

July 18, 2023

Revised April 19, 2024



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street Lakeport, California 95453

Telephone: (707) 263-2221 FAX: (707) 263-2225

CALIFORNIA ENVIRONMENTAL QUALITY ACT ENVIRONMENTAL CHECKLIST FORM INITIAL STUDY (UP 22-14, IS 22-13)

1. Project Title: ~~UP 22-14, 22004 Morgan Valley Road Commercial Cannabis Project~~ **Blackwell Capital Management**
2. Permit Numbers: ~~Initial Study (IS 22-13) Major Use Permit UP 22-14 Initial Study IS 22-13~~ **Major Use Permit (UP 22-14)**
3. Lead Agency Name and Address: County of Lake
Community Development Department
Courthouse, 3rd Floor, 255 North Forbes Street
Lakeport, CA 95453
4. Contact Person: Trish Turner, Assistant Planner II
(707) 263-2221
5. Project Location(s): 22004 Morgan Valley Road, Lower Lake, CA 95457
APN: 012-069-25
6. Project Sponsor's Name & Address: Blackwell Capital Management, LLC
371 Lakeport Boulevard, #400
Lakeport, CA 95453
7. General Plan Designation: RL – Rural Lands
8. Zoning: APZ – Agricultural Preserve District
9. Supervisor District: District 1
10. Flood Zone: "D": Areas of undetermined, but possible flood hazard risk
11. Slope: Varied; cultivation sites are less than 20 percent
12. ~~Fire Hazard Severity Zone~~ **Natural Hazards:** California State Responsibility Area (CALFIRE):
High Fire Hazard Severity Zone

13. ~~Earthquake Fault Zone:~~ None

14. ~~13.~~ Dam Failure Inundation Area: Not located within Dam Failure Inundation Area

15. ~~14.~~ Parcel Size: 37.81 Acres

16. ~~15.~~ Description of Project:

The applicant, Blackwell Capital Management, LLC, is requesting discretionary approval from Lake County for a Major Use Permit, UP 22-14, for commercial cannabis cultivation at 22004 Morgan Valley Road, Lower Lake (APN: 012-069-25), as described below:

One (1) A-Type 3: "Outdoor" license and three (3) A-Type 1C "Specialty Cottage Outdoor" licenses: Outdoor cultivation for adult-use cannabis under direct sunlight. The applicant proposes 51,060 square feet (sf) of outdoor commercial cannabis canopy within 57,480 sf of cultivation area ~~and One (1) A-Type 13 Distributor Only, Self-distribution State License~~

~~One (1) A-Type 13 Distributor Only, Self-distribution State license.~~

Figure 1 - Vicinity Map



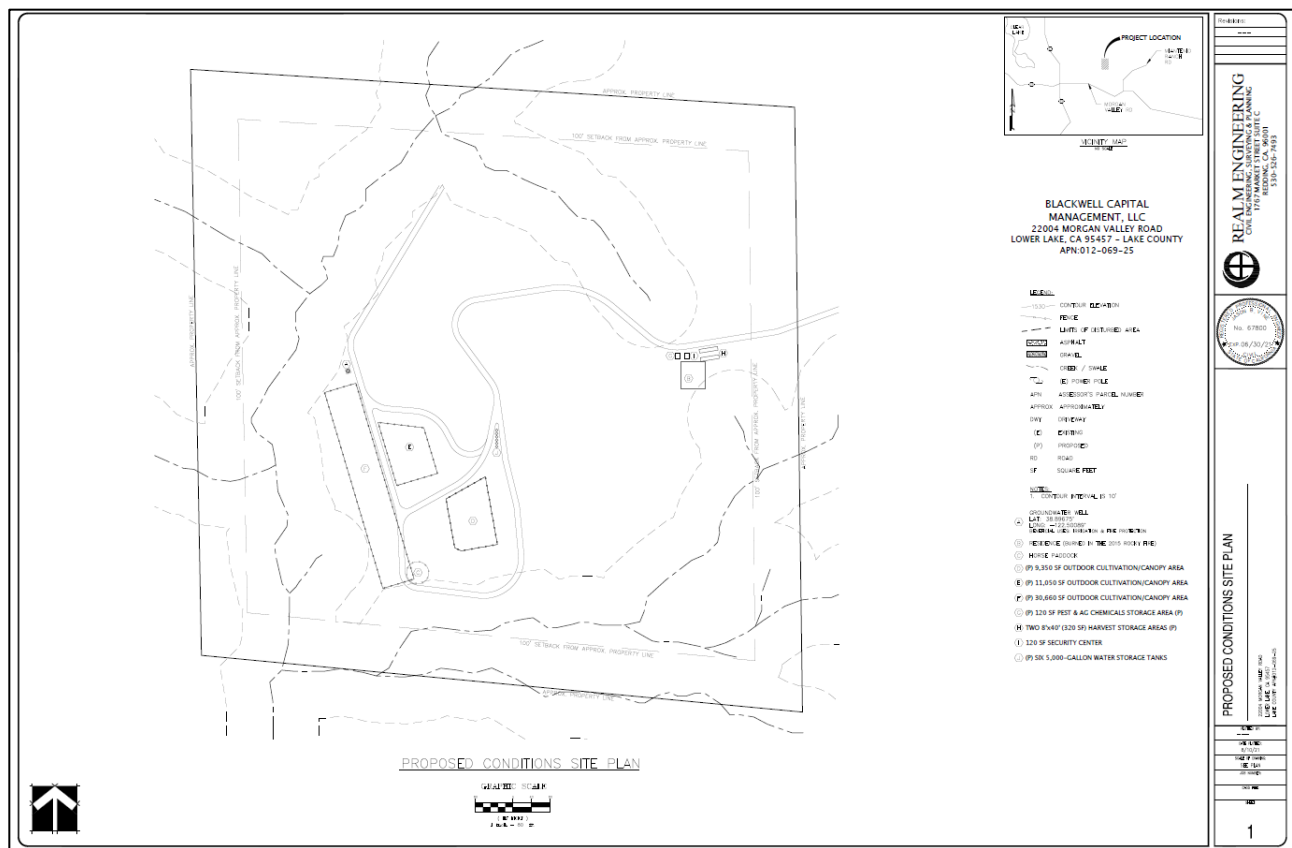
The proposed ~~cultivation~~/canopy areas would be located within three fenced-in cultivation areas: Area D (9,350 sq. ft.), Area E (11,050 sq. ft.), and Area F (30,660 sq. ft.), as shown in

Figure 2. Mature plants will be grown outdoors ~~within the three fenced-in cultivation areas~~, and will occur using direct sunlight in amended native soil. No grading or vegetation removal will be required to establish the proposed cultivation operation. ~~The native soils~~ **The applicant proposes tilling , but the native soils into furrows of the proposed outdoor cultivation/canopy areas will be tilled into furrows** for planting of cannabis.

The Project proposes the following:

- **Area F**; 30,660 sq. ft. outdoor canopy area
- **Area E**; 11,050 sq. ft. outdoor canopy area
- **Area D**; 9,350 sq. ft. outdoor canopy area
- Two existing 320 sq. ft. metal shipping/storage containers for Harvest Storage (8'x40')
- A 120 sq. ft. stormproof shed for chemical, pesticide, hazardous material storage (10'x12')
- A 120 sq. ft. stormproof shed for office and security use (10'x12')
- An existing onsite permitted groundwater well with an estimated yield of up ~~to 18~~ **to 10** gallons per minute
- An irrigation system using water pumps, polyvinyl chloride (PVC) piping, black poly tubing and drip tape
- Six **(6)** 5,000-gallon water storage tanks for irrigation, **One 5,000-gallon water tank made of steel or fiberglass dedicated to fire suppression.**
- An employee parking area with four (4) spaces and one ADA compliant space

Figure 2. 22004 Morgan Valley Road Cultivation Site Plan



Source: Submitted by Applicant

According to the applicant's Property Management Plan, fertilizers and pesticides will be stored within a 120 sq. ft. stormproof storage shed. All solid waste will be kept in a secured area and regularly removed to be disposed of at waste disposal facility. Any plant waste will be chipped/mulched and composted on site, then reused as soil amendment.

Water Use

Water for the cultivation activities will be supplied from an existing onsite groundwater well. The well was drilled in December of 2020 to a depth of 185 feet and had an estimated yield of 18 gallons per minute (gpm). A 6-hour well performance test was conducted on November 15, 2021, and the static water level was 25 feet with a drawdown of 78-feet during the test. The irrigation system for the cultivation operations will use water supplied by the existing well and stored within six (60) proposed 5,000-gallon water storage tanks. Water from the tanks will be gravity-fed to the cultivation areas via polyvinyl chloride (PVC) piping, and then distributed throughout the cultivation areas using black poly tubing and drip tape. According to the Water Use section of the applicant's Property Management Plan, the proposed cultivation operation would use approximately 2.5 acre-feet (~815,000 gallons) of water per year/cultivation season, with an average demand of approximately 4,530 gallons per day (assuming a 180-day cultivation season) and a maximum water demand of 6,540 gallons per day.

The Project Parcel is enrolled in the State Water Resources Control Board's Cannabis General Order (Order No. WQ 2019-001-DWQ) as a Tier 1, Low Risk site (WDID: 5S17CC419274). As required in the Cannabis Order's Policy for coming into compliance with Best Practicable Treatment or Control (BPTC) measures, the applicant had to prepare a Site Management Plan (SMP) and a Nitrogen Management Plan (NMP) within 90 days of enrollment. "The purpose of

the Cannabis Policy is to ensure that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs” (State Water Board, 2019). BPTC measures have been implemented at the site for erosion control and stormwater pollution. The purpose of the NMP is to identify how nitrogen is stored, used, and applied to crops in a way that is protective to water quality. The applicant is required to complete online Annual Monitoring and Reporting to assess compliance with the Cannabis General Order and Notice of Applicability. This includes BPTC measures for winterization.

According to the applicant’s Property Management Plan, the following erosion control measures will be followed: Established and re-established vegetation within and around the proposed cultivation operation will be maintained/protected as a permanent erosion and sediment control measure.

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

Electrical Use

Electricity for the Project will be produced via individual photovoltaic solar panels with battery storage/backup systems, which will power the security cameras, security lights, and water/well pump(s). The applicant is proposing a generator for emergency backup power use if needed.

Operations

Operations will occur up to seven days per week from May through November, with growing periods occurring between May 15th and November 15th. The operation hours will be Monday through Sunday during daylight hours from approximately 8:00 a.m. to 8:00 p.m. The Lake County Zoning Ordinance restricts deliveries and pickups to 9:00 a.m. to 7 p.m., Monday through Saturday, and Sunday from 12 noon to 5:00 p.m. Once operational, the proposed Project would staff approximately one (1) to two (2) full-time employees throughout the cultivation season, and two (2) to three (3) seasonal employees for planting and harvesting periods.

Daily traffic during regular operations would be approximately two to four trips during regular operations and up to twelve trips during peak cultivation season. Weekly truck deliveries of various project-related materials would occur throughout the cultivation season.

Access

The Project Parcel is accessed via a private gravel access road off of a shared private gravel access road that connects to Morgan Valley Road approximately one-half mile southeast of the Project Parcel. Locking metal gates across the private gravel access road control access to the Project Parcel. The cultivation areas will be surrounded with 6-foot galvanized woven

wire fencing, with access using metal gates secured by padlocks. Security cameras will be installed around the perimeters of the cultivation areas and at other points of access in compliance with the Lake County Zoning Ordinance.

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- If areas of concentrated stormwater runoff begin to develop, additional erosion and sediment control measures will be implemented to protect those areas and their outfalls

Figure 3. Erosion and Sediment Control Site Plan

Figure 4. Aerial Image of Project Property



Source: Lake County GIS website 2023

The site is accessed via a private gravel ~~access~~ road ~~off of~~ from a shared private gravel access road that connects to Morgan Valley Road approximately one-half mile southeast of the Project Parcel. The Project Parcel includes two existing 320 sq. ft. metal shipping/storage containers that support a metal awning spanning the two containers, internal compacted dirt ~~access roads~~ driveway, and a ~~permitted~~ groundwater well.

18.17. Surrounding Land Uses and Setting:

Since the Project Parcel is over five (5) acres in size, neighboring parcels that fall within a 725-foot buffer will be notified of the Project. These parcels include:

- North and East: 22014 Morgan Valley Road; Zoned Agricultural Preserve, undeveloped
- South and Southeast: 22100 and 22433 Morgan Valley Road; Zoned Agricultural Preserve; developed with a dwelling
- Southwest: 21700 Morgan Valley Road; Zoned Agricultural Preserve; developed with a dwelling and agricultural uses

- West: 21500 Morgan Valley Road; Zoned Agricultural Preserve and Rural Lands; vacant land

Figure 5. Lake County Base Zoning Districts



Source: Lake County GIS website 2023

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

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

- Lake County Department of Environmental Health
- Lake County Air Quality Management District
- Lake County Department of Public Works
- Lake County Department of Public Services
- Lake County Agricultural Commissioner
- Lake County Sheriff Department
- Northshore Fire Protection District

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

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

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

A cultural survey was conducted of the Project Property on March 17, 2020 by Wolf Creek Archaeology. A four-acre portion of the property was surveyed by the surveying archaeologist; ~~although several isolated artifacts were discovered, they were not regarded as being potentially significant,~~ and the archaeologist recommended that the project proceed, **as proposed**.

A California Historical Resources Information System (CHRIS) records review for the Project Parcel acknowledged the Cultural Resource Evaluation prepared for the proposed Project, and recommended adherence to the cultural resource protection recommendations of that report. Additionally, the CHRIS report recommends the lead agency contact the local Native American tribes regarding traditional, cultural, and religious heritage values.

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, Robinson Rancheria, Scotts Valley Band of Pomo, Upper Lake Habematolel, and Yocha Dehe local tribes** on April 5, 2023. The Community Development Department did not receive an AB 52 Tribal Consultation ~~requests~~**request** for this Project. Of the notified Tribes, only the Upper Lake Habematolel Tribe responded and deferred to the Middletown Rancheria Tribe who did not respond.

21.20. Attachments

1. Site Plans

2. Biological Study
3. Hydrology Study and Drought Management Plan
4. Property Management Plan
- 4.5. Agency Comments

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed Project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including

revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Initial Study Prepared By: Trey Sherrill

Reviewed and Edited By: Trish Turner, Assistant Planner II

Date: 03/25/2024

SIGNATURE

Mireya G. Turner, Director
Community Development Department

SECTION 1

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the Project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a Project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance

I. AESTHETICS

Except as provided in Public Resource Code Section 21099, would the project:

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

Discussion:

- a) The Project Parcel's Base Zoning District designation is Agriculture Preserve (APZ). ~~The Article 27 uses generally permitted of the~~ Lake County Zoning Ordinance allows for commercial outdoor cannabis cultivation in the APZ ~~land use zoning~~ with a conditional major or minor use permit.

The proposed canopy/cultivation areas and structures would be located in a valley that is

not visible from any publicly accessible vantage point. Additionally, the proposed structures would not obstruct or alter a scenic vista. **The site is located out of the Scenic Combining District overlay and is not identified as a scenic route within the Lower Lake Area Plan.**

Less than Significant Impact There are no scenic resources, rock outcroppings, or historic buildings on or in the vicinity of the Project Parcel, and the site is located over five (5) miles from the nearest State Highway.

No Impact

- b) The Project Property is located in a rural unincorporated area of Lake County. The Project site is not visible from any publicly accessible vantage point. The proposed project is agricultural in nature, and therefore compatible with the ranching and agricultural uses (including commercial cannabis cultivation) of surrounding properties.

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

Less than Significant Impact

- c) The Project has little potential to create additional light and/or glare; the only exterior lighting proposed is security lighting that will be downcast. The proposed use is an outdoor cultivation operation and does not involve cultivation ~~using proposed~~ in greenhouses incorporating artificial lighting.

Less than Significant Impact

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

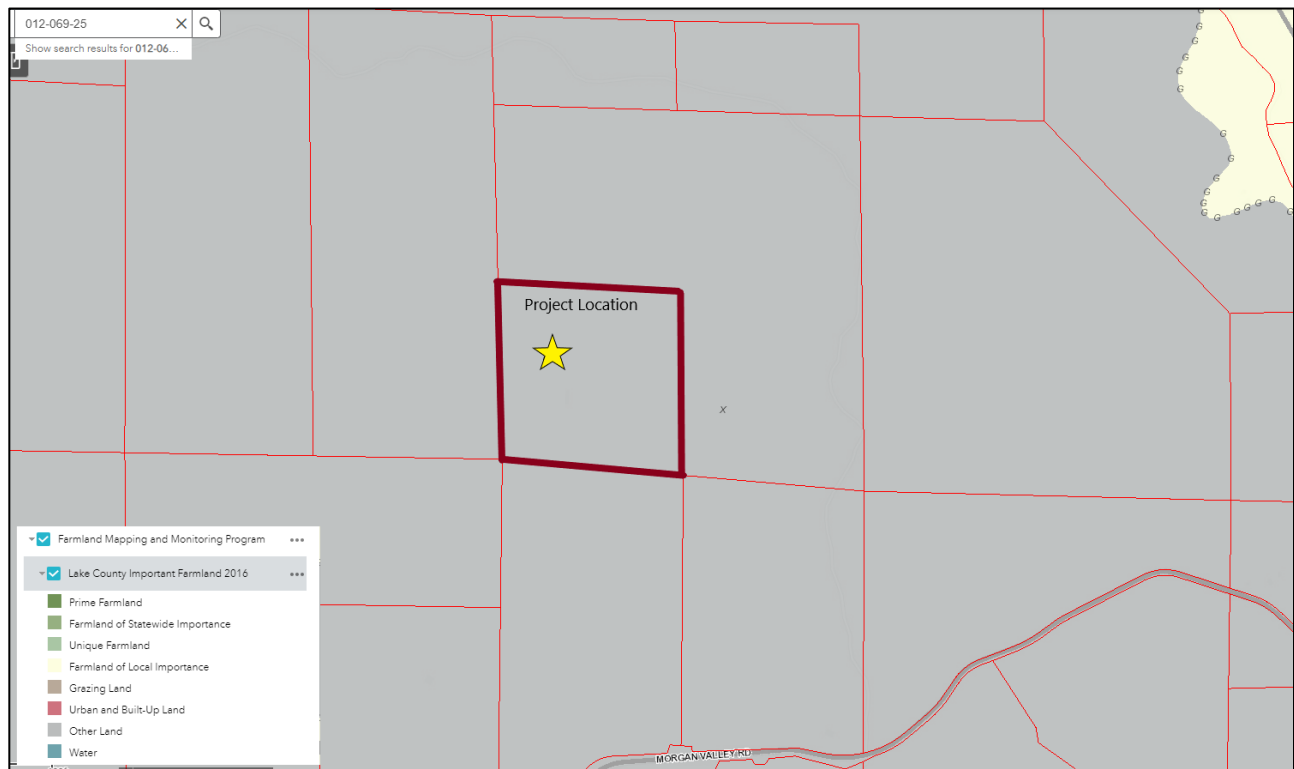
- | | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|-----------------------------------|
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ | 1, 2, 3, 4,
5, 6, 9 |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ | 1, 2, 3, 4,
5, 7, 8, 11,
13 |

Discussion:

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

- a) According to the California Department of Conversation Farmland Mapping and Monitoring Program no portion of the Project Parcel is not mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The Project Parcel is identified as Other Land, which is described as Land not included in any other mapping category.

Figure 6. Farmland Mapping and Monitoring



Source: Lake County State FMMP Mapping GIS 2024

The proposed Project would not be converting farmland that is of high quality or significant farmland to a non-agricultural use.

No Impact

- b) The Project Parcel is currently zoned Agricultural Preserve District (APZ), which is consistent with its land use designation as Rural Land as described in the County of Lake General Plan Chapter 3 – Land Use.

Under Article 27.11 of the Lake County Zoning Ordinance, Outdoor Cannabis Cultivation is permitted on parcels with a Base Zoning District of “APZ” with a minimum of 20 acres. The Project parcel consists of 37.8 acres.

The Project Parcel is under a Williamson Act contract and has been historically used for animal grazing. As proposed, the Project would not interfere with the ability of the owner or neighbors to use the remaining land for more traditional crop production and/or grazing land.

Less than Significant Impact

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

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

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

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

No Impact

- d) The Project site and surrounding properties do not contain forest lands, are not zoned for forest lands, nor are they identified as containing forest resources by the General Plan. Because forest land is not present on the Project site or in the immediate vicinity of the Project site, the proposed Project has no potential to result in the loss of forest land or the conversion of forest land to non-forest use. No impact would occur.

No Impact

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

No Impact

III. AIR QUALITY

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

Discussion:

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

- a) The Project site is not subject to any adopted Air Quality plans. The 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 on the Project Property, and would pose no threat of asbestos exposure during either the construction phase or the operational phase.

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

According to the Lake County Zoning Ordinance section on Commercial Cannabis Cultivation (§27.11), Air Quality must be addressed in the Property Management Plan. The intent of addressing this is to ensure that “all cannabis permittees shall not degrade the County’s air quality as determined by the Lake County Air Quality Management District” and that “permittees shall identify any equipment or activity that may cause, or potentially cause the issuance of air contaminants 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.

Less than Significant Impact

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

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

Comparison of Daily Construction Emissions Impacts with Thresholds of Significance

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

Comparison of Daily Operational Emissions Impacts with Thresholds of Significance

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

Comparison of Annual Operational Emissions Impacts with Thresholds of Significance

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

Less than Significant Impact

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

There are no schools, parks, childcare centers, convalescent homes, or retirement homes located in proximity to the Project site. The nearest off-site residences are over 1,000 feet from the Project site, well over the 200-foot setback for offsite residences from commercial cannabis cultivation as described in Article 27.11 of the Lake County Zoning.

Pesticide application will be used during the growing season and only within the cultivation area. The cultivation area will be surrounded by a fence which will help to prevent off-site drift of pesticides. Additionally, no demolition or renovation will be performed which would cause asbestos exposure, and no serpentine soils have not been detected and are not mapped onsite.

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

Construction impacts, which include the preparing of soils for planting, would be temporary

in nature and would occur over about a two (2) to three (3) week period. Ongoing field management is considered an operational, not construction, activity.

Operational impacts would include dust and fumes from site preparation of the cultivation area and vehicular traffic, including small delivery vehicles that would be contributors during and after site preparation and construction.

Implementation of mitigation measures would reduce air quality impacts to less than significant. Dust during site preparation would be limited during periods of high winds (over 15 mph). All visibly dry, disturbed soil and road surfaces would be watered to minimize fugitive dust emissions.

- AQ-1: Prior to obtaining the necessary permits and/or approvals for any phase, applicant shall contact the Lake County Air Quality Management District (LCAQMD) and obtain an Authority to Construct (A/C) permit for all operations and for any diesel-powered equipment and/or other equipment with potential for air emissions.
- AQ-2: All mobile diesel equipment used must be in compliance with state registration requirements. Portable and stationary diesel-powered equipment must meet all federal, state, and local requirements, including the requirements of the State Air Toxic Control Measures for compression ignition engines. Additionally, all engines must notify LCAQMD prior to beginning construction activities and prior to engine use.
- AQ-3: The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the LCAQMD such information in order to complete an updated Air Toxic emission Inventory.
- AQ-4: All vegetation during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, including waste material is prohibited.
- AQ-5: The applicant shall have the primary access and parking areas surfaced with chip seal, asphalt, or an equivalent all weather surfacing to reduce fugitive dust generation. The use of white rock as a road base or surface material for travel routes and/or parking areas is prohibited.
- AQ-6: All areas subject to infrequent use of driveways, overflow parking, etc., shall be surfaced with gravel, chip seal, asphalt, or an equivalent all weather surfacing. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations.

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

- d) The Project Property is located in a rural area of the County of Lake, where the majority of development is agricultural uses and limited single family residential dwellings. The operation will not result in other emissions (such as those leading to odors or dust) adversely affecting a substantial number of people

Less than Significant Impact

IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐	2, 5, 11, 12, 13, 16, 24, 29, 30, 31, 32, 33, 34, 45
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐	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?	☐	☒	☐	☐	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?	☐	☐	☒	☐	13
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1, 2, 3, 4, 5, 11, 12, 13
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	1, 2, 3, 5, 6

Discussion:

- a) A Biological Resources Assessment (“Assessment”) of the Project Parcel was prepared by Pinecrest Environmental Consulting on September 15, 2021 (**Attachment 2 - Biological Report**). The field surveys for the Assessment were conducted on March 14, 2019 and April 15, 2021. The purpose of the Assessment was to provide information as to whether the Project site contains sensitive plants or potentially contains sensitive wildlife requiring mitigation under CEQA.

The information below is based on the survey results documented in the Biological Resources Assessment prepared for the Project.

Natural Communities

The entirety of the parcel consists of burned chaparral and oak savannah, with higher

proportions of oak trees near watercourses. The entire property was severely burned during the Rocky Fire in July 2015 and nearly all trees were killed, although chaparral shrubs have mostly resprouted.

Wetlands and Watercourses

An unnamed intermittent Class II watercourse and tributary of Soda Creek flows from north to south through the western third of the Project Parcel. Multiple ephemeral Class III watercourses form on or just east of the Project Parcel and flow west towards the unnamed intermittent Class II watercourse. No potentially jurisdictional wetlands were identified on the Project Parcel.

Summary and Findings of the Biological Assessment and Botanical Survey

No special-status plant species were observed on the Project Parcel during the surveys performed for the Assessment. No impacts are predicted for special-status plant species based on lack of actual sightings, and lack of suitable habitat in the proposed Project area(s).

No special-status animal species were observed during the surveys performed for the Assessment. No impacts are predicted for special-status animal species based on lack of actual observations, and lack of suitable habitat in the area of the proposed Project.

- BIO-1: All work should incorporate erosion control measures consistent with the engineered Erosion and Sediment Control Plans submitted, Lake County Grading Regulations, and the State Water Resources Control Board's Cannabis General Order (Order No. WQ 2019-001-DWQ).
- BIO-2: ~~Pesticides and fertilizer storage facilities shall be located outside of riparian setbacks and not located within 100 feet of a well head and all watercourses.~~ Pesticides and fertilizer storage facilities will utilize proper best management practices and shall not be located within riparian setbacks or where they may pass into a lake or stream.
- BIO-3: ~~The applicant shall maintain a minimum of a one-hundred-foot setback/buffer from the top of bank of any watercourse, wetland, and/or vernal pool.~~ The applicant shall maintain a minimum of a 150-foot setback from perennial watercourses, a 100-foot setback from intermittent watercourses, and a 50-foot setback from the top of bank of any watercourse, wetland, and/or vernal pool.
- BIO-4: Prior to commencement of activities within the bed or bank of a creek, a Streambed Alteration Agreement shall be obtained from the California Department of Fish and Wildlife. All the conditions of such permit shall be adhered to throughout the course of the project to reduce the impacts to a less than significant level.
- BIO-5: Prior to any ground disturbance and/or vegetation removal, the applicant shall have a pre-construction survey conducted by a qualified biologist for special-status plant and animal species to ensure that special-status species are not present. If any listed species are detected, construction shall be delayed, and the appropriate resource agency (CDFW and/or USFWS) shall be consulted with and project impacts and mitigation reassessed.
- BIO-6: ~~If construction activities occur during the nesting season (usually March through September), a pre-construction survey for the presence of special status~~

~~bird species or any nesting bird species should be conducted by a qualified biologist within 500 feet of proposed construction areas, within seven days prior to the commencement of ground disturbing activities. If active nests are identified in these areas, CDFW and/or USFWS should be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. 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 after a qualified biologist has determined the young have fledged and are independent of the nest site.~~

If construction activities occur during the nesting season (February 15- September 1), a pre-construction survey for presence of special-status bird species or any nesting bird species should be conducted by a qualified biologist within seven days prior to the commencement of ground disturbing activities. If active nests are identified in these areas, CDFW and/or USFWS should be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Biologist measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

Less Than Significant Impact with Mitigation Measures BIO-1 through BIO-6 incorporated.

- b) An unnamed intermittent Class II watercourse and tributary of Soda Creek flows from north to south through the western third of the Project Parcel. Multiple ephemeral Class III watercourses form on or just east of the Project Parcel and flow west towards the unnamed intermittent Class II watercourse. No potentially jurisdictional wetlands were identified on the Project Parcel.

No development is proposed within 100-feet of the identified watercourses, which is consistent with Article 27 of the Lake County Zoning Ordinance that regulates commercial cannabis cultivation. The applicant has provided a Property Management Plan with engineered erosion and sediment control plans, which addresses controlled water runoff in a manner that reduces impacts to surface water bodies. No development would occur within the drainage buffers and setbacks and there are no sensitive natural communities within the Project area.

The Project is enrolled with the SWRCB for Tier 2, Low Risk coverage under Order No. WQ 2019-001-DWQ (Cannabis Cultivation General Order). The Cannabis Cultivation General Order implements Cannabis Policy requirements with the purpose of ensuring that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, or springs. The Cannabis Cultivation General Order requires the preparation of a Site Management Plan (SMP), a Nitrogen Management Plan (NMP), and the submittal of annual technical and monitoring reports demonstrating compliance. The purpose of the SMP is to identify BPTC measures that the site intends to follow for erosion control purposes and to prevent stormwater pollution. The purpose of the NMP is to identify how nitrogen is stored, used, and applied to crops in a way that is protective to water quality. The SMP and NMP are required prior to commencing cultivation activities and were submitted with the application materials.

Less Than Significant Impact with Mitigation Measures BIO-1 through BIO-6 incorporated

- c) An unnamed intermittent Class II watercourse and tributary of Soda Creek flows from north to south through the western third of the Project Parcel. Multiple ephemeral Class III watercourses form on or just east of the Project Parcel and flow west towards the unnamed intermittent Class II watercourse. No potentially jurisdictional wetlands were identified on the Project Parcel.

No development is proposed within 100-feet of the identified watercourses and potential wetlands, which is consistent with Article 27 of the Lake County Zoning Ordinance that regulates commercial cannabis cultivation. The applicant has provided a Property Management Plan with engineered erosion and sediment control plans, which addresses controlled water runoff in a manner that reduces impacts to surface water bodies. No development would occur within the drainage buffers and setbacks and there are no sensitive natural communities within the Project area.

Less Than Significant Impact with Mitigation Measures BIO-1 through BIO-6 incorporated

- d) No wildlife corridors were identified on the Project Property in the Assessment. Although no mapped wildlife corridors (such as the California Essential Habitat Connectivity Area layer in the CNDDDB) exist within or near the Project area, the open space and the stream corridors of the Project Property facilitate animal movement and migrations. Although the Project area may be used by wildlife for movement or migration, the proposed Project would not have a significant impact on this movement because it would not create any unpassable barriers and the majority of the Project Property will still be available for corridor and migration routes. More than 35 acres of the +37-acre Project Parcel would remain available for natural habitat and wildlife corridors.

Implementation of the Project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Less than Significant Impact

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

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.

Tree removal is not proposed for this Project, and implementation of the Project does not conflict with any county or municipal policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Less than Significant Impact

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

No Impact

V. CULTURAL RESOURCES

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

Discussion:

- a) A Cultural Resources Evaluation (CRE) for the proposed cultivation Project was prepared by Registered Professional Archaeology firm, Wolf Creek Archaeology and dated March 17, 2020. A pedestrian field survey of the Project area was conducted for the CRE on March 13, 2020. ~~The field survey conducted for the CRE did not find any artifacts necessary to be considered "significant" historic or cultural resources for the purposes of CEQA. A record search was conducted at the Sonoma State University office of the California Historical Resource Information System prior to the field survey. The record search indicated that the Project area had not been previously inspected for cultural resources, and that no historic sites had been recorded within a quarter of a mile of the Project area.~~

~~The Native American Heritage Commission (NAHC) returned the results of the Sacred Lands File (SLF) search for the Project area on February 27, 2020. The SLF search indicated that no sacred sites had been recorded in the general area. Additionally, an email~~

~~was sent to a representative of the Middletown Wappo Tribe requesting any information they might have concerning cultural resources in the Project area.~~

A request was sent to the California Native American Heritage Commission (NAHC) on February 26th, 2020, for a review of the Sacred Lands File (SLF) concerning the project area. NAHC returned the results on February 27th, 2020. The SLF search from NAHC returned negative results for Native American cultural resources within the project vicinity. In addition, the Archeologist sent an email to the Middletown Rancheria Tribe requesting any information they might have concerning cultural resources in the Project area. As of the date of the CRE, no response has been received.

As part of the referral process, lake County sent a referral request to the California Historic Resources Information System (CHRIS) on April 5th, 2023. The CHRIS results were returned on April 18th and indicated that no studies other than the CRE prepared for this Project had been completed in the area. The CHRIS recommendations concluded that the proposed project area has a “low” possibility of containing unrecorded archaeological sites. The CRE did not contain further recommendations other than contacting local Native American Tribe(s).

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, Robinson Rancheria, Scotts Valley Band of Pomo, Upper Lake Habematolel, and Yocha Dehe on April 5, 2023. The Community Development Department did not receive an AB 52 Tribal Consultation request for this Project. Of the notified Tribes, only the Upper Lake Habematolel Tribe responded and deferred to the Middletown Rancheria Tribe who did not respond.

~~Three isolated prehistoric artifacts and three isolated historic items were discovered and recorded on the Project Parcel during the field survey conducted for the CRE. None of the prehistoric artifacts or historic items meet the criteria necessary to be considered significant cultural resources as defined in the California Public Resources Code.~~

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

- 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. ~~Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the applicant shall notify the culturally affiliated Tribe(s), and a qualified archaeologist to evaluate the find(s) and recommend mitigation~~

~~procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, the applicant shall notify the Sheriff's Department, the culturally affiliated Tribe(s), and a qualified archaeologist for proper internment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.~~

- CUL-2: 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 internment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.
- ~~All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the culturally affiliated Tribe(s) shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds.~~

Less than Significant Impacts with Mitigation Measures CUL-1 and CUL-~~3~~² incorporated.

- b) A California Historical Resources Information System (CHRIS) records search was completed by the Northwest Information Center (NWIC) to determine if the Project would affect archaeological resources. The record search indicated that the Project area had not been previously inspected for cultural resources, and that no historic sites had been recorded within a quarter of a mile of the Project area.

~~Three isolated prehistoric artifacts and three isolated historic items were discovered and recorded on the Project Parcel during the field survey conducted for the CRE. However, none~~No of the prehistoric artifacts or historic items meet the criteria necessary to be considered significant cultural resources as defined in the California Public Resources Code ~~were identified~~.

Less than Significant Impact with Mitigation Measures CUL-1 and CUL-~~3~~² incorporated

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

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

Less than Significant Impact with Mitigation Measures CUL-1 and CUL-3~~2~~ 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?	☐	☐	☒	☐	5
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒	1, 3, 4, 5

Discussion:

- a) The proposed Project consists of outdoor cultivation with no supplemental lighting. The overall power usage of this operation would be minimal. The cultivation site will require power for security systems, water pumps, minor outdoor lighting and cannabis processing equipment. According to the applicant's, ~~the energy source will be provided by photovoltaic solar array mounted to the roof of the existing storage containers, office/ security shed, as well as individual solar panels to power the security lights and cameras.~~ ~~Property Management Plan, electricity will be provided by individual photovoltaic solar panels with battery storage/backup systems.~~

Less than Significant Impact

- b) According to the California Department of Cannabis Control's Title 4 Division 19 §15010 on compliance with the CEQA, all cannabis applications must describe their project's anticipated operational energy needs, identify the source of energy supplied for the project and the anticipated amount of energy per day, and explain whether the project will require an increase in energy demand and the need for additional energy resources. The proposed Project consists of outdoor cultivation with no supplemental lighting. The cultivation site will require power for security systems, water pumps, minor ~~security outdoor~~ lighting and cannabis processing equipment. ~~According to the applicant E~~electricity will be provided by ~~roof mounted individual~~ photovoltaic solar panels ~~as well as individual solar panels for the security lights and cameras. with battery storage/backup systems.~~ The project would meet the standards of Title 4 Division 19 §16305 Renewable Energy Requirements.

No Impact

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant With Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Directly or indirectly cause potentially substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐	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?	☐	☐	☒	☐	1, 3, 4, 5, 19, 21, 24, 25, 30
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	1, 2, 3, 5, 6, 9, 18, 21
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐	5, 7, 39
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒	2, 4, 5, 7, 13, 39
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐	1, 2, 3, 4, 5, 14, 15

Discussion:

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

Earthquake Faults (i)

According to the USGS Earthquake Faults map available on the Lake County GIS Portal, there are no mapped earthquake faults within five miles of the Project Property. Thus, no rupture of a known earthquake fault is anticipated and the proposed Project would not expose people or structures to an adverse effects related rupture of a known earthquake fault as no structures for human occupancy are being proposed.

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

Landslides (iv)

The Project cultivation sites are minimally sloped (less than 20% slopes). According to the Landslide Hazard Identification Map prepared by the California Department of Conservation's Division of Mines and Geology, the area is considered generally stable. As such, the Project site is considered moderately susceptible to landslides and will not likely expose people or structures to substantial adverse effects involving landslides, including losses, injuries or death.

Less Than Significant Impact

- b) No major grading is proposed to prepare the Project site for cultivation. The Project involves the cultivation of cannabis plants in amended native soil.

The applicant has provided an engineered Erosion and Sediment Control Plan ([Attachment 1 – Site Plans](#) and [Attachment 4 – Property Management Plan](#)) that addresses potential erosion through the application of gravel/rock to access roads, weed-free straw mulch to disturbed areas, and the installation of straw wattles around the proposed outdoor cultivation areas and structures. Additionally, the applicant shall comply with the State Water Resources Control Board's Cannabis General Order (Order No. WQ-2019-001-DWQ) and Chapters 29 and 30 of the Lake County Code, to protect water quality through the implementation of Best Management Practices (BMPs) / Best Practicable Treatment or Control (BPTC) measures, which include erosion and sediment control BMPs/BPTC measures.

Less Than Significant Impact

- c) The Project Parcel is hilly, with many slopes that are greater than 30%, but the proposed cultivation sites are minimally sloped (less than 20% slopes). According to the Landslide Hazard Identification Map, prepared by the California Department of Conservation, Division of Mines and Geology, the project parcel is not located within and/or adjacent to an existing known "landslide area".

Soils of the Project site are identified as the Skyhigh-Millsholm loams by the soil survey of Lake County, prepared by the U.S.D.A., and characterized as clay loam. The Skyhigh-Millsholm loams are considered "generally stable" and not in danger of lateral spreading, subsidence, liquefaction or collapse.

Less Than Significant Impact

- d) The Uniform Building Code is a set of rules that specify standards for structures. Expansive soils possess a "shrink-swell" characteristic. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in fine-grained clay sediments from the process of wetting and drying. Structural damage may occur over a long period of time due to expansive soils, usually the result of inadequate soil and foundation engineering or the

placement of structures directly on expansive soils.

Soils of the Project site are identified as the Skyhigh-Millsholm loams (Soil Type 209) by the soil survey of Lake County, prepared by the U.S.D.A., and characterized as clay loam.

Soil Type 209 is comprised of loam and ~~clay, and~~ clay and have a high shrink-swell potential due to its clay composition. Any new construction requiring a building permit would be subject to the Uniform Building Code and California Building Code for foundation design to meet the requirements associated with expansive soils, if they are found to exist within a site-specific study.

- e) The proposed Project will be served by portable toilets and restroom facilities. No new septic/wastewater disposal systems are proposed or needed.

No Impact

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

Less than Significant Impact

VIII. GREENHOUSE GAS EMISSIONS

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

Discussion:

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

The Project consists of outdoor cultivation with no supplemental lighting. In general, greenhouse gas emissions associated with outdoor cannabis cultivation come from construction activities and vehicle trips. The outdoor cultivation areas will not have specific greenhouse gas-producing elements, and the cannabis plants will capture some carbon dioxide. Construction activities are expected to occur over ~~one to~~ **two to** three weeks, generating 2 to 6 vehicle trips per day. The operation is expected to generate **42 to 84** vehicle trips per day during the cultivation season (May through ~~September~~ **October**), and ~~up to 86 to~~ **12** vehicle trips per day during the peak harvest season (October and November).

Lake County ~~has adopted~~ **utilizes** the Bay Area Air Quality Management District (BAAQMD) thresholds of significance as a basis for determining the significance of air quality and GHG impacts. Construction emissions and operational emissions were calculated using the California Emissions Estimator Model (CalEEMod®), Version 2016.3.2. Construction and operational emissions are summarized in the table of the Air Quality Section of this Initial Study. The results are expressed as a range of potential emissions. To magnify any air quality impacts, the model was run using the worst-case scenarios, and emissions estimates are reported here using the unmitigated emissions values. Air emissions modeling demonstrates that the Project, in both the construction phase and the operational phase, would not generate significant quantities of greenhouse gases and does not exceed the project-level thresholds established by BAAQMD.

Less than Significant Impact

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

- The Lake County General Plan
- The Lake County Air Quality Management District
- AB 32 Climate Change Scoping Plan
- AB 1346 Air Pollution: Small Off-Road Equipment

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

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

The 2017 AB Climate Change Scoping Plan recognizes that local government efforts to reduce emissions within their jurisdiction are critical to achieving the State’s long term GHG goals, which includes a primary target of no more than six (6) metric tons CO₂e per capita by 2030 and no more than two (2) metric tons CO₂e per capita by 2050. The Project

will have up to three (3) individuals working on site (owners/operators) during normal operational hours, and with an expected 6.875 metric tons of overall operational CO₂e per year, the per capita figure of 2.29 metric tons of operational CO₂e per year meets the 2017 Climate Change Scoping Plan's 2030 target, and nearly meets the 2050 target.

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

Less than Significant Impact

IX. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1, 3, 5, 13, 21, 24, 29, 31, 32, 33, 34
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	1, 3, 5, 13, 21, 24, 29, 31, 32, 33, 34
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	1, 2, 5
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒	2, 40
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒	1, 3, 4, 5, 20, 22
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	1, 3, 4, 5, 20, 22, 35, 37

- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? ☐ ☐ ☒ ☐ 1, 3, 4, 5, 20, 35, 37

a) Chemicals Storage and Effluent

According to the applicant (**Attachment 4 – Property Management Plan**), chemicals stored and used at/by the proposed cultivation operation include fertilizers/nutrients, pesticides, and petroleum products (Agricultural Chemicals). All fertilizers/nutrients and pesticides, when not in use, will be stored in their manufacturer's original containers/packaging, undercover, and at least 100 feet from surface water bodies, inside the secure Pesticides & Agricultural Chemicals Storage Area (proposed wooden shed). Petroleum products will be stored under cover, in State of California-approved containers with secondary containment, and separate from pesticides and fertilizers within the proposed Pesticides & Agricultural Chemicals Storage Area. Spill containment and cleanup equipment will be maintained within the proposed Pesticides and Agricultural Chemicals Storage Area, as well as Materials Safety Data Sheets (MSDS/SDS) for all potentially hazardous materials used onsite. No effluent is expected to be produced by the proposed cultivation operation.

Solid Waste Management

According to the applicant (**Attachment 4 – Property Management Plan**), the types of solid waste that will be generated from the proposed cultivation operation include gardening materials and wastes (such as ~~plastic~~ mulch, ~~and~~ plastic/fertilizer/pesticide bags and bottles) and general litter from staff/personnel. All solid waste will be stored in bins with secure fitting lids, located directly adjacent to the proposed cultivation areas. At no time will the bins be filled to a point that their lids cannot fit securely. Solid waste from the bins will be deposited into a dump trailer and hauled to a Lake County Integrated Waste Management facility, at least every seven (7) days/weekly. The Eastlake Landfill is the closest Lake County Integrated Waste Management facility to the project site.

Site Maintenance

According to the applicant (**Attachment 4 – Property Management Plan**), all equipment will be stored in its proper designated area upon completion of the task for which the equipment was needed. Any refuse created during the work day will be placed in the proper waste disposal receptacle at the end of each shift, or at a minimum upon completion of the task assigned. Any refuse which poses a risk for contamination or personal injury will be disposed of immediately. 100 feet of defensible space will be established and maintained around the proposed cultivation operation for fire protection and to ensure safe and sanitary working conditions. Areas of defensible space will be mowed and trimmed regularly around the cultivation operation to provide for visibility and security monitoring. Access roads and parking areas will be graveled to prevent the generation of fugitive dust, and vegetative ground cover will be preserved throughout the entire site to filter and infiltrate storm water runoff from access roads, parking areas, and the proposed cultivation operation. Portable restroom facilities will be made available for use whenever staff are onsite and regularly serviced to ensure a safe and sanitary working environment.

The Project shall comply with Section 41.7 of the Lake County Zoning Ordinance that specifies that all uses involving the use or storage of combustible, explosive, caustic, or otherwise hazardous materials shall comply with all applicable local, state, and federal

safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment.

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

Less Than Significant Impact

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

Flood risk at the Project site is minimal and according to Lake County GIS Portal data and the Project is not located in or near an identified earthquake fault zone.

The Project site is within a high fire hazard severity zone.

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

Less than Significant Impact

- c) There are no schools located within one-quarter mile of the proposed Project site. The nearest school is Lower Lake Elementary School, which is located over five (5) miles west of the Project Property.

No Impact

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

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

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

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

No Impact

- e) The Project site is located over 10 miles from the nearest public airport or public use airport (Lampson Field). Lampson Field is administered by the Lake County Airport Land Use Commission, which has not adopted an Airport Land Use Compatibility Plan. There will be no hazard for people working in the Project area from a public airport or public use airport.

No Impact

- f) The Project would not impair or interfere with an adopted emergency response or evacuation plan. Rocky Creek and Morgan Valley Roads would be used to evacuate the area of the Project site. During evacuations, all persons at the Project site would be required to follow emergency responses instructions for evacuations. Because the Project would not interfere with an adopted emergency response or evacuation plan, impacts are less than significant and no mitigation measures are required.

Less than Significant Impact

- g) The Project site is within a high fire hazard severity zone. The applicant shall adhere to all federal, state, and local fire requirements and regulations for setbacks and defensible space. Please refer to Section XX. Wildfire for additional information pertaining to risks associated with wildland fire.

Less than Significant Impact

X. HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐	1, 2, 3, 5, 6, 29, 30, 38
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐	1, 2, 3, 5, 6, 29, 30, 38
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:					
i) Result in substantial erosion or siltation on-site or off-site;					
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐	1, 2, 3, 5, 6, 7, 15, 18, 29, 32, 38
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? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 5, 6, 7, 9, 23, 32, 38 |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | ☐ | ☐ | ☒ | ☐ | 1, 2, 3, 5, 6, 29, 38 |

Discussion:

- a) The Project Parcel is enrolled in the State Water Resources Control Board's Cannabis General Order (Order No. WQ 2019-001-DWQ) as a Tier 2, Low Risk site (WDID: 5S17CC419274). As required in the Cannabis Order's Policy for coming into compliance with Best Practicable Treatment or Control (BPTC) measures, the applicant had to prepare a Site Management Plan (SMP) and a Nitrogen Management Plan (NMP) within 90 days of enrollment. "The purpose of the Cannabis Policy is to ensure that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs" (State Water Board, 2019). BPTC measures have been implemented at the site for erosion control and stormwater pollution. The purpose of the NMP is to identify how nitrogen is stored, used, and applied to crops in a way that is protective to water quality. The applicant is required to complete online Annual Monitoring and Reporting to assess compliance with the Cannabis General Order and Notice of Applicability. This includes BPTC measures for winterization.

The applicant provided a Hydrology Report ([Attachment 3 – Hydrology Report](#)) and an engineered Erosion and Sediment Control Site Plan ([Attachment 1 – Site Plans](#)) for the proposed Project. According to the applicant's Property Management Plan, the following erosion control measures will be followed:

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

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

(e.g., material or vehicle storage, diesel powered pump locations, water storage areas, and chemical toilet placement).

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

Less Than Significant Impact

- b) Due to exceptional drought conditions, the Lake County Board of Supervisors passed an Urgency Ordinance (Ordinance 3106) on July 27, 2021, requiring land use applicants to provide enhanced water analysis during a declared drought emergency. Ordinance 3106 requires that all project that require a CEQA analysis of water use include the following items in a Hydrology Report (**Attachment 3 – Hydrology Report**) prepared by a licensed professional experienced in water resources:

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

Water Demand

According to the Project's *Hydrology Report – Water Usage* (**Attachment 3 – Hydrology Report**) section, the propose outdoor cultivation operation has an estimated annual water use requirement of approximately 815,000 gallons (~2.5 acre-feet), with a maximum daily water demand of approximately 6,540 gallons, and an average daily demand of approximately 4,530 gallons during the cultivation season (**based on a ~180-day** cultivation season, May through November).

Water Availability

According to the Project's *Hydrology Report – Water Availability* (**Attachment 3 – Hydrology Report**) section, all water for the proposed cultivation operation will come from an existing onsite groundwater well located at Latitude 38.89675° and Longitude - 122.50089°. This well was completed at a depth of 127 feet below ground surface (bgs) in December of 2020, and had an estimated yield of 18 gallons per minute at the time it was drilled.

On November 15th, 2021 JAK Drilling & Pump (License No. 1013957) conducted a 6-hour well performance test of the onsite groundwater well. During the well performance test, the water level in the onsite groundwater well was monitored while it was pumped at 10 to 11 gallons per minute (gpm). The static water level in the onsite groundwater well was 25 feet bgs prior to the start of the well performance test. During the well performance test, the water level in the onsite groundwater well dropped to 103 feet bgs, where it stabilized for the last 4.5 hours of the 6-hour well performance test. The water level within the well recovered to 31 feet bgs within 40 minutes after the pumping ceased (+92% recovery). A Specific Capacity of 0.13 gpm/foot of drawdown (i.e., 10 gpm / 78 feet) was calculated from the well performance test data.

According to the Hydrology Report (**Attachment 3 – Hydrology Report**), the well yield test data indicates that the onsite groundwater well can produce approximately 0.13 gpm for every foot of drawdown, and at least 10 gpm. The well recovery observations demonstrate that the well may be able to produce this water without causing overdraft conditions. At 10

gpm, the onsite groundwater well could produce the maximum estimated daily demand of water for the proposed cultivation operation in 10 hours and 54 minutes. Additionally, the applicant proposes to establish 30,000 gallons of water storage capacity on the Project Property, which is over four times the peak anticipated daily water demand of the proposed cultivation operation, and could be used to reduce the amount of water that has to be pumped during the peak irrigation water use periods. The Hydrology Report concluded, that based on the estimated water usage rates, the measured pumping rates, the well recovery rate, and the proposed water storage capacity, the site appears to have the water necessary to meet the irrigation water demands of the proposed cultivation operation without creating aquifer overdraft.

Aquifer/Groundwater Recharge

According to the Project's *Hydrology Report – Aquifer/Groundwater Recharge* (Attachment 3 – Hydrology Report) section, the estimated average annual groundwater recharge of the Project Property is 10.4 acre-feet.

The estimated groundwater recharge of the Project Property during severe drought years is 3 acre-feet. Both the estimated average annual groundwater recharge (10.4 acre-feet) and estimated recharge during severe drought years (3 acre-feet) exceed the proposed Project's estimated annual water use requirement of approximately 2.5 acre-feet).

Potential Impacts to Neighboring Groundwater Wells

According to the Project's *Hydrology Report* (Attachment 3 – Hydrology Report), the calculated zone of pumping influence for the proposed cultivation operation extends approximately 200 feet from the onsite groundwater well. The calculated zone of pumping influence does not extend beyond the boundaries of the Project Parcel. Therefore, impacts to neighboring groundwater wells as a result of groundwater pumping for the proposed cultivation operation are not anticipated.

Groundwater Basin

The United States Geological Survey Map of the Santa Rosa Quadrangle defines the area in the vicinity of the Project Property as the Lower Cretaceous-Upper Jurassic Great Valley Sequence, composed mostly of marine mudstones, siltstones, sandstones, and conglomerate. The Project Property is not located within any of the 13 groundwater basins/source areas identified in the 2006 Lake County Groundwater Management Plan.

The Project Property is located within the Soda Creek Watershed (HUC12). No basin in this area has been identified by the California Department of Water Resources (DWR) as a critically over-drafted basin.

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

Less Than Significant Impact

- c) According to Lake County Ordinance Section 27.13 (at) 3, the Property Management Plan must have a section on Storm Water Management based on the requirements of the California Regional Water Quality Control Board Central Valley Region or the California Regional Water Quality Control Board North Coast Region, with the intent to protect the

water quality of the surface water and the stormwater management systems managed by Lake County and to evaluate the impact on downstream property owners. All cultivation activities shall comply with the California State Water Board, the Central Valley Regional Water Quality Control Board, and the North Coast Region Water Quality Control Board orders, regulations, and procedures as appropriate.

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

Establishment of the proposed cultivation operation will not require grading or vegetation clearing. The proposed cultivation operation will increase the impervious surface area of the Project Parcel by approximately 1,000 ft², or less than 0.1% of the Project Parcel, through the installation of two 120 ft² wooden sheds, six water storage tanks, and two 320 ft² metal shipping/storage containers. The proposed outdoor cultivation/canopy area will not increase the impervious surface area of the Project Parcel and should not increase the volume of runoff from the Project Site. The proposed parking lot will have a permeable gravel surface, and the proposed ADA parking space will be constructed of permeable pavers.

Due to the fact that the proposed Project does not include grading, as well as the proposed erosion and sediment control measures, the Project i) will not result in substantial erosion or siltation on-site or off-site; ii) will not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite; iii) will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; and iv) will not impede or redirect flood flows.

Less than Significant Impact

- d) The Project site is not located in an area of potential inundation by seiche or tsunamis. The Project site is designated to be in Flood Zone D – areas of undetermined, but possible flood hazard risk – not in a special flood hazard area.

Less than Significant Impact

- e) The Project Property is located within the Sacramento River Basin. The Water Quality Control Plan for the California Regional Water Quality Control Board Central Valley Region (Basin Plan) is applicable to the Sacramento River Basin, as well as the San Joaquin River Basin. The State Water Resource Control Board's Cannabis General Order (2019-001-DWQ) adheres to water quality and management standards identified and outlined within the Basin Plan. Compliance with the Cannabis General Order will ensure that the project does not conflict with or obstruct implementation of a water quality control plan.

There are no groundwater management plans for the affected groundwater basin(s) at this

time. Groundwater use and monitoring data collected and reported to comply with the Lake County Zoning Ordinance could be used in the development of a sustainable groundwater management plan at some point in the future.

Less than Significant Impact

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

Discussion:

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

No Impact

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

The Project Parcel's General Plan Land Use designation is Rural Lands (RL) and its Base Zoning District designation is Agricultural Preserve (APZ). The **Article 27 of the** Lake County Zoning Ordinance allows for commercial outdoor cannabis cultivation in the APZ land use zone with a **conditional minor or** major use permit. The project is consistent with all other development standards within the zoning code for commercial cannabis cultivation.

Less than Significant Impact

XII. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	1, 3, 4, 5, 26

- | | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|----------------|
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? | ☐ | ☐ | ☐ | ☒ | 1, 3, 4, 5, 26 |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|----------------|

Discussion:

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

No Impact

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

No Impact

XIII. NOISE

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

Discussion:

- a) Noise related to outdoor cannabis cultivation typically occurs either during construction, or

as the result of machinery related to post construction equipment such as well pumps or emergency backup generators during power outages.

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

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

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

- 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 7:00AM to 10:00PM and 45 dBA between the hours of 10:00 P.M. to 7:00 A.M. within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines.

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

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

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

Less Than Significant Impact

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

No Impact

XIV. POPULATION AND HOUSING

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

Discussion:

The Project is not anticipated to induce significant population growth to the area. The increased employment will be one (1) to two (2) fulltime and up to two (2) seasonal employees to be hired locally.

No Impact

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

No Impact

XV. PUBLIC SERVICES

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

Discussion:

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

emergency access for CAL FIRE and/ or Lake County Fire Protection District..
~~Construction and operation of the proposed project may result in accidents or crime emergency incidents that would require police services~~The need for police services is reduced by the requirements in the Security Plan within the Property Management Plan, as required by Article 27, of the Lake County Zoning Ordinance. 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.

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

Less than Significant Impact

XVI. RECREATION

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

Discussion:

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

No Impact

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

No Impact

XVII. TRANSPORTATION

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

Would the project:

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐	1, 3, 4, 5, 9, 20, 22, 27, 28, 35
b) For a land use project, would the project conflict with or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)(1)?	☐	☐	☒	☐	1, 3, 4, 5, 9, 20, 22, 27, 28, 35
c) For a transportation project, would the project conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(2)?	☐	☐	☐	☒	1, 3, 4, 5, 9, 20, 22, 27, 28, 35
d) Substantially increase hazards due to geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒	1, 3, 4, 5, 9, 20, 22, 27, 28, 35
e) Result in inadequate emergency access?	☐	☐	☒	☐	1, 3, 4, 5, 9, 20, 22, 27, 28, 35

Discussion:

- a) The Project Property is accessed via a shared private gravel access road off of Morgan Valley Road. A minimal increase in traffic is anticipated due to construction, maintenance and weekly and/or monthly incoming and outgoing deliveries through the use of small vehicles only.

There are no known pedestrian or bicycle facilities on Morgan Valley Road in the vicinity of the Project. Morgan Valley Road is a two-lane road with narrow shoulders unsuitable for pedestrian or bicycle traffic

The applicant will be required to obtain and maintain all the necessary Federal, State and local agency permits for any works that occurs with the right-of-way. The proposed Project does not conflict with any existing program plan, ordinance or policy addressing roadway circulation, including the Lake County General Plan Chapter 6 – Transportation and Circulation, and a less than significant impact on road maintenance is expected.

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, 2020*¹⁸. The OPR Technical Advisory identifies several

criteria that may be used to identify certain types of projects that are unlikely to have a significant VMT impact and can be “screened” from further analysis. One of these screening criteria pertains to small projects, which OPR defines as those generating fewer than 110 new vehicle trips per day on average. OPR specifies that VMT should be based on a typical weekday and averaged over the course of the year to take into consideration seasonal fluctuations. The estimated trips per day for the proposed Project are between 2 to 12 during construction and operation.

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

Less than Significant Impact

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

No Impact

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

No Impact

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

Less than Significant Impact

XVIII. TRIBAL CULTURAL RESOURCES

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

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

Discussion:

- a) A Cultural Resources Evaluation (CRE) for the proposed cultivation Project was prepared by Registered Professional Archaeologist Dr. John Parker, and dated March 17, 2020. A pedestrian field survey of the Project area was conducted for the CRE on March 13, 2020. A record search was conducted at the Sonoma State University office of the California Historical Resource Information System prior to the field survey. The record search indicated that the Project area had not been previously inspected for cultural resources, and that no historic sites had been recorded within a quarter of a mile of the Project area.

The Native American Heritage Commission (NAHC) returned the results of the Sacred Lands File (SLF) search for the Project area on February 27, 2020. The SLF search indicated that no sacred sites had been recorded in the general area. Additionally, an email was sent to a representative of the Middletown Wappo Tribe requesting any information they might have concerning cultural resources in the Project area.

Three isolated prehistoric artifacts and three isolated historic items were discovered and recorded on the Project Parcel during the field survey conducted for the CRE. None of the prehistoric artifacts or historic items meet the criteria necessary to be considered significant cultural resources as defined in the California Public Resources Code.

The CRE concluded with the recommendation that the Project be approved as planned.

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

Less than Significant Impact with Mitigation Measures ~~CUL-1~~TCR-1 and ~~CUL-2~~TCR-2 incorporated.

TCR-1: All on-site personnel of the project shall receive tribal cultural resource sensitivity

training prior to initiation of ground disturbance activities on the project. The training must be according to the standards of the NAHC or culturally affiliated tribe(s). Training will address the potential for exposing subsurface resources and procedures if a potential resource is identified. The training will also provide a process for notification of discoveries to culturally affiliated tribes, protection, treatment, care and handling of tribal cultural resources discovered or disturbed during ground disturbance activities of the Project. 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-2: If previously unidentified tribal cultural resources are encountered during the project altering the materials and their stratigraphic context shall be avoided and work shall halt immediately. Project personnel shall not collect, move, or disturb cultural resources. A representative from a locally-affiliated tribe(s) shall be contacted to evaluate the resource and prepare a tribal cultural resources plan to allow for identification and further evaluation in determining the tribal cultural resource significance and appropriate treatment or disposition.

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

Less than Significant Impact with Mitigation Measures **CUL-1**TCR-1 and **CUL-2**TCR-2 incorporated.

XIX. UTILITIES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐	1, 3, 4, 5, 29, 32, 33, 34, 37, 38
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐	1, 2, 3, 5, 6, 22, 31, 38
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	1, 2, 3, 5, 6, 22
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of	☐	☐	☒	☐	1, 2, 3, 5, 6, 35, 36

solid waste reduction goals?

- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? ☐ ☐ ☒ ☐ 1, 2, 3, 5, 6, 35, 36

Discussion:

- a) The proposed Project will be served by an existing onsite irrigation well, onsite portable restroom and handwashing facilities, and onsite solar energy systems for all project-related energy and water demands.

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

Less than Significant Impact

- b) The proposed outdoor cultivation operation has an estimated annual water use requirement of approximately 815,000 gallons (~2.5 acre-feet) with a maximum daily water demand of approximately 6,540 gallons, and an average daily demand of approximately 4,530 gallons during the cultivation season.

All water for the proposed cultivation operation will come from an existing onsite groundwater well located at Latitude 38.89675° and Longitude -122.50089°. The applicant provided a Hydrology Report (**Attachment 3 – Hydrology Report**) for the proposed Project. The Hydrology Report concluded that the aquifer storage and recharge area of the Project Property are sufficient to provide for sustainable annual water use for the proposed cultivation operation, and that pumping of groundwater for the proposed Project is unlikely to result in significant declines in groundwater elevations or depletion of groundwater resources.

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

Less than Significant Impact

- c) A wastewater treatment provider does not serve, nor is likely to serve, the Project Property. The Project will be serviced by onsite portable restroom and handwashing facilities.

No Impact

- d) The Eastlake Landfill, South Lake Refuse Center, and Quackenbush Mountain Resource Recovery and Compost Facility are located within reasonable proximity of the Project site. As of 2019, the Eastlake Landfill had 659,200 cubic yards available for solid waste, with an additional 481,000 cubic yards approved in 2020.

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

Less than Significant Impact

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

Less than Significant Impact

XX. WILDFIRE	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	1, 2, 3, 5, 6, 23, 25, 28, 29
b) Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☒	☐	☐	1, 2, 3, 5, 6, 23, 25, 28, 29
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐	1, 2, 3, 5, 6
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐	1, 2, 3, 5, 6, 21, 23, 32

Discussion:

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

Less than Significant Impact

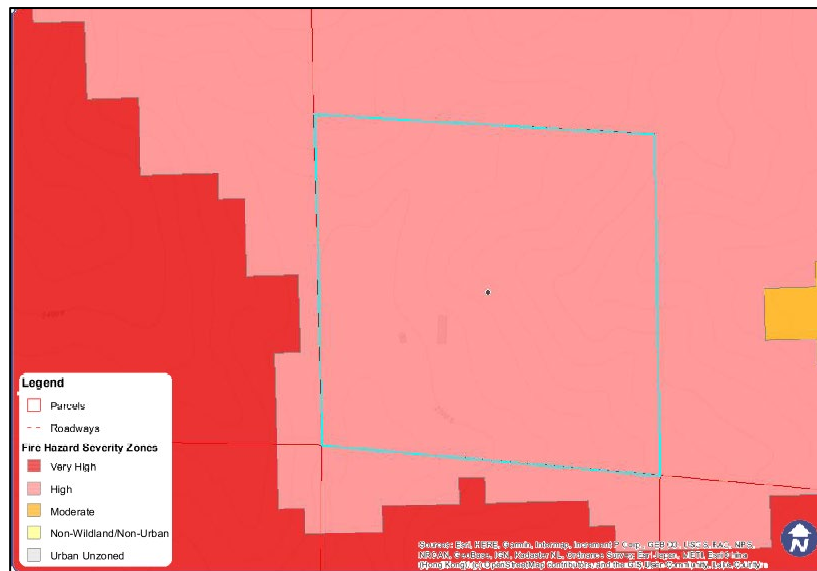
- b) The Project site is situated in a high fire hazard severity zone. The cultivation area does not further exacerbate the risk of wildfire, or the overall effect of pollutant concentrations on area residents in the event of a wildfire. The Project would improve fire access and the ability to fight fires at or from the Project site and other sites accessed from the same roads through the upkeep of the property area and the installation of the proposed water tanks.
- WDF-1: Construction activities will not take place during a red flag warning (per the local fire department and/or national weather service) and wind, temperature and relative humidity will be monitored in order to minimize the risk of wildfire. Grading will not occur on windy days that could increase the risk of wildfire spread

should the equipment create a spark.

- WDF-2: A water tender shall be present on site during earth work to reduce the risk of wildfire and dust.
- WDF-3: The applicant shall re-install the erosion and sediment control measures identified in the engineered Erosion and Sediment Control Plan for the project, as soon as possible following a wildfire emergency affecting the Project Parcel.
- WDF-4: The applicant shall install a 5,000-gallon water tank made of steel or fiberglass that is intended for exclusive use of fire protection. The tank shall be equipped with connectors that will enable an emergency service provider to connect fire hoses to the water tank.

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

Figure 8. Fire Hazard Severity Zones of Project Parcel



Source: Lake County GIS website 2023

- c) The proposed site improvements are minimal and do not involve any new structures on the site other than two 120 sf sheds.

Less than Significant Impact

- d) The Project site is gently sloped, but the surrounding areas are relatively steep. The erosion and sediment control measures identified in the applicants' Property Management Plan and Erosion and Sediment Control Plan would likely be destroyed in the event of a wildfire on the Project Parcel. Therefore, the erosion and sediment control measures would need to be re-installed post wildfire to reduce risks of downslope/downstream flooding or landslides as a result of runoff and post-fire slope instability.

Less than Significant Impact

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion:

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

According to the biological and cultural studies conducted, the proposed Project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory when mitigation measures are implemented.

Mitigation measures are listed herein to reduce impacts related to Aesthetics, Air Quality, Biological Resources, Cultural, ~~/Tribal Resources~~, Geology and Soils, Hazards & Hazardous Materials, Hydrology/Water Quality, Noise, **Tribal Cultural Resources**, and Wildfire.

Less than significant with mitigation measures added

- b) Potentially significant impacts have been identified related to ~~Aesthetics, Air Quality, Biological Resources, Cultural and Tribal Resources, Geology and Soils, Hazardous Material, Hydrology, Noise, and Wildfire~~. These impacts in combination with the impacts of other past, present, and reasonably foreseeable future projects could cumulatively contribute to significant effects on the environment. Of particular concern would be the

cumulative effects on hydrology and water resources.

To address this issue, the Lake County Board of Supervisors adopted Ordinance 3106 on July 27, 2021, requiring the applicant to submit a Hydrological Study and Drought Management Plan (**Attachment 3 – Hydrology Report**). 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 the mitigation measures identified in each section as Project Conditions of Approval would avoid or reduce potential impacts to less than significant levels and would not result in any cumulatively considerable environmental impacts.

Less than significant with mitigation measures added

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

Less than significant with mitigation measures added

Impact Categories defined by CEQA

Source List

1. Lake County General Plan
2. Lake County GIS Database
3. Lake County Zoning Ordinance
4. Lower Lake Area Plan
5. Blackwell Capital Management Cannabis Cultivation Application – Major Use Permit.
6. U.S.G.S. Topographic Maps
7. U.S.D.A. Lake County Soil Survey
8. Lake County Important Farmland Map, California Department of Conservation Farmland Mapping and Monitoring Program
9. Department of Transportation's Scenic Highway Mapping Program, (<https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>)
10. Lake County Serpentine Soil Mapping
11. California Natural Diversity Database (<https://wildlife.ca.gov/Data/CNDDDB>)
12. U.S. Fish and Wildlife Service National Wetlands Inventory
13. Biological Resources Assessment – 22004 Morgan Valley Road (APN 012-069-25) Lake County, California, prepared by Pinecrest Environmental Consulting, Inc., September 15, 2021.
14. Cultural Resource Evaluation of a Portion of APN 012-069-25, 22004 Morgan Valley Road, Lower Lake, prepared by Wolf Creek Archaeological Services and dated March 17, 2020.

15. California Historical Resource Information Systems (CHRIS); Northwest Information Center, Sonoma State University; Rohnert Park, CA.
16. Water Resources Division, Lake County Department of Public Works Wetlands Mapping.
17. U.S.G.S. Geologic Map and Structure Sections of the Clear Lake Volcanic, Northern California, Miscellaneous Investigation Series, 1995
18. Official Alquist-Priolo Earthquake Fault Zone maps for Lake County
19. Landslide Hazards in the Eastern Clear Lake Area, Lake County, California, Landslide Hazard Identification Map No. 16, California Department of Conservation, Division of Mines and Geology, DMG Open –File Report 89-27, 1990
20. Lake County Emergency Management Plan
21. Lake County Hazardous Waste Management Plan, adopted 1989
22. Lake County Airport Land Use Compatibility Plan, adopted 1992
23. California Department of Forestry and Fire Protection - Fire Hazard Mapping
24. National Pollution Discharge Elimination System (NPDES)
25. FEMA Flood Hazard Maps
26. Lake County Aggregate Resource Management Plan
27. Lake County Bicycle Plan
28. Lake County Transit for Bus Routes
29. Lake County Environmental Health Division
30. Lake County Grading Ordinance
31. Lake County Natural Hazard database
32. Lake County Countywide Integrated Waste Management Plan and Siting Element, 1996
33. Lake County Water Resources
34. Lake County Waste Management Department
35. California Department of Transportation (Caltrans)
36. Lake County Air Quality Management District website
37. Lake County Fire Protection District
38. Hydrology Report, 22004 Morgan Valley Road, Lower Lake, CA, prepared by Realm Engineering, March 24, 2022
39. United States Department of Agriculture – Natural Resources Conservation Service Web Soil Survey
40. Hazardous Waste and Substances Sites List,
41. State Water Resources Control Board (SWRCB) Cannabis Policy and General Order
42. Lake County Groundwater Management Plan, March 31st, 2006.
43. Lake County Rules and Regulations (LCF) for On-Site Sewage Disposal
44. Lake County Municipal Code: Sanitary Disposal of Sewage (Chapter 9: Health and Sanitation, Article III)