site and are not expected to generate groundborne vibration or noise levels detectable to any neighboring properties.

**Less Than Significant Impact**

**XIV. POPULATION AND HOUSING**

	Potentially Significant Impact	Less Than Significant With Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4, 5
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4, 5

**Discussion:**

- a) The Proposed Project does not involve the construction of homes or facilities (e.g., new roads) that would directly or indirectly induce population growth. Up to 28 employees would be required for the operation, 20 of which would be seasonal employees. Employees would likely live in the area already and commute to the site daily. Therefore, the Proposed Project would not directly or indirectly induce substantial population growth.

**No Impact**

- b) No residences are proposed to be constructed or impacted. Therefore, no people or housing would be displaced as a result of the Proposed Project and no impact would occur.

**No Impact**

**XV. PUBLIC SERVICES**

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

- a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
  - 1) Fire Protection?
  - 2) Police Protection?
  - 3) Schools?
  - 4) Parks?
  - 5) Other Public Facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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1, 2, 3, 4, 5, 20, 21, 22, 23, 27, 28, 29, 32, 33, 34, 36, 37

**Discussion:**

- a) The Proposed Project is not anticipated to substantially increase the demands for fire protection services such that new or expanded facilities would be warranted. Additionally, no new roads are proposed.

**Fire Protection.** The project is served by the Lake County Fire Protection District. The Lake County Fire Protection District #1 Main Fire Station is located approximately 2.6 miles east of the site (via Olympic Drive and Hwy 53 to Ogulin Canyon Road). To offset the increased demand for fire protection services, the Proposed Project would be conditioned by the County to provide a minimum of fire safety and support fire suppression activities and installations, including compliance with State and local fire codes, as well as minimum private water supply reserves for emergency fire use. The project would be required to comply with all applicable local and state fire code requirements related to design and emergency access. The project includes on-site improvements related to public services, including water storage tanks for fire protection, improved road widths for emergency access, and site address posting. The existing pond and the (5) 2,500-gallon capacity fire storage tanks would be available for fire suppression. In addition, an open water source for helicopter water drops is located 1-mile due east (treated wastewater pond). With these measures in place, and with the proposed improvements, the project would have a less than significant impact on fire protection. The district received notice of this project and had no adverse comments.

**Police Protection.** The project is served by the Lake County Sheriff's Department. The Proposed Project is located adjacent to the City of Clearlake, within close proximity to a police station.

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.

Construction and operation of the Proposed Project may result in accidents or crime emergency incidents that would require police services. Construction activities would be temporary and limited in scope. 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. The Sheriff's Department was notified of this project and had no adverse comments.

**Schools and Parks.** There are no schools or public parks within 1000 feet of the subject site, and since no population increase would occur with this project (other than workers commuting to the site and leaving at the end of each shift), no increased demand on parks or schools would result.

**Other Public Facilities.** The project will use a combination of on-grid and solar power. PG&E was notified of this project and had no adverse comments. The project will use the five existing on-site wells for water and will use portable restrooms.

The project would be required to comply with all applicable local and state fire code requirements related to design and emergency access.

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

**Less Than Significant Impact**

**XVI. RECREATION**

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

**Discussion:**

- a) The project would generate business income, an increase in local employment opportunities, and increase public fee and tax revenue which may result in slight increases in population growth, which could lead to increased use of park and recreation facilities.

However, the potential increased use of park and recreation facilities from the maximum 28 employees, would occur over a large area and in multiple sites and therefore be diminished and would not substantially deteriorate existing parks or other recreational facilities. The project would not have any impact on existing parks or other recreational facilities.

### No Impact

- b) This project does not include recreational facilities and will not necessitate the construction or expansion of any recreational facilities.

### No Impact

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

### Discussion:

- a) According to the project application, the project site is accessed by one (1) private driveway directly off of Ogulin Canyon Road, a private gravel road that is at least 14 feet wide with turnouts. The driveway is approximately 0.8 miles from CA State Hwy 53, a main north-south road through Lake County. The driveway to the processing facility will be brought to PRC 4290/4291 compliance, per County Requirements and further required by Mitigation Measure WILD-1, prior to commencement of cultivation operations.

Turnarounds for emergency vehicles proposed throughout the site (See Site Plans - Attachment 1).

There are no bicycle or pedestrian facilities on Ogulin Canyon Road. There are no transit stops within 0.25 miles of the Project Site.

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. Since the Proposed Project is within 1,000 feet of the City of Clearlake's Sphere of Influence, the applicant was required to obtain a letter of support from the city. The city provided a letter of support (Attachment 6) and requested an appropriate mitigation fee for Ogulin Canyon Road maintenance.

### **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 during construction are between nine (9) and thirteen (13). These construction trips are temporary in nature, between one to two months. The estimated trips per day during operation are between 16 trips to 56 trips, with up to 56 trips per day during peak seasonal events such as planting or harvesting. Peak seasonal events would not occur year-round, so in actuality average daily trips would be lower than 56, likely closer to 25 or 30. Regardless, even using the maximum of 56 daily trips, the Proposed Project would not generate or attract greater than 110 trips per day. Therefore, it is not expected for the project to have a potentially significant level of VMT, therefore, impacts related to CEQA Guidelines section 15064.3, subdivision (b) would be less than significant.

### **Less Than Significant Impact**

- c) The Proposed Project is not a transportation project and 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.

**No Impact**

- d) The Proposed Project does not propose any changes to road alignment or other features, does not result in the introduction of any obstacles, nor does it involve incompatible uses that could increase traffic hazards. Equipment used in cultivation will be transported to the Project site as needed and will not need to be operated on Ogulin Canyon Road or CA State Hwy 53.

**No Impact**

- e) 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. The Project site does not contain any emergency facilities, nor does it serve as a mapped evacuation route or is located adjacent to an emergency evacuation route. The nearest mapped evacuation route, per Lake County Evacuation Maps, is State Route 53. Equipment used in cultivation will be transported to the Project site as needed and will not need to be operated on Ogulin Canyon Road or State Route 53. Emergency turnarounds for vehicles are included in the plans (Attachment 1). During long-term operation, adequate access for emergency vehicles via Ogulin Canyon Road would remain available. Furthermore, the Project would not result in a substantial alteration to the design or capacity of any public road that would impair or interfere with the implementation of evacuation procedures. With incorporation of compliance with PRC 4290/4291 fire safe regulations, impacts would be less than significant.

**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
<p>Would the project Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p>					
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 11, 14, 15
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 11, 14, 15

significance of the resource to a California Native American tribe?

Discussion:

- a) An archaeological record search at the Northwest Information Center (NWIC), Native American Heritage Commission (NAHC) contact program, and a field survey were completed by Natural Investigations Company in August of 2019. The NWIC record search request by Community Development Department Staff in 2024 found that there have been six previous record studies that include small portions of the proposed project parcels.

An AB 52 Tribal Notification was sent out to eleven local Tribes on January 18, 2024. On January 29, 2024, Koi Nation requested AB 52 Consultation. The Koi Nation Tribal Historical Preservation Officer, the Community Development Department Staff and the Consultant for the project met on April 29, 2024. The Tribe and the Consultant conducted a site visit on May 15, 2024. The Tribal Historic Preservation Officer requested a second consultation meeting with staff. The second meeting was held on June 4, 2024. The Consultation process was officially concluded on June 25, 2024, with the Mitigation Measures to protect any Tribal Cultural Resources that could be discovered during ground disturbing activities.

**Less than Significant with Mitigation Measures TCR-1 through TCR-6 incorporated.**

TCR-1: All ground disturbing activities shall be monitored by qualified tribal monitor(s). Ground disturbing activities occurring in conjunction with the Project include, but are not limited to, surveys, testing, concrete pilings, debris removal, rescrapes, punch lists, erosion control (mulching, waddles, hydroseeding, etc.), pot-holing or auguring, boring, grading, trenching, foundation work, excavations, and ground disturbance involving the moving of dirt or rocks with heavy equipment or hand tools within the Project area. Qualified tribal monitor(s) are defined as qualified individual(s) who have experience with identification, collection, and treatment of tribal cultural resources of value to the Tribes. Such individuals will include those who:

- a. *Possess the desired knowledge, skills, abilities, and experience established by the Native American Heritage Commission (NAHC) through the NAHC's Guidelines for Native American Monitors/Consultants (2005) (Last visited 3/4/2024. Available at chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://nahc.ca.gov/wp-content/uploads/2019/04/SB-18-Tribal-Consultation-Guidelines.pdf; OR*
- b. *Members of culturally affiliated tribe(s) who:*
  - i. *Are culturally affiliated with the project area, as determined by the NAHC; and*
  - ii. *Have been vetted by tribal officials of the Culturally Affiliated Tribes as having the desired knowledge, skills, abilities, and experience established by the Culturally Affiliated Tribes.*

TCR-2: The duration and timing of TCR monitoring shall begin at the start of ground disturbing activities and end when ground disturbing activities are completed and final, including the treatment and disposition of any discoveries as outlined in TCR-6 below.

TCR-3: All ground disturbing activities shall halt within 100 feet of any cultural resource discovery. All Culturally Affiliated Tribes will be notified of discovery of cultural resources and be provided access to the cultural resource site to allow for identification and further evaluation in determining the cultural resource significance and appropriate treatment or disposition.

TCR-4: There shall be at least one tribal monitor present for every separate area containing a TCR discovery that is at least 100 feet apart, unless otherwise agreed upon in writing between the Tribes and Permit Holder.

TCR-5: All on-site personnel of the Project shall receive cultural resource sensitivity training prior to initiation of ground disturbance activities of the Project. The training must be according to the standards of the NAHC and/or the Culturally Affiliated Tribes (as described in TCR-1 above). Training will cover potential exposure of subsurface resources, procedures upon identifying a potential resource, notification of Culturally Affiliated Tribes, protection of discoveries, relevant laws and regulations, protocols for avoidance, consequences of regulatory violations, procedures for pause in construction, procedures for construction setbacks, and confidentiality of discoveries. Tribal monitors will be required to participate in any necessary environmental and/or safety awareness training prior to engaging in any tribal monitoring activities for the project.

TCR-6: The Project applicant must notify all Culturally Affiliated Tribes at least 45 days prior to commencement of any and all ground disturbance activities on the Project Site. All cultural resources unearthed by Project activities shall be evaluated by the Archeologist and monitor(s). The culturally affiliated tribe(s) must be notified and given an opportunity to inspect, determine the nature of the TCR, and determine the best course of action for avoidance, protection, and/or treatment of the resource to the extent permitted by law. If the resource is determined to be a TCR of value to a tribe, that Tribe will coordinate with the Permit Holder to establish measures by which the Tribe may appropriately protect, treat, and dispose of TCR with dignity, which may include preservation and protection in situ or removal from the Project Site. The Permit Holder will allow the Tribes to facilitate treatment and disposition of the TCR to the extent permitted by law. No destructive or intrusive analysis of nor any photographing, video recording, or similar recording of TCRs shall be permitted by the Permit Holder, except as required by law.

- b) Identification of subsurface deposits, new resources, or human remains are all potentially significant impacts. If any artifacts, archaeological features, or human remains are encountered during grading or excavation, the mitigation measures below shall be implemented. With the mitigation measures incorporated below, all potential environmental impacts would be reduced to less than significant.

**Less than Significant with Mitigation Measures TCR-2 through TCR-4 and CUL-2 through CUL-4 incorporated.**

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

- a) Discussion: The Proposed Project would be served by up to five (5) existing onsite wells. These wells are existing; no new wells or water systems are proposed. An existing PG&E service would provide energy to the site. The power demands anticipated by this project will be similar to a single-family dwelling and are limited to immature plant area lighting, well pumps, security system, fans for drying, and security lights. The Project would use portable toilets brought to the site and serviced regularly. No new wastewater treatment facilities, storm water drainage, electric power, natural gas, or telecommunication systems are proposed. Therefore, impacts would be less than significant.

**Less than Significant Impact**

- b) See response to X(b). Up to five (5) existing, permitted wells would be used for irrigation. The subject parcel is served by an existing well as described in the Hydrology Report 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

2019-0001-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (General Order). Compliance with this Order would ensure that cultivation operations will not significantly impact water resources by using a combination of BPTC measures for water conservation, including shut-off valves on water tanks, drip irrigation, continued maintenance of equipment, in addition to buffer zones, sediment and erosion controls, inspections and reporting, and regulatory oversight.

**Less than Significant Impact with Mitigation Measures HYD-1 and HYD-2 implemented.**

- c) The Project would include installation of a regularly serviced, ADA-compliant portable restrooms onsite. These portable toilets would be regularly serviced by a licensed business. The project site is not connected to a municipal wastewater treatment system that could be determined to have inadequate capacity. Therefore, no impact would occur.

**No Impact**

- d) According to the Property Management Plan – Waste Management section, waste management bins would be located within the fenced-in area of the cultivation areas. Recyclables would be separated from solid waste and stored in bins. At regular intervals, as needed, staff would take waste and recyclables to a licensed facility. Green waste and organic waste would be composted onsite. Waste would be hauled to an appropriate licensed facility by a private waste-hauling contractor, or by cultivation operation staff. See the Property Management Plan for further details.

Projected waste for the Proposed Project would be approximately 300 lbs. of solid waste and approximately 2,000 lbs. of organic waste annually.

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 23 miles northwest 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 Impact**

- e) The County imposes a standard condition of approval regarding compliance with all federal, state and local management for solid waste. The Project would be in compliance with federal, state, and local management and reduction statues.

**Less Than Significant Impact**

XX. WILDFIRE

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

- |  |                          |                                     |                                     |                          |  |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | 1, 2, 4, 5,<br>6, 20, 23,<br>31, 35, 37,<br>38 |
| b) Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?                                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | 1, 2, 4, 5,<br>6, 20, 23,<br>31, 35, 37,<br>38 |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | 1, 2, 4, 5,<br>6, 20, 23,<br>31, 35, 37,<br>38 |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 4, 5,<br>6, 20, 23,<br>31, 35, 37,<br>38 |

Discussion:

- a) The mapped fire risk on the site is very high fire hazard severity zone within a State Responsibility Area, per CalFire. No known emergency response plans or emergency evacuation plans are located within the area that involve the site driveway or nearest public road. The nearest mapped evacuation route, per the Lake County Evacuation Maps, is Highway 53. The Proposed Project would involve onsite construction that would not impede traffic on Ogulin Canyon Road or Highway 53. A maximum of 28 employees would only be onsite during peak seasonal events, most of the time, approximately 8 employees would be onsite. Construction and operation of the Proposed Project would not impede emergency access or impair an adopted emergency response plan. The applicant would 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. The project would meet PRC §4290 compliance.

**Less than Significant Impact with Mitigation Measures WILD-1 incorporated.**

WILD-1: Prior to operation, the applicant shall improve the interior driveway to meet PRC 4290 and 4291 road standards for private driveways serving commercial uses, including turnarounds every 400 feet or less for emergency vehicles. The applicant shall arrange a site inspection by the Community Development Department to confirm that the interior driveway and gate width is Public Resource Code 4290 and 4291 compliant.

- b) The mapped fire risk on the site is very high fire hazard severity zone within a State Responsibility Area, per CalFire. Slopes on the property range from 0% to over 50%, although cultivation sites are located generally on ridgetops. The site driveway would be brought into compliance with PRC 4290 and 4291 for width, surface material (grave), overhead clearance, slope and turn-arounds, which will be verified by County site inspection

prior to cultivation occurring. These requirements have been included as Mitigation Measure WILD-1. With proposed improvements, the Project would improve fire access and the ability to fight fires at or from the Project site.

**Less than Significant Impact with Mitigation Measures WILD-1 through WILD-5 incorporated.**

WILD-2: Prior to cultivation, the applicant shall maintain a 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 but need to be limbed up to a height of 8' above grade.

WILD-3: Construction activities will not take place during a red flag warning (per the local fire department and/or national weather service) and wind, temperature and relative humidity will be monitored in order to minimize the risk of wildfire. Scraping would not occur on windy days that could increase the risk of wildfire spread should the equipment create a spark. Any vegetation removal or manipulation will take place in the early morning hours before relative humidity drops below 30 percent.

WILD-4: A water tender will be present on-site during earth work to reduce the risk of wildfire and dust.

WILD-5: The applicant shall designate a total 15,000 gallons of water, exclusively for fire protection purposes (1 tank at each garden and 1 tank at the processing building). The tanks shall have connectors that can be used by emergency services, and shall be made of a material that meets the specifications.

- c) The Proposed Project, as described in the application documents, would not exacerbate fire risk through the installation of maintenance of associated infrastructure. The Proposed Project would require maintenance to meet and/or maintain roadway and driveway standards. A 2,500-gallon capacity water storage tank, made of steel or fiberglass, would be added to each cultivation site and the processing building, for a total of 15,000 gallons.

The Project was referred to the Lake County Fire Protection District on January 4th, 2024. On January 12th, the LCFPD provided comments for the Proposed Project, including the need for onsite roads to meet PRC §4290/4291 standards, installation and/or maintenance of a lockbox on the access gate with provided codes for fire access (or rapid entry Knox Box), and requirements for Conex boxes, if installed, to meet Lake County regulations of ingress/egress. The requirement of the site to comply with PRC 4290/4291 standards has been incorporated as Mitigation Measures.

**Less than Significant with Mitigation Measures WILD-1 though WILD-6 incorporated.**

WILD-6: Prior to cultivation the applicant shall install a Knox Box at the gate entrances and on the processing building for Emergency Personnel access, in the event of an 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ALL
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ALL
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ALL

**Discussion:**

- a) Per the impact discussions above, the potential of the Proposed Project to substantially degrade the environment is less than significant with incorporated mitigation measures. As described in this Initial Study, the Proposed Project has the potential for impacts related to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology, Noise, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. However, these impacts would be avoided or reduced to a less-than-significant level with the incorporation of mitigation measures discussed in each impact section.

According to the technical studies conducted and the project materials, and with incorporation of all Mitigation Measures, the Proposed Project would not 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 major periods in California History or prehistory.

**Less Than Significant with Mitigation Measures Incorporated**

- b) Potentially significant impacts have been identified related to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology, Noise, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. These impacts could cumulatively contribute to significant effects on the environment.

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

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

#### **Less Than Significant with Mitigation Measures Incorporated**

- c) The Proposed Project has potential to result in adverse indirect or direct effects on human beings in the areas Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Implementation of and compliance with mitigation measures identified in each section would reduce impacts to 'less than significant' levels.

#### **Less Than Significant with Mitigation Measures Incorporated**

\* Impact Categories defined by CEQA

#### **\*\*Source List**

1. Lake County General Plan
2. Lake County GIS Database
3. Lake County Zoning Ordinance
4. Shoreline Communities Area Plan
5. Clearpath Canyon, LLC 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, ([http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm))
10. Lake County Serpentine Soil Mapping
11. California Natural Diversity Database (<https://www.wildlife.ca.gov/Data/CNDDDB>)
12. U.S. Fish and Wildlife Service National Wetlands Inventory
13. Biological Resources Assessment, Graeining and Associates, September 2023
14. Cultural Resources Assessment (CRA) for the Proposed Project was prepared by Natural Investigations, Co. (August 2019)

15. California Historical Resource Information Systems (CHRIS); Northwest Information Center, Sonoma State University; Rohnert Park, CA.
16. Water Resources Division, Lake County Department of Public Works Wetlands Mapping.
17. U.S.G.S. Geologic Map and Structure Sections of the Clear Lake Volcanic, Northern California, Miscellaneous Investigation Series, 1995
18. Official Alquist-Priolo Earthquake Fault Zone maps for Lake County
19. Landslide Hazards in the Eastern Clear Lake Area, Lake County, California, Landslide Hazard Identification Map No. 16, California Department of Conservation, Division of Mines and Geology, DMG Open –File Report 89-27, 1990
20. Lake County Emergency Management Plan
21. Lake County Hazardous Waste Management Plan, adopted 1989
22. Lake County Airport Land Use Compatibility Plan, adopted 1992
23. California Department of Forestry and Fire Protection - Fire Hazard Mapping
24. National Pollution Discharge Elimination System (NPDES)
25. FEMA Flood Hazard Maps
26. Lake County Aggregate Resource Management Plan
27. Lake County Bicycle Plan
28. Lake County Transit for Bus Routes
29. Lake County Environmental Health Division
30. Lake County Grading Ordinance
31. Lake County Natural Hazard database
32. Lake County Countywide Integrated Waste Management Plan and Siting Element, 1996
33. Lake County Water Resources
34. Lake County Waste Management Department
35. California Department of Transportation (CALTRANS)
36. Lake County Air Quality Management District website
37. Lakeport Fire Protection District
38. Lake County Evacuation Mapping
39. United States Department of Agriculture – Natural Resources Conservation Service Web Soil Survey
40. Hazardous Waste and Substances Sites List, [www.envirostor.dtsc.ca.gov/public](http://www.envirostor.dtsc.ca.gov/public)
41. State Water Resources Control Board (SWRCB) Cannabis Policy and General Order ([https://www.waterboards.ca.gov/board decisions/adopted orders/water quality/2019/wqo2019\\_0001\\_dwq.pdf](https://www.waterboards.ca.gov/board%20decisions/adopted%20orders/water%20quality/2019/wqo2019_0001_dwq.pdf))
42. Lake County Groundwater Management Plan, March 31<sup>st</sup>, 2006.  
<http://www.lakecountyca.gov/Assets/Departments/WaterResources/IRWMP/Lake+County+Groundwater+Management+Plan.pdf>
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)
45. Floristic Survey of Clearpath Canyon, Lawrence Ray (October 2023)
46. Ordinance 3106 Hydrology Report and Drought Management Plan, NorthPoint Consulting, November 2023
47. Well Completion Reports for Onsite Wells
48. Clear Lake Basin History (<https://www.lakecountyca.gov/1113/Algae-Information>)
49. The Causes and Control of Algal Blooms in Clear Lake.  
<https://www.lakecountyca.gov/DocumentCenter/View/4189/Clean-Lakes-Report-1994-PDF>.

50. Clean Water Act 303 (d) List.

[https://www.waterboards.ca.gov/rwqcb5/water\\_issues/tmdl/impaired\\_waters\\_list/#:~:text=Section%20303\(d\)%20of%20the,the%20303\(d\)%20List.](https://www.waterboards.ca.gov/rwqcb5/water_issues/tmdl/impaired_waters_list/#:~:text=Section%20303(d)%20of%20the,the%20303(d)%20List.)

51. Sustainable Groundwater Management Act Basin Prioritization.

[https://gis.water.ca.gov/app/bp-dashboard/final/.](https://gis.water.ca.gov/app/bp-dashboard/final/)

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