



COUNTY OF LAKE  
COMMUNITY DEVELOPMENT DEPARTMENT  
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Planning • Building • Code Enforcement  
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Item 6c  
9:05 a.m.  
January 11, 2024

## **STAFF REPORT**

**TO:** Planning Commission

**FROM:** Mireya G. Turner, Director  
Michelle Irace, Principal Planner  
Prepared by Eric J. Porter, Associate Planner

**DATE:** January 11, 2024

**SUBJECT:** Consideration of proposed Major Use Permit UP 20-40, Higher Ground Farms / John Oliver and Mitigated Negative Declaration (IS 20-50) for approval of 22,000 square feet (sf) of cannabis canopy inside eight greenhouses within a fenced 47,040 sf enclosure; project includes a 48' x 100' drying building, and one Type 13 Cannabis Distributor Transport Only, Self-Distribution License on a property located at 3545 Finley East Road, Kelseyville (APN: 008-026-07)

**ATTACHMENTS:**

1. Project Site Plans
2. Draft Conditions of Approval
3. Property Management Plan
4. Initial Study
5. Hydrology Report and Drought Management Plan
6. Agency Comments
7. Tribal Comments
8. Public Comments

## **EXECUTIVE SUMMARY**

This application is requesting one A-Type 3B mixed-light commercial cannabis cultivation license for 22,000 sf of cannabis canopy within eight 30' x 96' greenhouses; two 30' x 96' greenhouses for immature plants; one 48' x 100' building for cannabis processing and drying, and a Type 13 Distributor Transport Only, Self-distribution License. The project includes site improvements with the following: 6' tall screening/ security fence, security system, employee parking, a 10' x 10' restroom, and improvements to the interior driveway to make it compliant with Public Resource Codes (PRC) 4290 and 4291. The applicant is proposing to have two 5,000 gallon water tanks on site for irrigation. Water will be provided from an existing permitted on-site groundwater well. The applicant indicates that there will be four full-time employees, and up to 16 seasonal employees during peak harvest season.

Construction is anticipated to last up to three months and would occur Monday through Saturday from 8 a.m. to 5 p.m. Site work includes building 10 greenhouses, building the 48' x 100' processing / drying building, fence installation and improving the interior driveway to meet PRC 4290 and 4291 commercial driveway standards. Average vehicle trips during construction are estimated to be eight to sixteen daily trips, with up to 1,152 total projected construction trips

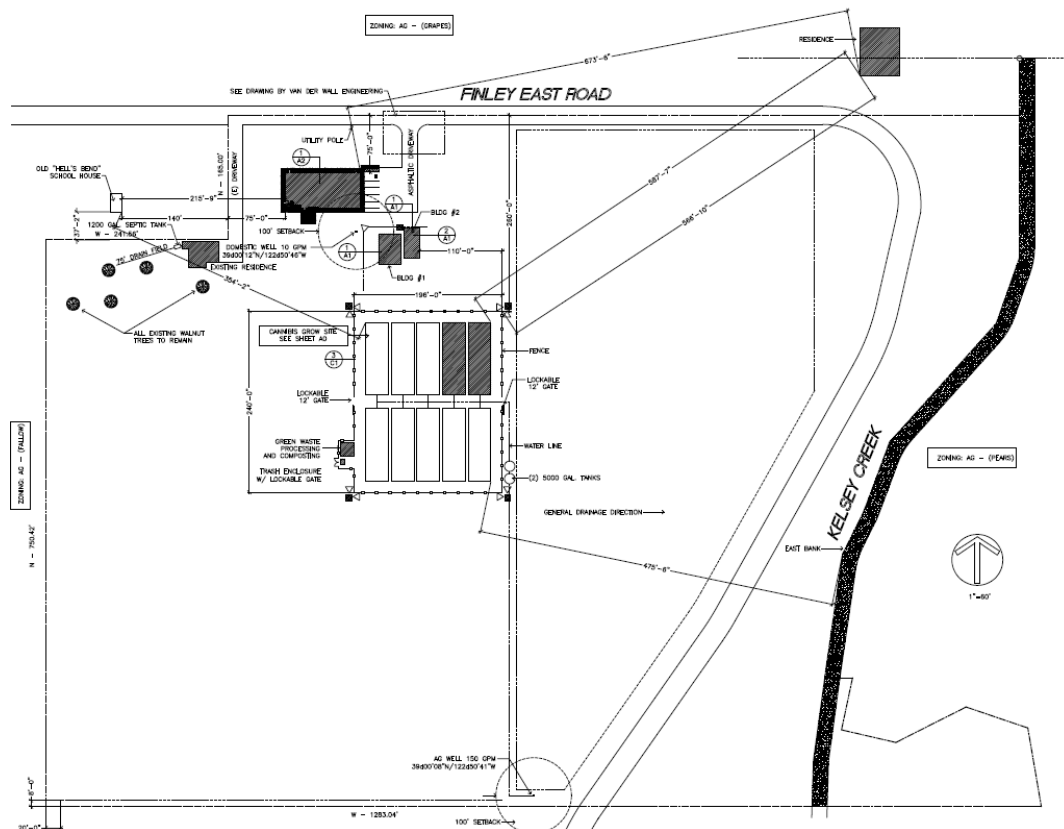
anticipated (assuming 16 daily trips, six days / week, 12 weeks of construction). Operations would consist of four employees during regular operations, and up to 16 employees during peak harvest season. Operations would occur Monday through Sunday, 7 a.m. to 7 p.m. Total projected trip count would be about 112 weekly trips during non-harvest times and about 448 weekly trips during peak harvest season.

**FIGURE 1 – VICINITY MAP**



Source: Lake County GIS Mapping 2023

**FIGURE 2 – SITE PLAN**



Source: Material Submitted by Applicant

## PROJECT DESCRIPTION

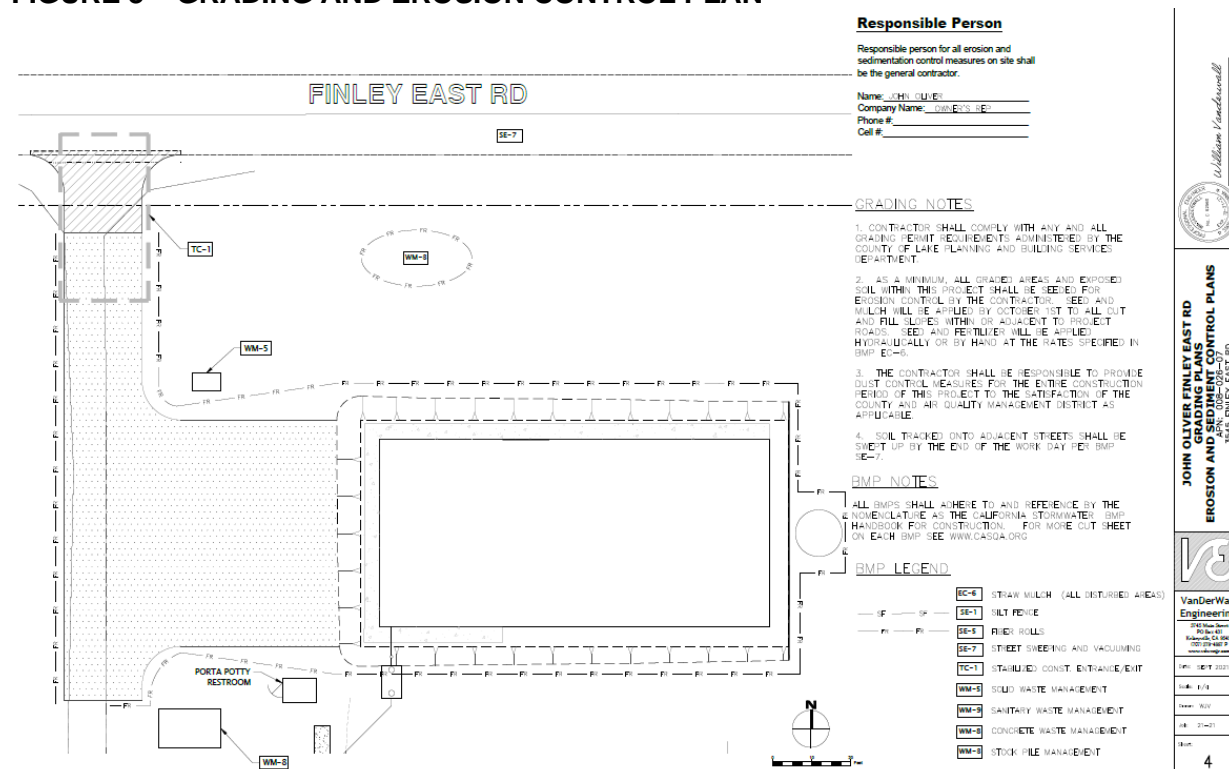
<u>Project Title:</u>	Higher Ground Commercial Cannabis Project
<u>Permit Numbers:</u>	UP 20-40, IS 20-50
<u>Lead Agency:</u>	Lake County Planning Division, 255 N. Forbes St., Lakeport CA
<u>Applicant Name &amp; Address:</u>	John Oliver PO Box 94825 Las Vegas, NV 89193
<u>Property Owner:</u>	Leo Cortina
<u>Project Location:</u>	3545 Finley East Road, Kelseyville CA 95451
<u>Parcel Number(s) (APN):</u>	008-026-07
<u>Parcel Size:</u>	±23.69 acres
<u>General Plan Designation:</u>	Agriculture
<u>Zoning District(s):</u>	“A-WW-FF-AI”; Agriculture – Waterway – Floodway Fringe – Agriculture Industry
<u>Flood Zone:</u>	AE; The base floodplain where base flood elevations are provided, and AO, River or stream flood hazard areas, and areas with a 1% or greater chance of shallow flooding each year, usually in the form of sheet flow, with an average depth ranging from 1 to 3 feet. These areas have a 26% chance of flooding over the life of a 30-year mortgage. Average flood depths derived from detailed analyses are shown within these zone.

### Existing Features on Site:

- (1) dwelling on a septic system
- (1) 520 sf storage building
- (1) 740 sf storage building
- (1) permitted groundwater well
- (1) Area for existing hay production
- (2) Unimproved driveways

### Proposed Features on Site:

- (1) 48' x 100' metal drying building
- (8) 30' x 96' greenhouses
- (2) 5,000 gallon water tanks
- (4) full time employees
- (16) seasonal employees
- Interior driveway improvements

**FIGURE 3 – GRADING AND EROSION CONTROL PLAN**

Source: Material Submitted by the Applicant

## POINTS OF INTEREST

1. Adjacent Vacant, Historic Schoolhouse. The “Hells Bend Schoolhouse”, also referred to as the Old Kelseyville Schoolhouse is on the parcel (APN 008-026-06) immediately west of the proposed cultivation site. According to Dr. John Parker, the Schoolhouse was built in 1869 and was moved to the Quercus Ranch in 1871. The building was again moved to its present location in 1882, and classes were held in the schoolhouse until 1920, when the use of the building as a school discontinued. The building has been vacant since discontinuation of the school use in 1920. The old Schoolhouse is eligible for State Historic Building listing and is included in the Lake County Historic Building Registry.

Public comments submitted by the Lucerne Area Revitalization Association (LARA) and attorneys representing the Kelseyville School District (School District) were received on June 1, 2023 and June 8, 2023 (Attachment 8). The correspondence expresses that both the LARA and the District strenuously object to the proposed project. The two main issues raised in the correspondence include: 1) stating that the proposed project would impact the historic Kelseyville Schoolhouse building, and therefore conflicts with the Lake County General Plan and the Kelseyville Area Plan; and 2) stating that the District intends to continue to use its property for school and School District-related purposes and the approval of this project will violate the 1,000-foot setback requirement noted in the Lake County Zoning Ordinance (Article 27), as the cultivation site would be approximately 543 ft from the Schoolhouse building.

Related to the statement that the project would impact the historic Old Kelseyville Schoolhouse building, and therefore be in conflict with the General Plan and Kelseyville Area Plan, as noted in the Project Analysis section of this Staff Report, the project meets all required setbacks, and development and performance standards intended to reduce land use conflicts and nuisance



issues related to cannabis cultivation. Impacts to cultural and historic resources are also analyzed under the California Environmental Quality Act (CEQA). Specifically, the CEQA Appendix G Checklist Section V. Cultural Resources, question (a) asks if the project would cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5, which is generally defined as buildings or resources listed or eligible for listing on a local, state or federal historic register. The driveway that serves the project parcel borders on the edge of the Old Kelseyville Schoolhouse parcel (and approximately 125 ft away from the Schoolhouse building). A second driveway serving the project parcel accesses the two shop buildings and is located about 100 feet east of the primary driveway. The applicant is now proposing to use the secondary driveway in response to public comments received rather than the primary driveway due to proximity of the schoolhouse building. The use of the secondary driveway as the primary access to the cultivation site will ensure that cannabis-related traffic is further from the old schoolhouse site's access. The driveway would be improved for current fire and building code standards as a part of the project; however, the proposed improvements would not result in impacts to the building. In summary, the project does not propose modifications to the Schoolhouse building or other components that would impact the building or its historic significance.

Related to the proposed cannabis cultivation site's proximity to a 'school', the use of the Schoolhouse and/or the site for youth activities has not been confirmed following the County's request to the School District and to LARA for documentation that demonstrates that the building and/or site is being used for youth activities. The Lake County Code defines a school as follows in the context of commercial cannabis: *School: For the purpose of cannabis regulation, school means any public or private school providing instruction in kindergarten or any grades K to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.* The building has remained vacant since 1920 and has not been used by the School District or by any youth groups since. Based on the correspondence received, there are plans for the building, at some point in the future, to be used by youth-related groups and/or activities. However, the building would require significant renovations to be deemed habitable under the California Building Code and additionally discretionary review may be required; to date, no such permits have been submitted to the Community Development Department (CDD). The potential approval of the proposed project would not prohibit the School District and LARA from future rehabilitation of the building or other plans for the site.

## PROJECT SETTING

All properties surrounding the project property are zoned Agriculture (A). The following neighboring lot characteristics are present. See Figure 3, next page for map.

- North: Agriculture (A) zoned properties ranging in size from 0.95 acres to ±10 acres in size. Most of the neighboring northern lots are developed with dwellings and agricultural uses. Parcel number 008-026-06 contains the Old Kelseyville Schoolhouse building.
- South: Agriculture (A) zoned properties, both being about 5 acres in size and developed with dwellings. The lot to the southwest contains agricultural uses.
- East: Agriculture (A) zoned property, about 45 acres in size and developed with a dwelling and agricultural uses. The adjacent eastern property contains Kelsey Creek.
- West: Agriculture (A) zoned property, about 20 acres in size; contains a dwelling and crop production.

**FIGURE 4 – ZONING MAP**



Source: Lake County GIS Mapping

## PROJECT ANALYSIS

### General Plan Conformity

The General Plan Designation for the subject site is Agriculture, which allows commercial cannabis cultivation with a discretionary use permit approval. The project site is located in a mapped Farmland Protection Area, which allows cannabis cultivation, but only inside of greenhouses with air filtration systems as are being proposed in this application. The following General Plan goals and policies related to site development in the context of this proposal.

### Chapter 3-Land Use

Goal LU-1: To encourage the overall economic and social growth of the County while maintaining its quality of life standards.

- Policy LU 1.3 Prevent Incompatible Uses. The County shall prevent the intrusion of incompatible uses into existing community areas.

Cannabis cultivation is allowed in certain areas within Lake County upon issuance of a major or minor use permit depending on the project's size and characteristics of the site. In this case, the property is located within a mapped Farmland Protection Zone, which allows greenhouse cultivation with air filtration systems. The property is not located within an Exclusion Area and is in an area that is characterized by traditional crop production. The project meets all setbacks and development standards related to compatible uses. Therefore, the project would not be considered a non-compatible use.

- Policy LU 1.4 Communities. The County shall recognize each community as an important asset to the County and seek to strengthen and revitalize all communities.

The approval of this use permit will allow both the agricultural industry and the cannabis industry to strengthen and revitalize the overall community through promoting economic development, employment opportunities, as well as tax and other revenues for the county. According to the applicant, the operation will include four full-time employees and up to sixteen seasonal employees during the growing season. Employees will spend money locally on commodities such as food, gas, rent and other items, which in turn will benefit local area merchants. Cannabis grown on site will be sold in local retail outlets, further benefitting revenues for cannabis retailers.

Goal LU-2: To clearly differentiate between areas within Lake County appropriate for higher intensity urban services and land uses from areas where rural or resource use should be emphasized.

- Policy LU 2.4 Agricultural / Residential Buffer. The County shall require adequate setbacks between agricultural and non-agricultural uses. Setbacks shall vary depending on the type of operation and chemicals used for spraying.

All required setbacks for the project have been met, and there are no residential units within 400 feet of the cultivation area. The property is approximately ±23.69 acres, portions of which will create a separation buffer from other properties in the vicinity.

Goal LU-7: To preserve Lake County communities' character and scale, including their design heritage and historic character.

- Policy LU-7.1 Adaptive Reuse. (definition provided under findings for Chapter 9, Open Space, Conservation and Recreation below) The County shall encourage and promote the adaptive reuse of all historic structures in order to preserve the historic resources that are a part of Lake County's heritage.
- Policy LU-7.2 Historic Buildings and Areas. The County shall preserve buildings and areas with special and recognized historic, architectural, or aesthetic value. New development should respect architecturally and historically significant buildings and areas.
- Policy LU-7.3 Historic Preservation. The County shall work with local preservation groups and community property owners to improve building facades and exteriors consistent with the historic and visual character of each area.

As discussed in the Executive Summary Section of this Staff Report, the project does not propose modifications to the historic Old Kelseyville Schoolhouse building, located on the adjacent parcel, and would not prevent the School District or LARA from future rehabilitation of the building. The project meets all required setbacks, and development and performance standards intended to reduce land use conflicts and nuisance issues related to cannabis cultivation. Impacts to cultural and historic resources are also analyzed under the California Environmental Quality Act (CEQA). Specifically, the CEQA Appendix G Checklist Section V. Cultural Resources, question (a) asks if the project would cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5, which is generally defined as buildings or resources listed or eligible for listing on a local, state or federal historic register. The primary driveway that serves the project parcel will not be used due to proximity to the Old Schoolhouse property. The interior driveway (existing), located about 100 feet to the south of the primary driveway, will be improved for current fire and building code standards as a part of the project. In summary, the project does not propose

modifications to the Schoolhouse building or other components that would impact the building or its historic significance.

## **Chapter 7 – Health and Safety**

Goal HS-1: To ensure the County is protected from injury and damage resulting from natural catastrophes, man-made events, and hazardous conditions.

- Policy HS-1.3 Building and Fire Codes. The County shall ensure all buildings for human habitation are designed in compliance with the Uniform Building Code and other requirements based on risk (e.g. seismic hazards, flooding), type of occupancy, and location e.g. floodplain, faults).

The project's access way is required to meet Public Resource Code (PRC) 4290 and 4291 commercial driveway standards to allow adequate access for wildfire suppression. The applicant will have two 5,000 gallon water tanks on site; one of these will be required to be fitted with connectors that will enable emergency responders to attach fire hoses to the tank in the event of an on-site fire. The tank shall be made of steel or fiberglass per CAL FIRE suppression tank standards.

Goal HS-5: To protect residents, visitors and property from hazardous materials through their safe use, transport and disposal.

- Policy HS-2.1 Hillside Development. Areas in excess of 30% slope or in a mapped naturally occurring asbestos areas may require submittal of engineered plans for all construction and grading at the discretion of the Community Development Department. These plans shall address roads, utility corridors, and similar off-site improvements as well as erosion and dust control. Development in other areas possessing potential landslide risk, regardless of slope, shall require engineered plans and/or geotechnical study prior to discretionary approval or approval of grading or building permits.

The project parcel is flat. The applicant has provided drawings that show stormwater mitigation measures that adequately address slope and erosion control. There is no mapped asbestos on the project site.

- Policy HS-5.6 Contamination Prevention. The County shall review new development proposals to ensure that the soils, surface water and groundwater are protected from contamination.

The applicant will maintain a hazardous material storage container with the use of secondary containment as required for all commercial cannabis activities. The proposed project also meets the required 100-foot setback from any spring, top-of-bank of any creek or seasonal stream (Class II watercourse), edge of lake, delineated wetland or vernal pool. The project also meets the State required 50' setback from a Class III ephemeral watercourse.

Goal HS-7: To minimize the possibility of the loss of life, injury or damage to property as a result of urban and wildland fire hazards.

- Policy HS 7-6 Development Guidelines: Developers and/or subsequent owners must assume responsibility for ongoing fire prevention maintenance activities for the project,

including abatement of fuel buildup, fire break maintenance, access provision, and provision of adequate water supply to meet fire flow.

The applicant will be required to upgrade the interior driveway to meet PRC 4290 and 4291 commercial driveway standards. The applicant will be required to provide a 100 foot fire break around all structures; this must be maintained by the applicant for the life of the project. The prior use of the site as a hemp farm required the removal of some walnut trees which occurred several years ago, however hemp production is no longer occurring on site. The applicant will be required to maintain a 100' defensible space around all structures. Lastly, the applicant will be required to fit one of the water tanks with connectors that will enable fire protection services to connect to a fire tank; the tank must be made of steel or fiberglass to meet CAL FIRE specifications for a fire suppression tank. This is added as a condition of approval.

## **Chapter 8 – Noise**

Goal N-1: To protect County residents from harmful exposure of excessive noise and prevent incompatible land uses from encroaching upon existing and planned land uses.

- Policy N-1.4: Site Planning To Reduce Noise Impacts. The County should encourage proper site planning, architectural layout, and use of building materials as methods of noise attenuation. The following techniques should be considered to reduce noise impacts: increase the distance between noise source and receiver through the use of building setbacks and/or dedication of noise easement.

The project is situated in a relatively remote area, and shows setbacks that are no less than 160' from any property line. The nearest off-site dwelling is located about 400 feet to the northeast of the cultivation area, and site preparation, which is a potential source of noise, would last approximately six to eight weeks, and would take place between the hours of 7:00 a.m. and 7:00 p.m., which is typically a time when residents are not sleeping.

## **Chapter 9 – Open Space, Conservation and Recreation**

- Goal OSC-8: To manage and protect sites of cultural and archaeological importance for the benefit of present and future generations.
- Policy OSC 8.2: Protection of Resources with Potential State or Federal Designations. The County should encourage the protection of cultural and archaeological sites with potential for placement on the National Register of Historic Places and/or inclusion in the California State Office of Historic Preservation's California Points of Interest and California Inventory of Historic Resources. Such sites may be of statewide or local significance and have anthropological, cultural, military, political, architectural, economic, scientific, religious, or other values.

Please refer to the discussion in the Executive Summary section of this Staff Report, as well as the discussion related to consistency with the Land Use Element policies related to historic resources.

## Chapter 11 – Water Resources

Goal WR-1: Provide for the current and long-range water needs of the County and for the protection of the quality and quantity of groundwater resources.

- Policy WR-1.2: Sustainable Groundwater Withdrawal. The County shall manage groundwater resources within its jurisdiction through ordinances, project approvals, and agreements to ensure an adequate, safe, sustainable and economically viable ground water supply for existing and future use within the County, to maintain and enhance the natural environment, protect existing groundwater users, the overall economy of the County, and groundwater and surface water quality and quantity in a manner consistent with existing law and with a doctrine of safe yield within the groundwater basins of the County.

There is one existing permitted groundwater well located on the site. A well test was performed by Jim's Pumps on July 27, 2021. The well produced about 253 gallons per minute over a four-hour testing period. The well was drilled to a depth of 100 feet when installed. The water was found at a depth of 40 feet, and over the four-hour test, the well had a 10 foot drawdown with rapid recovery following shut down of the test.

The applicant provided a Technical Memorandum, prepared by Northpoint Consulting Group Inc., dated November 11, 2021. The Memorandum ("Study") assumed that daily water demand per plant was 6 gallons per day, which is consistent with industry standards. The projected water demand for this project is 690,000 gallons of water per year over a 365 day year (about 2.1 acre-feet). Included in this projected use is water use by employees and for irrigation. Total on-site water storage is 10,000 gallons inside two 5,000 gallon water tanks.

The Technical Water Memorandum ("Study") had the following projections and conclusions regarding the aquifer. The site is located on the Big Valley Groundwater Basin, which includes the watersheds of Manning Creek/ Rumsey Slough, Adobe Creek, Hill Creek, Kelsey Creek, Cole Creek and Highland Creek. The well is located just west of Kelsey Creek in the Kelsey Creek watershed. The estimated Big Valley Water Basin storage capacity is 105,000 acre-feet, with a usable amount of 60,000 acre-feet. According to the 2006 Lake County Groundwater Management Plan, the agricultural demand for water within the Big Valley Groundwater Basin is 11,454 acre-feet during an average year. The Big Valley Groundwater Basin is not a listed 'critically over-drafted' basin, and the recharge rates of the Basin during drought years exceeds the demand by the known wells using the basin.

Per the calculations and assumptions in the Hydrology Memorandum, the project has adequate water supply for the proposed irrigation use. The report also concludes that even in a drought year, estimates show that the well has the capacity to handle the proposed water irrigation needs of the project, without impacting the surrounding neighbor's wells.

### Kelseyville Area Plan Conformity

The project site is located within the Kelseyville Planning Area and is under the jurisdiction of the Kelseyville Area Plan. The following policies within the Plan apply to this application.



### **Chapter 3 – Natural Resource Policies**

- Objective 3.2: To encourage programs which reduce and limit the potential for soil erosion.

The applicant has provided an erosion control plan prepared by Vanderwall Engineering in order to minimize potential stormwater impacts to neighboring lots. The applicant will need to comply with the Statewide Waste Discharge Order for cannabis cultivators. The Erosion Control Plan shows various erosion control measures including straw wattles to be used to channel stormwater runoff, straw mulch, and seeding exposed earth to control windborne dust.

There are no creeks or watersheds located within 100 feet of the cultivation area, and the plans appear to effectively minimize potential stormwater runoff issues that might otherwise be associated with this project. Kelsey Creek is located about 475 feet from the closest edge of the cultivation area according to the site plan submitted; this is greater than the 100' of required separation from a surface water source as is required in Article 27, section 13(at).

- Objective 3.3: To protect and preserve the quality and quantity of water resources for the long-term development of the Kelseyville area.

The project has met the requirements of County of Lake Ordinance No. 3106, which requires a hydrological report and drought management plan be completed by a hydrologist, hydrogeologist, geologist or civil engineer, and that impacts from water use on the surrounding area be analyzed. This information was reviewed and incorporated into the initial study, which concluded that there will not be any significant impacts with the described mitigation measures in place.

- Objective 3.5: To encourage agricultural activities and development in Kelseyville Planning Area and limit the intrusion of incompatible development into prime areas.

The project is consistent with Ordinance No. 3103, which requires lots within Farmland Protection Areas to be cultivating inside greenhouses.

### **Chapter 5 – Land Use Policies**

- Policy 5.1b-1: A high priority should be given to providing service and employment opportunities locally in the Kelseyville Planning Area in order to boost economic development and reduce travel distances.

This applicant will have four employees during regular operations and construction and up to sixteen employees during harvest season. In addition to the income made by these employees, the applicant will provide State-controlled product to local cannabis retail stores, further enabling more retail cannabis-related local employment. The project will benefit the County and State tax base by generating cannabis taxes annually.

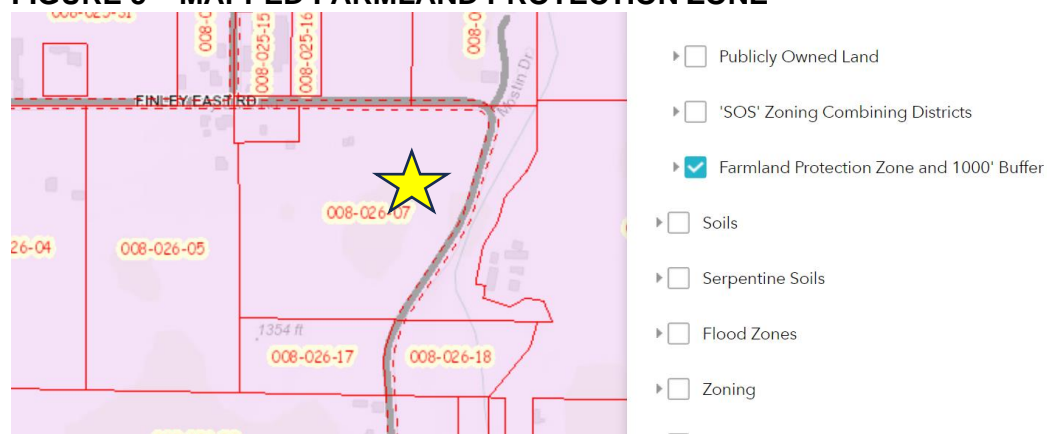
### **Zoning Ordinance Conformity**

**Article 5 – Agriculture (A):** The site is zoned “A-WW-FF-AI”, Agriculture - Waterway – Floodway Fringe – Agricultural Industry. The purpose of the Agriculture zone is to protect the County’s agricultural soils, provide areas suitable for agriculture, and prevent development that would preclude their future use in agriculture.

The project site is located in a mapped Farmland Protection Zone (FPZ). The Board of Supervisors approved Ordinance No. 3103 on April 20, 2021 which allows cannabis cultivation to occur in FPZ land, provided the cultivation occurs inside greenhouses as is being proposed in this application.

**Article 28 – Agricultural Industry Combining District (AI).** The purpose of this combining district is to protect the County’s Intensive agricultural activities and soils by reducing the potential for conflicts between residential uses and intensive agricultural uses. The project proposes commercial cannabis cultivation inside greenhouses. There are traditional agricultural crops being grown in the vicinity, however because the cannabis is being grown inside greenhouses that are required to have air filtration systems, the likelihood of pesticides or fertilizers migrating from the cannabis site onto other lots containing traditional crops is minimal.

**FIGURE 5 – MAPPED FARMLAND PROTECTION ZONE**



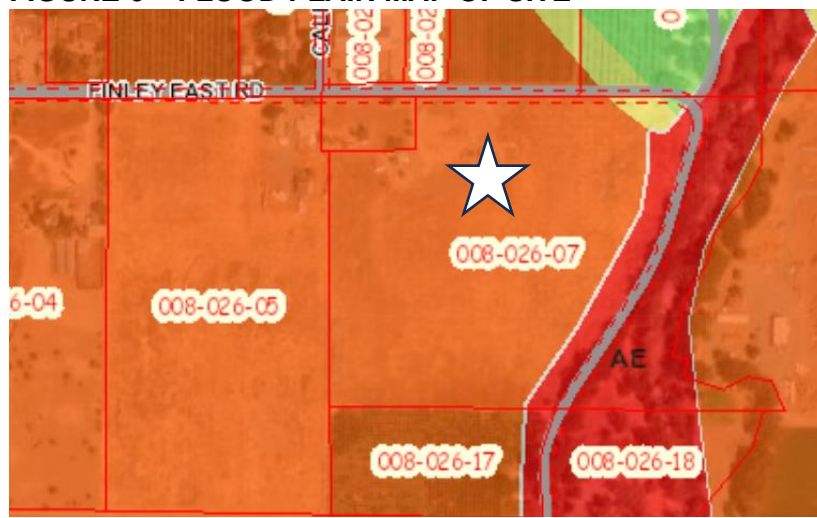
Source: Lake County GIS Mapping

**Article 36 – Floodway Fringe Combining District.** The purpose of this combining district is to provide land use regulations for properties and their improvements situated in the floodplain to ensure protection from hazards and damage which may result from flood waters. The entire parcel is located in the AO flood plain for Kelsey Creek, so building footings will be required to be engineered for all structures.

**Article 37 – Waterway Combining District (WW).** The purpose of this combining district is to preserve, protect and restore significant riparian systems, streams and their riparian, aquatic and woodland habitats; protect water quality; control erosion, sedimentation and runoff; and protect the public health and safety by minimizing dangers due to floods and earth slides.

The site is flat, and the potential for landslides is very minimal due to the lack of slope on the site. Property Management Plan (Page 14) describes the erosion control methods that will be used for the project to control stormwater runoff, which include watering down roads and exposed areas during windy days, and using straw wattles around the cultivation area to prevent roof runoff from migrating to other sites. This is also required within a condition of approval for this project.

**FIGURE 6 – FLOOD PLAIN MAP OF SITE**



Source: Lake County GIS Mapping

**Article 27 - Use Permits.** The purpose of Article 27 is for those uses possessing characteristics of unique and special form as to make their use acceptable in one or more districts upon issuance of a zoning permit, minor or major use permit, in addition to any required building, grading or health permit as required.

### Development and Performance Standards

This application meets the Development Standards, General Requirements, and Restrictions as specified within Article 27.13, subsection (at) of the Lake County Zoning Ordinance. These include:

- Minimum Lot Size (20 acres required for an A-Type 3 license): *Complies; The lot is ±23.67 acres in size, and 20 acres is required for the permit requested.*
- Setback from property line (100 feet): *Complies; the cultivation sites are set back more than 100 feet from all property lines.*
- Setback from off-site residence (200 feet): *Complies; the nearest off site dwelling is greater than 400 feet to the north-east of the cultivation area.*
- Minimum and maximum fence height of six (6) to eight (8) feet: *Complies; the proposed fence is six (6) feet tall.*
- Maximum canopy area (22,000 sf of greenhouse cultivation for each 20 acres of land): *Complies; The total proposed canopy area is 22,000 sf which requires 20 acres of land. The ±23.69 acre lot size supports the proposed permit.*

### General Requirements

There are general requirements for cannabis cultivation listed in Section 27.13(at) of the Lake County Zoning Ordinance. These include, but are not limited to, obtaining a State License, completion of background checks, obtaining property owner approval, complying with hours of operations and deliveries, access requirements, and other applicable standards and criteria found

in Article 27, subsection 27.13(at), as well as in Article 51, subsection 4, Major Use Permit Findings for Approval.

The applicant has also submitted a Property Management Plan, outlining compliance with all regulations pertaining to cannabis operations including air quality, cultural resources, energy usage, fertilizer usage, fish and wildlife protection, storm water management, security, compliance monitoring, etc.

**Article 41, Performance Standards.** All land use projects in the “A” Agriculture zoning district requires review under Article 41. The following findings apply to this project.

- Section 41.2, *Exceptions*. This section only applies if a project:
  - Does not have potential to significantly impact the environment; or,
  - Does not have potential to create substantial public controversy; or,
  - Does not have potential to injure public health, safety or welfare.

The cultivation site is located on a ±23.69 acre property. Cannabis applications have the potential to create public controversy due to the public perceptions of the use combined with concerns about traffic, water, odor and security and in this case, due to the presence of a historic building located on the western adjacent lot. The above exceptions do not apply to this project due to the probable controversy that will result from this application, and no exceptions to the performance standards apply due to the potential for objections to the project.

- Section 41.4, *Air Quality*. The project has some potential to impact air quality during construction and to a lesser extent during operations. The cannabis canopy area is 22,000 sf in size. Mature plants will be inside greenhouses that are required to have carbon air filtration systems, which will help to minimize odors, particularly during harvest season. Ground disturbance will consist of preparing the pad for the drying building and greenhouse pads. The Initial Study for this project has mitigation measures that will help reduce dust and wildfire threats during site disturbance. Odor control will occur inside the greenhouses through required carbon air filtration systems. Carbon filtration systems are required in all buildings that will contain mature cannabis plants, including the proposed drying building.
- Section 41.5, *Electromagnetic Interference*. This section is intended to assure that a project will not impact any activity outside of the project area by producing electromagnetic interference. Cannabis cultivation activities do not generate electromagnetic interference, so this section does not apply.
- Section 41.6, *Erosion Control*. This section is intended to reduce or eliminate potential impacts associated with erosion, which is potentially prevalent during site disturbance. The applicant has submitted Erosion and Drainage Control Plans that show methods of erosion control that will be in place prior to ground disturbance and over the life of the project. The applicant is also required to apply for and receive a grading permit due to the extent of site improvements that will occur.
- Section 41.7, *Fire and Explosion Hazards*. The project site is located in a non-wildland, non-urban area with relatively low risk of wildfire. No mitigation measures other than interior driveway improvements and maintaining defensible space around all buildings appears to be necessary for this project.

- Section 41.8, *Glare and Heat*. The greenhouses and the proposed drying building have some potential for glare. The building heights are not shown on the materials submitted, however most greenhouses of this size are typically 14' to 16' tall. The maximum allowed height for accessory buildings on this property is 20 feet; this includes the metal drying building. The applicant shall use non-glare materials for all buildings including windows. This is added as a condition of approval.
- Section 41.9, *Landscaping Standards*. The site is flat and has little native landscaping that would otherwise screen the new use from neighboring uses. The applicant is proposing a 6' tall wire mesh screening fence. The County no longer allows fabric screening material due to poor durability, and requires more substantial materials be used in the construction of screening fencing. The screening fence will further screen the cultivation activities from view around the perimeter of the cultivation area.
- Section 41.10, *Liquid, Solid and Hazardous Wastes*. The section applies to potential discharges of toxic elements. The project must rely on organic fertilizers and pesticides to meet State regulations for impurities. There may be some fuel used during construction for the construction vehicles; mitigation measures and Conditions of Approval require a spill containment kit be kept on site in the event of a fuel spill, and equipment staging will occur on previously disturbed portion of the site, which will minimize the potential for chemical infiltration into the soil in the event of a spill.
- Section 41.11, *Noise*. The project may generate some noise during construction which is expected to last about four to six weeks. During operations, air filtration systems required in the greenhouses and processing building have potential to generate noise. Mitigation measures limit noise measured at the property lines during daytime and night-time hours. Violations of noise that are ongoing may cause the County to re-visit the approval of this use permit if it is approved.
- Section 41.12, *Open and Outdoor Storage and Display*. The applicant has not indicated that any outdoor storage or display will occur, nor is any authorized under this use permit.
- Section 41.13, *Radioactivity*. Cannabis cultivation projects do not produce radioactivity. This section does not apply.
- Section 41.15, *Vibrations*. There is some potential for groundbourne vibrations during site disturbance, primarily for building pad preparations. The applicant is limited in permissible noise levels during and after site disturbance activities occur; the type of equipment used in construction does not generate vibrations, and no mining, rock crushing or other activities that might cause vibrations are not permitted for this project.

### **Tribal Consultation**

Lake County sent Assembly Bill (AB) 52 notices to 11 tribes on April 8, 2022, informing tribes of the proposed project and offering consultation under AB-52. Of the 11 notified Tribes, the Yocha Dehe Tribe and the Upper Lake Habematolel Tribe replied (Attachment 7), deferring to Big Valley and Middletown Rancheria Tribes. No other tribes responded to the AB 52 notice.

### **Agency Comments**

Lake County Planning Division has received comments from the following agencies:

- Lake County Building Official
- California Highway Patrol
- CalCannabis
- Lake County Environmental Health Department
- Lake County Sheriff's Department
- California Historical Resources Information System (CHRIS)
- PG&E
- Redbud Audubon Society
- Lake County Special Districts
- Lake County Department of Public Works
- North Coast Regional Water Quality Control Board

The following agencies submitted comments on this project that require action by the applicant:

- Lake County Building Official – building permits required
- California Highway Patrol - traffic concerns on Finley East Road; unclear on potential vehicle impact to Schoolhouse property based on close proximity of the Higher Ground driveway
- Lake County Environmental Health (EH) – 2021 site evaluation and field clearance to locate the existing septic system. Applicant must meet EH requirements regarding Onsite Wastewater Treatment System (OWTS). Any new restroom(s) will require a new OWTS separate from any existing OWTS serving the residence.
- North West Information System (Sonoma State) – five prior Cultural Studies on the subject site. The project area contains a mapped Native American archaeological site, the Mostin Site, P-17. Recommended is an archaeologist update the conditions of the site on Office of Historic Preservation's DPR 523 resource recordation forms.
- Redbud Audubon – opposes project; states that the Initial Study is flawed by not evaluating potential impact to the historic area. Did not evaluate potential impacts on the endangered Hitch in Kelsey Creek.
- Lake County Special Districts – water line in Finley East Road, Any work in the right-of-way will require coordination with the Special Districts Department.

## **ENVIRONMENTAL REVIEW**

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. An Initial Study and Mitigated Negative Declaration (Attachment 4) was prepared and circulated for public review in compliance with CEQA from 09/29/2022 to 10/28/2022.

The Initial Study found that the project could cause potentially significant impacts:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural / Tribal Resources
- Geology/Soils
- Noise

The following mitigation measures are added into the Conditions of Approval:



**Aesthetics.** The project has some potential to impact Aesthetics in the area due to the proposed greenhouses and lighting associated with the structures. The following mitigation measures will help to reduce potential impacts to Aesthetics to less than significant levels.

- AES-1: Prior to cultivation, all greenhouses shall incorporate blackout screening so that no light is visible from outside each greenhouse. The drying building shall incorporate blackout screening if any interior lighting is visible from outside the structure.
- AES-2: Prior to cultivation, a minimum 6' tall screening fence shall be installed around the perimeter of the cultivation. The screening material shall not be fabric due to poor durability, and the fence may be chain link with slats, or solid wood or metal.
- AES-3: All exterior lighting shall be downcast and shall not be directly visible from public roads or neighboring lots. All lighting shall comply with fixture recommendations found in [darksky.org](http://darksky.org).

**Air Quality.** The project has some potential for dust and odor impacts. The following mitigation measures will reduce the potential impacts to less than significant levels.

- 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 any diesel 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 removed during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, including waste material is prohibited.
- AQ-5: The applicant shall have the primary access and parking areas surfaced with chip seal, asphalt, or an equivalent all weather surfacing to reduce fugitive dust generation. The use of white rock as a road base or surface material for travel routes and/or parking areas is prohibited.
- AQ-6: All areas subject to infrequent use of driveways, overflow parking, etc., shall be surfaced with gravel, chip seal, asphalt, or an equivalent all weather surfacing. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations.

- AQ-7: Prior to greenhouse cultivation, and prior to use of the processing building for cannabis drying and packaging, the applicant shall install carbon or similar air filters in each structure.

**Biological Resources.** The project has some potential for impacts to biological resources. The following mitigation measures will help to reduce potential impacts on biological resources to less than significant levels.

- BIO-1: All work shall incorporate erosion control measures consistent with the engineered Grading and Erosion Control Plans submitted; the Lake County Grading Regulations, and the State Water Resources Control Board Order No. WQ 2019-001-DWQ and Construction General Permit 2009-009-DWQ.
- BIO-2: Permit conditions for this project shall require strict compliance with local, state, and federal regulations for the handling, use, and storage of agricultural chemicals.

**Cultural and Tribal Resources.** The project has some potential to impact historic, cultural and tribal resources. The site contains a mapped Native American historic site, the Mostin-17 site, that was identified on previous cultural studies. The following mitigation measures will further reduce potential impacts to Cultural and Tribal impacts to less than significant levels.

- CUL-1: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the applicant shall notify the culturally affiliated Tribe(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: 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.
- CUL-3: Prior to site disturbance, the applicant shall bring an archaeologist to the site and shall stake out the mapped historically sensitive area for avoidance. If the sensitive area is within the project boundary, the applicant shall amend the site plan to show a 50' buffer of non-disturbable area between the sensitive site and the cultivation site.

**Geology and Soils.** The project has some potential for impacts to geology and soils regarding sensitive historic portions of the site. The following mitigation measure will help to reduce potential impacts to the Mostin Site to less than significant levels.

- CUL-3: Geology section refers to mitigation measure CUL-3 as the mitigation measure for potentially significant historic relics or items

**Noise.** The project has some potential to have noise-related impacts, particularly during site disturbance and construction. The following mitigation measures will help to reduce potential noise-related impacts resulting from this project.

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

## MAJOR USE PERMIT FINDINGS FOR APPROVAL

The Review Authority shall only approve or conditionally approve a Major Use Permit (LCZO Section 51.4, Major Use Permits) if all of the following findings are made:

1. *That the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental to property and improvements in the neighborhood or the general welfare of the County.*

The proposed use of commercial cannabis cultivation is a permitted use in the “A” Agriculture Zoning District subject to the issuance of a major use permit pursuant to Article 27.13(at) and Article 51.4 of the Lake County Zoning Ordinance, and subject to cultivation occurring in greenhouses as is proposed since the cannabis project is within a mapped Farmland Protection Area. The immediate area has traditional agricultural uses; cannabis cultivation, while not recognized as a crop in the traditional sense, involves growing and harvesting cannabis plants. Additionally, the Community Development Department will require annual compliance monitoring reports and conduct annual inspections during the cultivation season to ensure compliance with the approved Property Management Plan and Conditions of Approval.

The County has received adverse comments from neighboring property owners and concerned groups and individuals objecting to the project due to the presence of the Old Kelseyville Schoolhouse located about 354 feet from the edge of the cultivation area on the neighboring lot to the northwest; however the project does not propose modifications to the Schoolhouse building or other components that would impact the building or its historic significance. Additionally, the Old Schoolhouse Site has not demonstrated that they meet the criteria for the 1000-foot separation required between cannabis cultivation sites and churches, schools and youth-related activity sites.

2. *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.*

The proposal consists of 22,000 sf of greenhouse cannabis canopy. The Lake County Zoning Ordinance allows cultivation operations on “A” Agriculture-zoned land if the land meets the requirements within Article 27.13(at). The subject site is ±23 acres in size, large enough to enable the cultivation area proposed to occur.

3. *That the streets, highways, and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.*

The site is accessed via an interior driveway that connects to Finley East Road, a paved County-maintained road. The original driveway leading to the cultivation site is located very close to the property line of the lot containing the Old Kelseyville Schoolhouse; the applicant has two driveways; the secondary driveway is located approximately 100' to the east of the originally-proposed driveway. The applicant has agreed to use the secondary driveway as the primary access to the cultivation site in order to keep cannabis-related traffic further from the old schoolhouse site's access.

California Highway Patrol submitted comments indicating that additional study(s) may be necessary to assure that there is adequate access onto Finley East Road and had some concerns about additional trip generation generated by the project when the shared driveway to the Old Schoolhouse parcel was proposed for the project. As noted above, the alternate driveway further east of the shared driveway is now proposed as the main access for the project. Traffic impacts are also analyzed within Section XVII. Transportation of the Initial Study, which were found to be less than significant. As noted within the analysis, the application materials submitted indicate that trips associated with the project will be minimal, estimated at eight to sixteen daily trips excluding deliveries, which are expected to occur once or twice weekly. Because the project would not result in over 110 trips per day, impacts related to vehicle miles traveled (Guidelines section 15064.3) would be less than significant. The project was circulated for public agency review, including but not limited to Kelseyville Fire Protection District, California Highway Patrol, the Lake County Sheriff's Department, Cal Fire, and the Lake County Department of Public Works. The California Highway Patrol comments are noted above. All commercial cannabis projects require compliance with PRC 4290 and 4291; this is a typical condition added to all commercial cannabis cultivation projects.

4. *That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

There are adequate public utilities and services available to the site. The Kelseyville Fire Protection District provides fire-related emergency services to the site. The Lake County Sheriff's Department provides police protection. The site is served by PG&E on-grid power. The site is served by a private permitted groundwater well and existing septic system.

The application was routed to all of the affected public and private service providers, including Public Works, Environmental Health, Specials Districts, Audubon Society (opposed to the project); Water Resources and PG&E. All agency comments are attached (Attachment 6).

5. *That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.*

Upon review, the Community Development Department has determined that the proposed use for the cultivation of greenhouse cannabis is in conformance with the applicable provisions and policies of this Code, the General Plan, the Kelseyville Area Plan, and the Lake County Zoning Ordinance as the cultivation of cannabis is an allowable use within the "A" Agriculture Zoning Designation upon securing a major use permit pursuant to Article 27 (Table B) of the Lake County Zoning Ordinance. The General Plan and Kelseyville Area Plan do not have any provisions specifically for commercial cannabis, but both plans have provisions for economic development and land use compatibility.

6. *That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.*

There are no documented violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code on the subject properties. This was confirmed by the Cannabis Division of the Lake County Planning Department during and following a site visit that occurred on July 24, 2023.

*Further, Article 27.13(at) has three findings that must be met for commercial cannabis:*

7. *The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.*

The purpose of this report is to evaluate the levels of compliance with the standards and criteria found in Article 27, section 1.i., as well as other portions of the Zoning Ordinance, General Plan and Kelseyville Area Plan.

8. *The applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii. (g).*

The applicant is qualified to make this application as he has passed a 'Live Scan' background check.

9. *The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii. (i).*

The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii. (i).

## **RECOMMENDATIONS**

Staff recommends the Planning Commission take the following actions:

- A. Adopt Initial Study (IS 20-50) for Major Use Permit (UP 20-40) with the following findings:
  1. Potential impacts to Aesthetics can be mitigated to 'less than significant' levels with the inclusion of mitigation measures AES-1 through AES-3.
  2. Potential environmental impacts related to Air Quality can be mitigated to less than significant levels by mitigation measures AQ-1 through AQ-7
  3. Potential environmental impacts related to Biological Resources can be mitigated to less than significant levels by mitigation measures BIO-1 and BIO-2.
  4. Potential environmental impacts related to Cultural and Tribal Resources can be mitigated to less than significant levels by mitigation measures CUL-1 through CUL-3.
  5. Potential environmental impacts regarding Geology and Soils can be mitigated to less than significant levels with the inclusion of mitigation measure CUL-3.

6. Potential environmental impacts related to noise can be mitigated to less than significant levels by mitigation measures NOI-1 and NOI-2.
  7. This project is consistent with other agricultural land uses in the vicinity.
  8. This project is consistent with the Lake County General Plan, Kelseyville Area Plan and Lake County Zoning Ordinance.
- B. Approve Major Use Permit (UP 20-40) with the following findings:
1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
  2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
  3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use with mitigation measure added.
  4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
  5. That the project is in conformance with the applicable provisions and policies of this Code, the Lake County General Plan, the Kelseyville Area Plan and the Lake County Zoning Ordinance.
  6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.
  7. The proposed use complies with all development standards described in Chapter 21, Article 27, Section 1.i.
  8. The applicant is qualified to make the application described in Chapter 21, Article 27, Section 1.ii.(g).
  9. The application complies with the qualifications for a permit described in Chapter 21, Article 27, Section 1.ii.(i).

**Sample Motions:**

**Mitigated Negative Declaration (IS 20-50)**

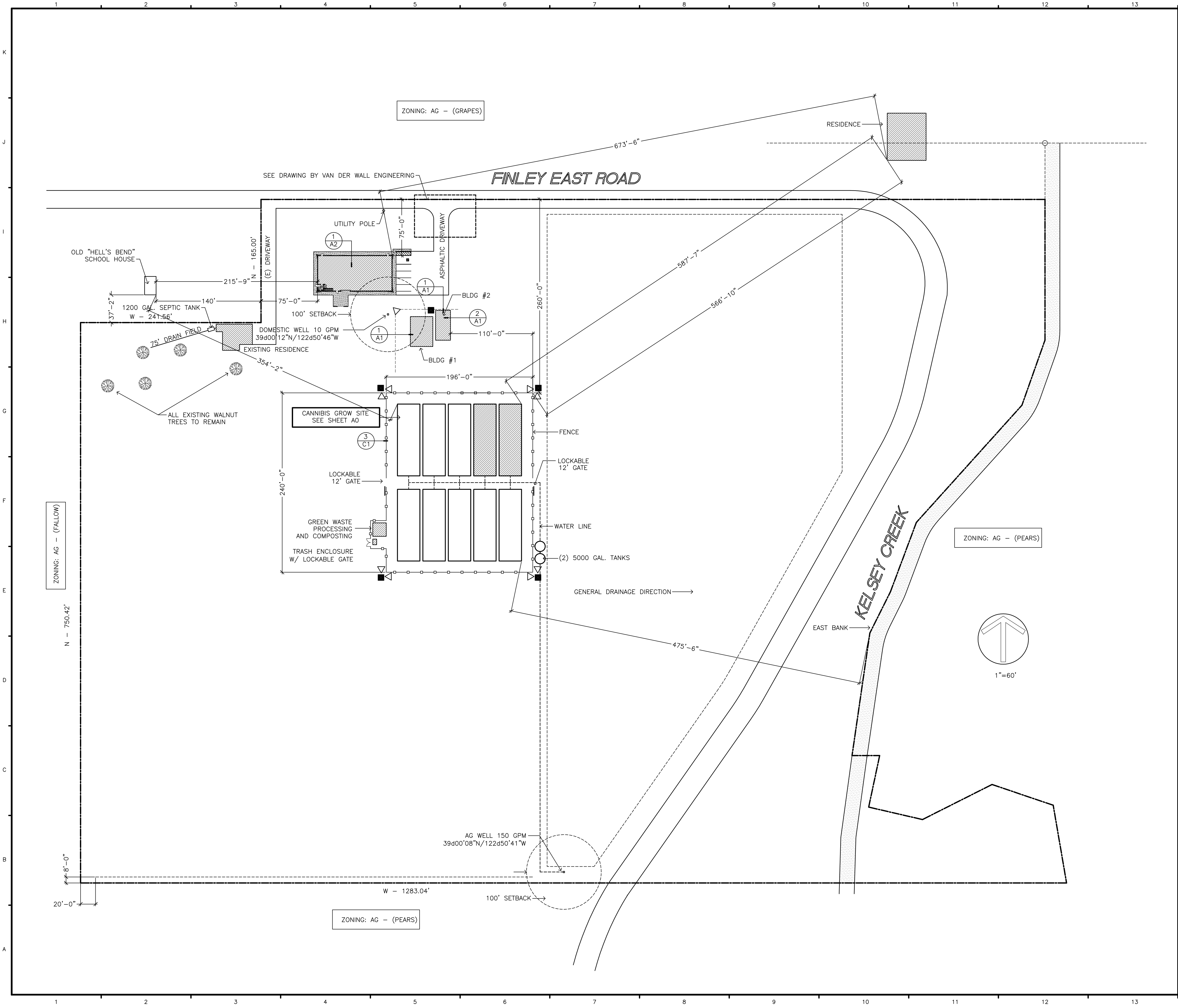
I move that the Planning Commission adopt Mitigated Negative Declaration (IS 20-50) for Higher Ground Farms on property located at 3545 Finley Road East, Kelseyville (APN: 008-026-07) with the findings listed in the staff report dated January 11, 2024.



Major Use Permit (UP 20-40)

I move that that the Planning Commission approve Major Use Permit (UP 20-40) for Higher Ground Farms on property located at 3545 Finley East Road, Kelseyville (APN: 008-026-07) based on the findings and subject to the conditions listed in the Staff Report dated January 11, 2024.

*NOTE: The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission's decision, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Planning Commission's final determination.*



CANNABIS GROW AREA DATA

(10) GREENHOUSE: 2880 S.F. X 10 = 28,800 S.F.  
(8) FOR GROWING: 22,000 S.F.  
(2) FOR PROPAGATION: 5,760 S.F.  
FENCED AREA: 47,805 S.F.

PROCESS BUILDING

BUILDING FOOTPRINT: 48X100 = 4800 S.F.  
1ST FLOOR: 4800 S.F.  
2ND FLOOR: 4760 S.F.  
TOTAL AREA: 9560

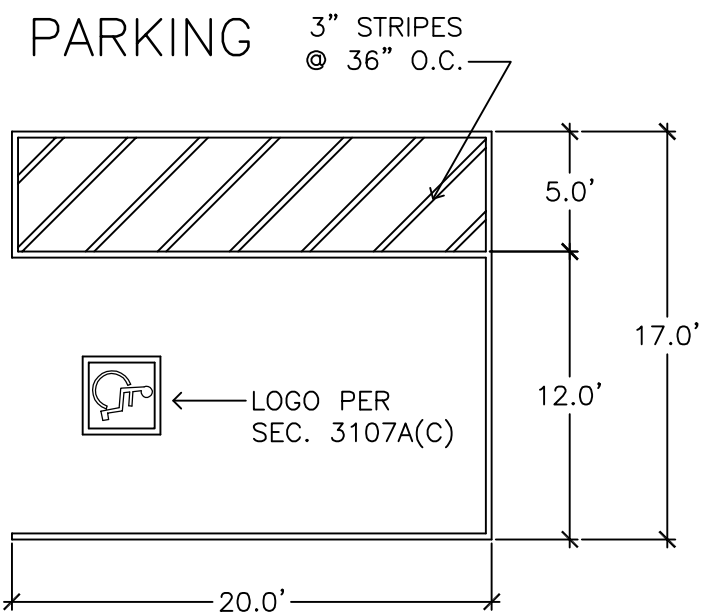
EXISTING BUILDINGS ON SITE

RESIDENCE: 35'X40' - 1400 S.F.  
BUILDING 1: 20'X26' - 520 S.F. NON-CANNABIS AG BUILDING  
BUILDING 2: 20'X36' - 720 S.F. NON-CANNABIS AG BUILDING

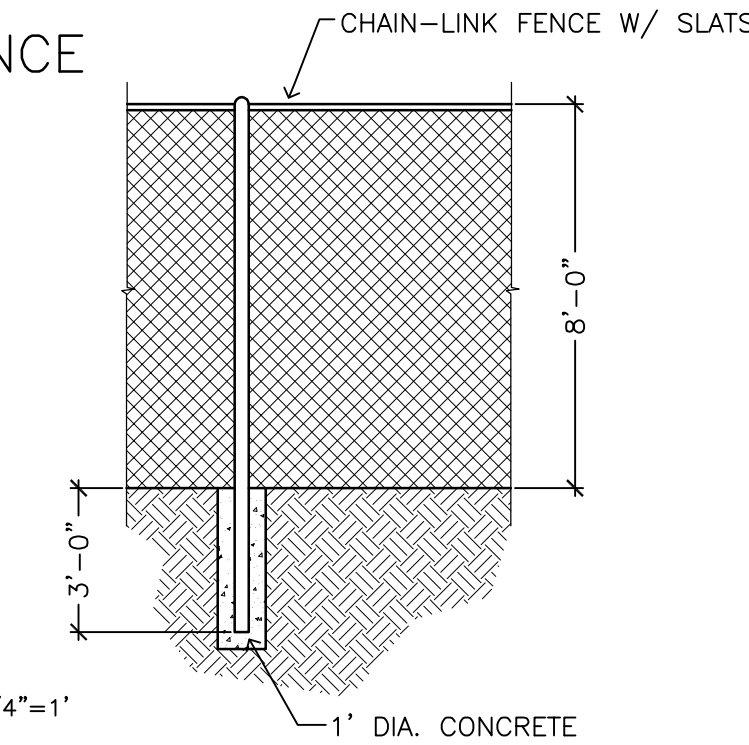
FUTURE HEMP GROW AREA DATA

GROW AREA: 143,467 S.F.

ADA PARKING



FENCE



SYMBOLS

- DETAIL**: 1 A3
- GENERAL NOTES**: 1
- SURVEILLANCE CAMERA**: MIN. 1080 PIXEL, WATER-PROOF I-66 MIN., COLOR CAPABLE
- PHOTOVOLTAIC MOTION SECURITY LIGHT**: 100 WATT LED, SHIELDED AND DOWNFACING
- PROPERTY BOUNDARY**: Dashed line

PROPOSED SITE PLAN

HIGHER GROUND FARMS - FINLEY

VINCENT PRICE DESIGN GROUP

BUILDING DESIGNER - CONSULTANT  
3720 MAIN STREET KELSEYVILLE, CA 95451  
PHONE (707)279-2525 CELL (707)489-9766 - vpdg@pacifi.net

DRAWING NOT VALID  
UNLESS STAMPED

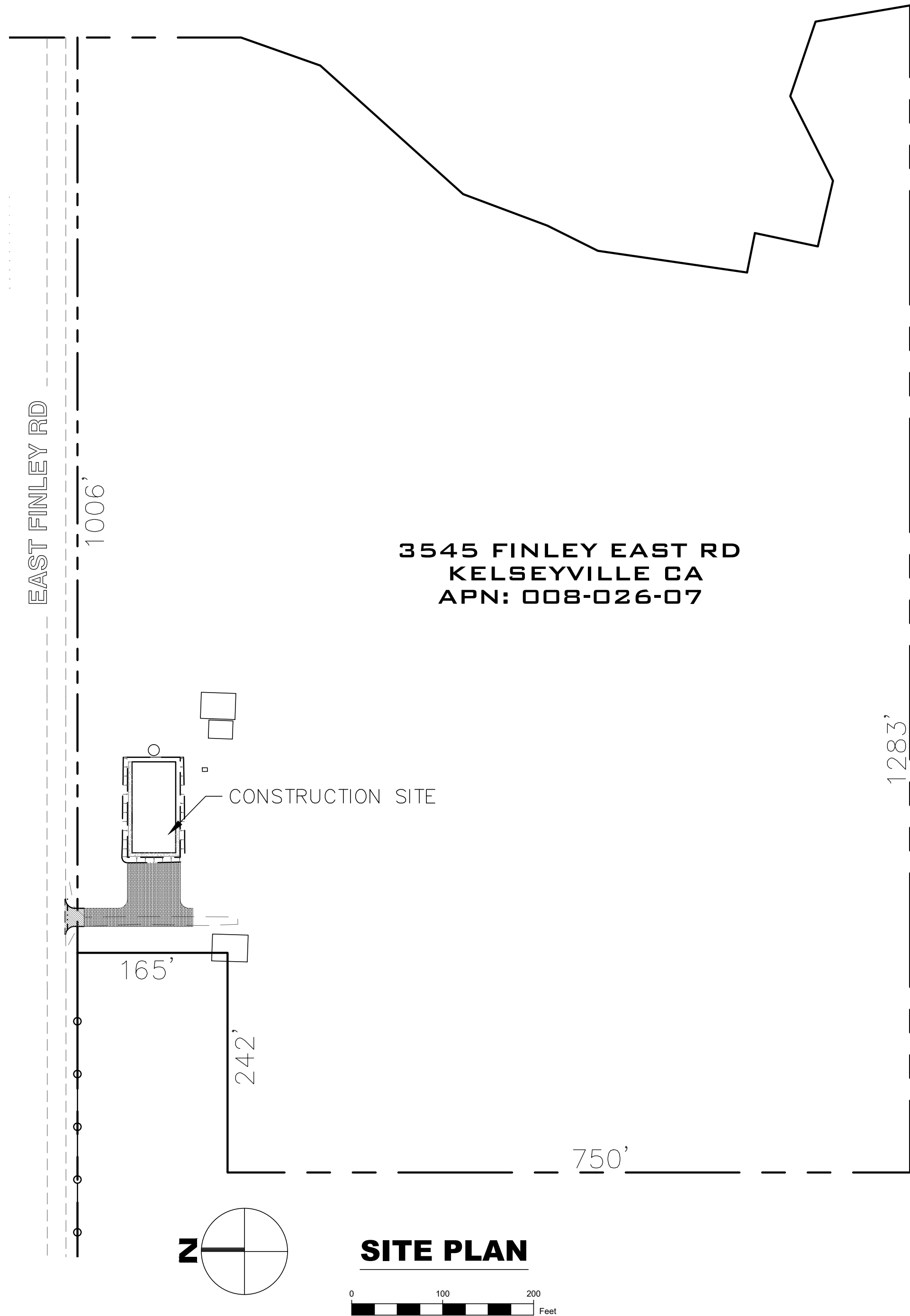
REVIEW	INITIAL	DATE	DATE: JULY 2021
PRELIMINARY			
PLANNING			
BLDG PERMIT			
GENERAL BID			SCALE: NOTED
PERMIT REV'S			JOB: 07152021
CONSTRUCTION			SHEET 2 OF 12
C1.1			

NOTIFICATION FOR INSPECTIONS

APPROVAL OF ALL WORK SHALL BE NECESSARY AT THE COMPLETION OF EACH OF THE FOLLOWING STAGES OF WORK AND SUCH APPROVAL MUST BE OBTAINED BEFORE SUBSEQUENT STAGES OF WORK MAY BE COMMENCED. ADDITIONALLY, THE INSPECTOR SHALL BE NOTIFIED AT LEAST 72 HOURS IN ADVANCE OF ANY OF THE FOLLOWING STAGES OF WORK. ANY CONSTRUCTION OR EXCAVATION REQUIRING INSPECTION THAT IS UNDERTAKEN WITHOUT INSPECTION IS SUBJECT TO RECONSTRUCTION AND RE-EXCAVATION AT THE CONTRACTOR'S EXPENSE.

INSPECTION MUST BE SCHEDULED FOR THE FOLLOWING ITEMS OF WORK:

1. SCARIFY AND COMPACTION OF SUBGRADE
2. PLACING AND COMPACTING OF MATERIAL, APPROVAL SHALL BE NECESSARY FOR EACH COURSE AND/OR TYPE.
3. SUBDRAIN LOCATIONS.
4. FINAL CLEAN-UP.



SCOPE OF WORK

THESE PLANS ARE FOR THE IMPORT OF SOIL FOR THE CONSTRUCTION OF A GRADING PAD. THE PURPOSE OF THE GRADING PAD IS FOR A PROPOSED METAL BUILDING USED FOR AGRICULTURAL STORAGE AND DRYING.

SURVEY DATA

THESE PLANS ARE BASED ON A TOPOGRAPHIC MAP PREPARED BY VANDERWALL ENGINEERING INC 2021.

CONTACT VANDERWALL ENGINEERING FOR COORDINATES AND DESCRIPTION OF ON-SITE CONTROL POINTS.

DATUM ELEVATION IS RANDOM

BENCHMARK OF 100.0 SET BY VANDERWALL ENGINEERING INC. SHOWN ON SITE PLANS THIS SHEET.

CONTROL POINT DATA

ID	DESCRIPTION	N	E	Z
CPT 1	60d nail	628.6470'	458.4856'	97.448'
CPT 2	60d nail	625.6862'	597.8213'	97.428'
CPT 3	PK nail	665.7955'	584.9957'	97.674'

ABBREVIATIONS

AB	AGGREGATE BASE
AC	ASPHALT CONCRETE
BF	BACK FILL
CL	CENTER LINE
CONC	CONCRETE
COTG	CLEANOUT TO GRADE
CMP	CORRUGATED METAL PIPE
(E)	EXISTING
EVCE	END VERTICAL CURVE ELEVATION
EVCS	END VERTICAL CURVE STATION
ELEV	ELEVATION
ES	EDGE OF SHOULDER
FG	FINISH GRADE
FL	FLOWLINE
GRATE	ELEV. OF GRATE
HORIZ	HORIZONTAL
INV	INVERT ELEVATION (FLOWLINE OF PIPE OUTLET)
LACOSD	LAKE COUNTY SANITATION DISTRICT
LACSD	LAKE COUNTY SPECIAL DISTRICTS
LCSD	LAKE COUNTY SEWER DISTRICT
LF	LINEAL FEET
(P)	PROPOSED
PC	POINT OF HORIZONTAL CURVE
PCC	POINT OF COMPOUND CURVE
PP	POWER POLE
PRC	POINT OF REVERSE CURVE
RIM	RIM ELEVATION OF DRAINAGE STRUCTURE
RC	RELATIVE COMPACTION
ROW	RIGHT-OF-WAY
TW	TOP OF WALL
TC	TOP OF CURB
TOE	TOE OF FILL
TYP	TYPICAL
SAD	SEE ARCHITECTURAL DRAWINGS
VERT	VERTICAL
V.I.F.	VERIFY IN FIELD

Grading Plans

3545 FINLEY EAST RD, LAKEPORT CA  
APN: 008-026-07

LAND OWNER

LEO CORTINA  
96 MALAGA COURT  
UKIAH CA, 95482

AGENT

JOHN OLIVER  
(707) 234 - 9815  
hgfhca@hushmail.com

FLOOD ZONE

ZONE AO 2.0' DEPTH  
FIRM MAP: 06033C0513D (SEPT. 30, 2005)

COMMUNITY	NUMBER	PANEL
LAKE COUNTY	060090	0513

GEOTECH REPORT

A GEOTECH REPORT WAS PREPARED BY JIM GLOMB CONSULTING DATED MAY 19, 2021. JOB No. 1916

DISTURBED AREA

APPROXIMATELY 0.5 ACRES OF SURFACE WILL BE DISTURBED. THEREFORE, A CONSTRUCTION GENERAL PERMIT IS NOT REQUIRED BY THE STATE WATER BOARD.

EARTHWORK SUMMARY

FILL = +/- 8,400 CY  
NET = +/- 8,400 CY IMPORT

NOTES:

1. THIS IS SURFACE GRADING ONLY. ADDITIONAL SUBSURFACE EXCAVATION WILL BE REQUIRED FOR BENCHING, ETC.
2. NO EXPANSION/CONTRACTION FACTORS HAVE BEEN APPLIED. 15%± EXPANSION AND/OR CONTRACTION MAY BE EXPERIENCED DUE TO ACTUAL FIELD CONDITIONS.
3. CONTRACTOR IS RESPONSIBLE FOR HIS OWN EARTHWORK QUANTITIES.
4. THE VALUES ABOVE DO NOT INCLUDE THE VOLUME FOR CONCRETE, CLEAN SAND, OR AGGREGATE BASE.

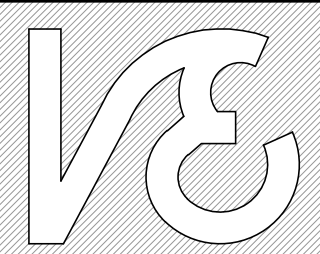
LEGEND

---	PROPERTY LINE (E)
- - - - -	EDGE OF PAVEMENT (E)
----	FLOWLINE
○	POWER POLE
→	DRAINAGE FLOW
~→	SURFACE DRAIN FLOW
△	SURVEY CONTROL POINT
⊕	FINISH GRADE ELEV.
⊕	SPOT ELEVATIONS
⊕	TREE (E)
▨	ASPHALT (P)
▨	GRAVEL (P)
▨	CONCRETE (P)

Sheet Index

- SHEET 1: COVER SHEET  
SHEET 2: NOTES AND SPECIFICATIONS  
SHEET 3: PLAN VIEW  
SHEET 4: EROSION/SEDIMENTATION CONTROL PLAN  
SHEET 5: DETAIL DRAWINGS

JOHN OLIVER FINLEY EAST RD.  
GRADING PLANS  
COVER SHEET  
APN: 008-026-07  
3545 FINLEY EAST RD  
KELSEYVILLE, CA



VanDerWall  
Engineering

3745 Main Street  
PO Box 431  
Kelseyville, CA 95451  
(707) 279-4887 P  
www.vdwengr.com

Date: SEPT 2021

Scale: n/a

Drawn: WJV

Job: 21-21

Sheet:



GENERAL NOTES

1. ALL MATERIAL WORKMANSHIP AND CONSTRUCTION SHALL CONFORM TO THE COUNTY OF LAKE STANDARD SPECIFICATIONS AND STANDARD PLANS AND THE STATE OF CALIFORNIA STANDARD PLANS AND SPECIFICATIONS, LATEST ENGLISH UNIT EDITION.

2. FOR WORK IN OR AFFECTING THE COUNTY ROAD RIGHT-OF-WAY, THE CONTRACTOR SHALL OBTAIN AN ENCROACHMENT PERMIT FROM THE COUNTY OF LAKE DEPARTMENT OF PUBLIC WORKS (255 N. FORBES ST., LAKEPORT) BEFORE START OF WORK. THE CONTRACTOR SHALL COMPLY WITH ALL REQUIREMENTS OF THE PERMIT. FOR WORK IN OR AFFECTING THE STATE HIGHWAY RIGHT-OF-WAY, A CALTRANS ENCROACHMENT PERMIT IS REQUIRED.

3. THE CONTRACTOR SHALL OBTAIN REQUIRED PERMITS FROM ALL AGENCIES AND PAY ALL AGENCY FEES PRIOR TO COMMENCEMENT OF ANY WORK. THE CONTRACTOR SHALL CONFORM WITH ZONING CODES, BUILDING CODES, AND ALL OTHER REQUIREMENTS ADMINISTERED BY THE COUNTY OF LAKE.

4. THE CONTRACTOR SHALL GIVE THE COUNTY OF LAKE BUILDING DEPARTMENT 72 HOURS NOTICE BEFORE STARTING WORK. A PRE-CONSTRUCTION MEETING MAY BE REQUIRED.

5. WORK HOURS ARE LIMITED TO MONDAY THROUGH FRIDAY, 7:00 AM TO 6:00 PM. WHEN LANE CLOSURES ARE MADE FOR A WORK DAY ONLY, AT THE END OF EACH WORK DAY ALL COMPONENTS OF THE TRAFFIC CONTROL SYSTEM, EXCEPT PORTABLE DELINEATORS PLACED ALONG EXCAVATIONS ADJACENT TO THE TRAVELED WAY, SHALL BE REMOVED FROM THE TRAVELED WAY AND SHOULDER. IF THE CONTRACTOR SO ELECTS, SAID COMPONENTS MAY BE STORED AT SELECTED CENTRAL LOCATIONS AS APPROVED BY THE DIRECTOR, WITHIN THE LIMITS OF THE COUNTY RIGHT-OF-WAY.

6. ANY DISCREPANCY DISCOVERED BY THE CONTRACTOR IN THESE PLANS OR ANY FIELD CONDITIONS DISCOVERED BY THE CONTRACTOR THAT MAY DELAY OR OBSTRUCT THE PROPER COMPLETION OF THE WORK PER THESE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER OF RECORD, THE COUNTY D.P.W., OR THE OWNER IMMEDIATELY UPON DISCOVERY. NOTIFICATION SHALL BE IN WRITING.

7. ITEMS SPECIFIED ON THE STANDARD PLANS ARE APPROVED FOR USE BY THE COUNTY OF LAKE. ALL SUBSTITUTIONS OR ALTERATIONS SHALL BE SUBMITTED TO THE ENGINEER OF RECORD, OR TO THE COUNTY OF LAKE FOR APPROVAL PRIOR TO INSTALLATION.

8. THE CONTRACTOR SHALL MAINTAIN A NEAT APPEARANCE TO THE WORK. IN ANY AREA VISIBLE TO THE PUBLIC, THE FOLLOWING SHALL APPLY: WHEN PRACTICAL, BROKEN CONCRETE AND DEBRIS DEVELOPED DURING CLEARING AND GRUBBING SHALL BE DISPOSED OF CONCURRENTLY WITH ITS REMOVAL. IF STOCKPILING IS NECESSARY, THE MATERIAL SHALL BE REMOVED OR DISPOSED OF WEEKLY. THE CONTRACTOR SHALL FURNISH TRASH BINS FOR ALL DEBRIS FROM STRUCTURE CONSTRUCTION. ALL DEBRIS SHALL BE PLACED IN TRASH BINS DAILY. FORMS OR FALSEWORK THAT ARE TO BE REUSED SHALL BE STACKED NEATLY CONCURRENTLY WITH THEIR REMOVAL. FORMS AND FALSEWORK THAT ARE NOT TO BE REUSED SHALL BE DISPOSED OF CONCURRENTLY WITH THEIR REMOVAL.

9. THE CONTRACTOR SHALL PROVIDE COMPACTION, GRADATION, SAND EQUIVALENT AND ALL OTHER TESTS AS REQUIRED BY THE COUNTY OF LAKE.

10. THE CONTRACTOR SHALL PROVIDE THE ENGINEER OF RECORD OR THE COUNTY OF LAKE THE RESULTS OF ANY COMPACTION, GRADATION, SAND EQUIVALENT, ETC., AND ALL OTHER TESTS AS REQUIRED BY THE COUNTY OF LAKE OR THESE PLANS.

11. ALL GRADING ON-SITE SHALL NOT INHIBIT OFF-SITE DRAINAGE. STRIPPING AND CLEARING OF SITE SHALL BE CONFINED TO AREAS TO BE IMPROVED. STOCKPILE MATERIAL AS AUTHORIZED BY OWNER. EQUIPMENT AND MATERIAL STORAGE AREAS SHALL BE APPROVED BY THE OWNER. EXCESS MATERIAL SHALL BE DISPOSED OFF SITE AND/OR SPREAD IN APPROPRIATE AREAS ON-SITE AT THE OWNERS DIRECTION.

12. BEFORE ANY EXCAVATION, CALL UNDERGROUND SERVICE ALERT TOLL FREE AT (800)642-2444 OR (800) 227-2600.

13. THE CONTRACTOR SHALL DO NO EXCAVATION UNTIL ALL EXISTING UTILITIES HAVE BEEN MARKED IN THE FIELD BY THE APPLICABLE ENTITY RESPONSIBLE FOR THAT PARTICULAR UTILITY. THE CONTRACTOR SHALL NOTIFY EACH UTILITY COMPANY AT LEAST 48 HOURS PRIOR TO STARTING WORK.

SPECIFIC GRADING NOTES

SOILS REPORT:

A SOILS REPORT HAS BEEN PREPARED BY JIM GLOMB CONSULTING (DATED MAY 19, 2021. JOB NO. 1916) FOR THIS PROJECT. ALL RECOMMENDATIONS OF THE SOILS REPORT SHALL BE STRICTLY ADHERED TO. IT IS RECOMMENDED THAT THE SOILS ENGINEER BE PRESENT ON-SITE AT TIME OF CONSTRUCTION.

PREPARATION FOR FILL:

AREAS TO BE GRADED SHALL BE CLEARED OF VEGETATION AND DEBRIS AND STRIPPED OF THE UPPER FEW INCHES OF SOIL CONTAINING ORGANIC MATTER. SOIL CONTAINING MORE THAN 2% BY WEIGHT OF ORGANIC MATTER SHOULD BE CONSIDERED ORGANIC. THE STRIPPINGS SHALL BE REMOVED FROM THE SITE, OR IF SUITABLE, STOCKPILED FOR RE-USE AS TOPSOIL IN LANDSCAPING.

EXCAVATIONS EXTENDING BELOW THE PROPOSED FINISHED GRADE SHOULD BE BACKFILLED WITH SUITABLE MATERIALS COMPACTED.

IN SELECT FILL AREAS, WEAK SURFACE SOILS SHOULD BE EXCAVATED 30 INCHES AND TO AT LEAST 5 FEET BEYOND FILL.

FILL MATERIAL:

FILL IN PAVEMENT AND SLAB AREAS SHALL BE COMPACTED TO 95% RELATIVE COMPACTION. FILLS SHALL BE COMPACTED TO A MINIMUM OF 90% OF MAXIMUM DENSITY. FOR ALL AREAS, FILL SLOPES SHALL BE NO STEEPER THAN 3:1.

TRENCH IMPORT AND ON-SITE SOILS SHALL BE COMPACTED TO AT LEAST 90% COMPACTION AT OR WITHIN TWO PERCENT OF OPTIMUM MOISTURE CONTENT.

FILL MATERIAL SHALL NOT INCLUDE ORGANIC, FROZEN, OR OTHER DELETERIOUS MATERIALS. NO ROCK OR SIMILAR IRREDUCIBLE MATERIAL GREATER THAN 4 INCHES IN ANY DIMENSION SHALL BE INCLUDED IN FILLS EXCEPT WHERE APPROVED BY THE SOILS ENGINEER. FILLS SHALL BE CONSTRUCTED IN LIFTS NOT EXCEEDING 8 INCHES IN DEPTH. COMPLETED FILLS SHALL BE STABLE, WELL-INTEGRATED, AND BONDED TO ADJACENT MATERIALS AND THE MATERIALS ON WHICH THEY REST. FILLS SHALL BE COMPETENT TO SUPPORT ANTICIPATED LOADS AND BE STABLE AT THE DESIGN SLOPES SHOWN ON THE APPROVED PLANS AND SPECIFICATIONS OR AS DIRECTED BY THE SOILS ENGINEER.

GRADING NOTES

1. CONTRACTOR SHALL COMPLY WITH ANY AND ALL GRADING PERMIT REQUIREMENTS ADMINISTERED BY THE COUNTY OF LAKE PLANNING AND BUILDING SERVICES DEPARTMENT.

2. AS A MINIMUM, ALL GRADED AREAS AND EXPOSED SOIL WITHIN THIS PROJECT SHALL BE SEEDED FOR EROSION CONTROL BY THE CONTRACTOR. SEED AND MULCH WILL BE APPLIED BY OCTOBER 1ST TO ALL CUT AND FILL SLOPES WITHIN OR ADJACENT TO PROJECT ROADS. SEED AND FERTILIZER WILL BE APPLIED HYDRAULICALLY OR BY HAND AT THE RATES SPECIFIED BELOW. ON SLOPES, STRAW WILL BE APPLIED BY BLOWER OR BY HAND AND ANCHORED IN PLACE BY PUNCHING. ALL CRITICAL EARTHWORK OPERATIONS SHALL BE PERFORMED DURING THE DRY WEATHER SEASON, FROM MAY 1ST TO OCTOBER 1ST OR AS OTHERWISE APPROVED BY THE DEPARTMENT OF PUBLIC WORKS. THE CLEARING OF EXISTING VEGETATION SHALL BE CONFINED WITHIN THE LIMITS OF ACTUAL EARTHWORK. STAGING OF THE WORK SHALL BE REQUIRED TO ENSURE THAT THE AMOUNT OF LAND CLEARED AT ANY TIME IS LIMITED TO THE AREA THAT CAN BE DEVELOPED DURING THE CONSTRUCTION PERIOD. STORM WATER SHALL NOT BE ALLOWED TO FLOW DIRECTLY DOWN UNPROTECTED SLOPES. ENERGY DISSIPATING STRUCTURES AND EROSION CONTROL DEVICES SHALL BE PLACED AT ALL DRAINAGE OUTLETS WHICH DISCHARGE TO NATURAL CHANNELS AS SHOWN ON THESE PLANS. ALL SEDIMENT TRAPS SHALL BE MAINTAINED BY THE CONTRACTOR UNTIL SUCH TIME THAT THE COUNTY ACCEPTS MAINTENANCE RESPONSIBILITY.

ITEM	POUNDS PER ACRE
"BLANDO BROME".....	30
ANNUAL RYE GRASS.....	20
FERTILIZER (16-20-0 & 15% SULPHUR).....	500
STRAW MULCH.....	4000 OR 3500 LB. OF WOOD CELLULOSE

3. THE CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE DUST CONTROL MEASURES FOR THE ENTIRE CONSTRUCTION PERIOD OF THIS PROJECT TO THE SATISFACTION OF THE COUNTY AND AIR QUALITY MANAGEMENT DISTRICT AS APPLICABLE.

4. PROJECTS GREATER THAN OR EQUAL TO 1-ACRE IN SIZE WILL REQUIRE A CONSTRUCTION GENERAL PERMIT AND STORM WATER POLLUTION PREVENTION PLAN (SWPPP) THROUGH THE APPROPRIATE REGIONAL WATER QUALITY CONTROL BOARD. SUBMIT COPIES TO LAKE COUNTY PLANNING AND PUBLIC WORKS.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING UNDERGROUND SERVICE ALERT (U.S.A.), TOLL FREE AT 1-800-642-2444, AT LEST TWO WORKING DAYS BUT NOT MORE THAN 14 CALENDAR DAYS PRIOR TO EXCAVATION. THE CONTRACTOR SHALL UNCOVER RELEVANT UTILITIES TO VERIFY THEIR LOCATION AND ELEVATION. IF UNEXPECTED OR CONFLICTING UTILITIES ARE ENCOUNTERED DURING EXCAVATION, NOTIFY U.S.A, THE UTILITY OWNER, AND/OR THE ENGINEER OF RECORD IMMEDIATELY. UTILITIES INCLUDE BUT ARE NOT LIMITED TO WATER, SEWER, ELECTRICAL, GAS, TELEPHONE, AND CABLE/TV. IF PRACTICAL, THE EXCAVATOR SHALL DELINEATE WITH WHITE PAINT OR OTHER SUITABLE MARKINGS THE AREA TO BE EXCAVATED.

8. IN THE EVENT CULTURAL RESOURCES (I.E., HISTORICAL, ARCHAEOLOGICAL, AND PALEONTOLOGICAL RESOURCES, AND HUMAN REMAINS) ARE DISCOVERED DURING GRADING OR OTHER CONSTRUCTION ACTIVITIES, WORK SHALL IMMEDIATELY BE HALTED WITHIN THE VICINITY OF THE FIND. THE LAKE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT SHALL BE CONTACTED AT (707) 263-2221. A QUALIFIED ARCHEOLOGIST SHALL BE CONSULTED FOR AN ON-SITE EVALUATION. ADDITIONAL MITIGATION MAY BE REQUIRED BY THE COUNTY PER THE ARCHEOLOGIST'S RECOMMENDATION.

9. SHOULD GRADING OPERATIONS ENCOUNTER HAZARDOUS MATERIALS, OR WHAT APPEAR TO BE HAZARDOUS MATERIALS, STOP WORK IMMEDIATELY IN THE AFFECTED AREA AND CONTACT 911 OR THE APPROPRIATE AGENCY FOR FURTHER INSTRUCTION.

10. THE GRADING/DRAINAGE PERMIT AND AN APPROVED COPY OF THE GRADING/DRAINAGE PLANS SHALL BE MAINTAINED ON THE PROJECT SITE THROUGHOUT THE DURATION OF CONSTRUCTION ACTIVITIES.

11. THE ISSUANCE OF A GRADING/DRAINAGE PERMIT BY THE LAKE COUNTY PUBLIC WORKS DEPARTMENT DOES NOT ELIMINATE THE RESPONSIBILITY OF THE OWNER TO SECURE PERMITS FROM OTHER AGENCIES WITH REGULATORY RESPONSIBILITIES FOR THE CONSTRUCTION ACTIVITIES ASSOCIATED WITH THE WORK ON THESE PLANS. FAILURE TO OBTAIN ALL REQUIRED PERMITS MAY RESULT IN FINES FROM THE RESPECTIVE AGENCY.

12. THE ISSUANCE OF A PERMIT BY THE LAKE COUNTY PUBLIC WORKS DEPARTMENT TO CONSTRUCT A DAM OR A RESERVOIR DOES NOT ELIMINATE THE RESPONSIBILITY OF THE OWNER TO SECURE PERMITS FROM OTHER AGENCIES WITH REGULATORY RESPONSIBILITIES INCLUDING THE CALIFORNIA DIVISION OF SAFETY OF DAMS WHEN WORK FALLS UNDER STATE JURISDICTION. FAILURE TO OBTAIN OTHER PERMITS MAY RESULT IN FINES FROM THE RESPECTIVE AGENCY.

13. GRADING AND DRAINAGE IMPROVEMENTS SHALL BE SET BACK FROM STREAMS, LAKES, PONDS, AND WETLANDS IN COMPLIANCE WITH LAKE COUNTY STANDARDS. EXISTING VEGETATION SHALL BE RETAINED IN STREAM SETBACK AREAS TO FILTER SOIL AND OTHER POLLUTANTS CARRIED IN STORMWATER.

14. EXCESS SOIL SHALL BE REMOVED FROM THE SITE UNLESS DEPICTED TO REMAIN ON SITE PER THE APPROVED PLAN. THE SITE RECEIVING SOIL MAY REQUIRE A GRADING PERMIT.

15. CONTOURS, ELEVATIONS, AND SHAPES OF FINISHED SURFACES SHALL BE BLENDED WITH ADJACENT NATURAL TERRAIN TO ACHIEVE A CONSISTENT GRADE AND NATURAL APPEARANCE.

16. FILLS INTENDED TO SUPPORT STRUCTURES OR SURCHARGES SHALL BE COMPACTED TO A MINIMUM OF 90% OF MAXIMUM DRY DENSITY, AS DETERMINED BY ASTM D 1557, MODIFIED PROCTOR. AND AS RECOMMENDED BY THE GEOTECHNICAL INVESTIGATION PREPARED BY BAUER AND ASSOCIATES.

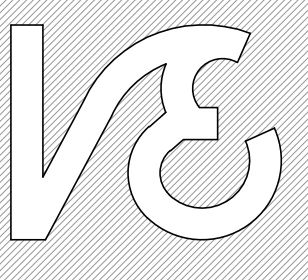
17. FILLS NOT INTENDED TO SUPPORT STRUCTURES OR SURCHARGES SHALL BE COMPACTED AS FOLLOWS: (1) FILL GREATER THAN 3 FEET IN DEPTH SHALL BE COMPACTED TO THE DENSITY SPECIFIED BY THE SOILS ENGINEER. (2) FILLS NO GREATER THAN 3 FEET IN DEPTH SHALL BE COMPACTED TO THE DENSITY NECESSARY FOR THE INTENDED USE OR AS DIRECTED BY THE SOILS ENGINEER.

PRESERVATION OF SURVEY MONUMENTS

1. CONTRACTOR IS RESPONSIBLE FOR PRESERVATION AND/OR PERPETUATION OF ALL EXISTING MONUMENTS WHICH CONTROL SUBDIVISIONS, TRACTS, BOUNDARIES, STREETS, HIGHWAYS, OR OTHER RIGHT-OF-WAY, EASEMENTS, OR PROVIDE SURVEY CONTROL WHICH WILL BE DISTURBED OR REMOVED DUE TO CONTRACTOR'S WORK. CONTRACTOR SHALL PROVIDE A MINIMUM OF 10 WORKING DAYS NOTICE TO CIVIL ENGINEER OR SURVEYOR IN RESPONSIBLE CHARGE OF THE WORK PRIOR TO DISTURBANCE OR REMOVAL OF EXISTING MONUMENTS. CIVIL ENGINEER OR SURVEYOR IN RESPONSIBLE CHARGE OF THE WORK SHALL COORDINATE WITH CONTRACTOR TO RESET MONUMENTS OR PROVIDE PERMANENT WITNESS MONUMENTS AND FILE THE REQUIRED DOCUMENTATION WITH THE COUNTY SURVEYOR PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 8771.

2. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COST TO RESET ANY SURVEY MONUMENTS DAMAGED BY CONTRACTOR'S PERSONNEL.

JOHN OLIVER FINLEY EAST RD  
GRADING PLANS  
NOTES AND SPECIFICATIONS  
APN: 008-026-07  
3545 FINLEY EAST RD  
KELSEYVILLE, CA



VanDerWall  
Engineering

3745 Main Street  
PO Box 431  
Kelseyville, CA 95451  
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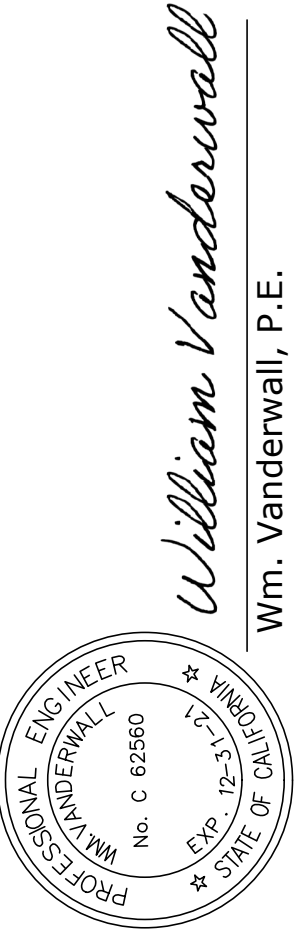
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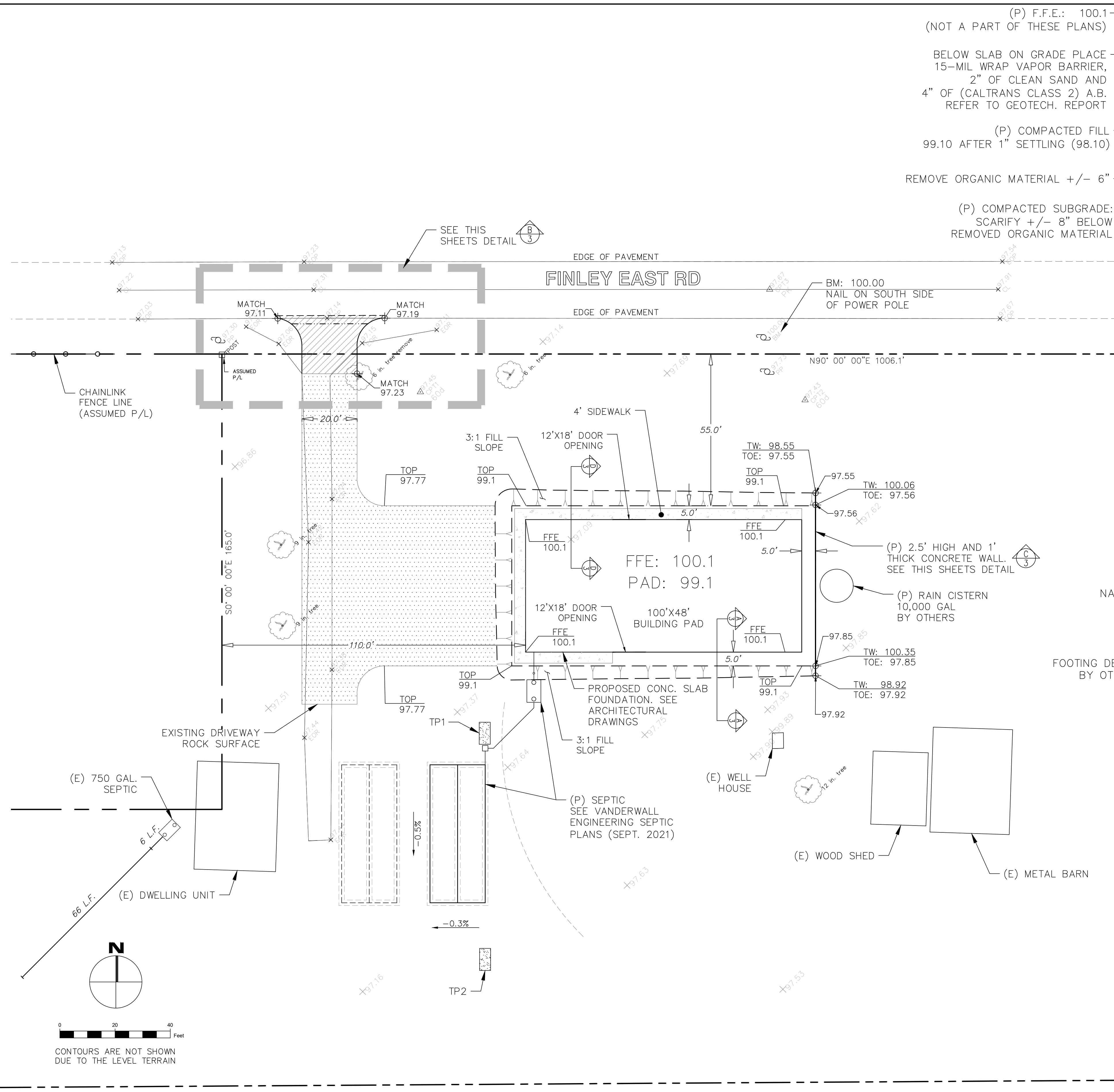
Drawn: WJV

Job: 21-21

Sheet:



William Vanderwall  
Wm. Vanderwall, P.E.



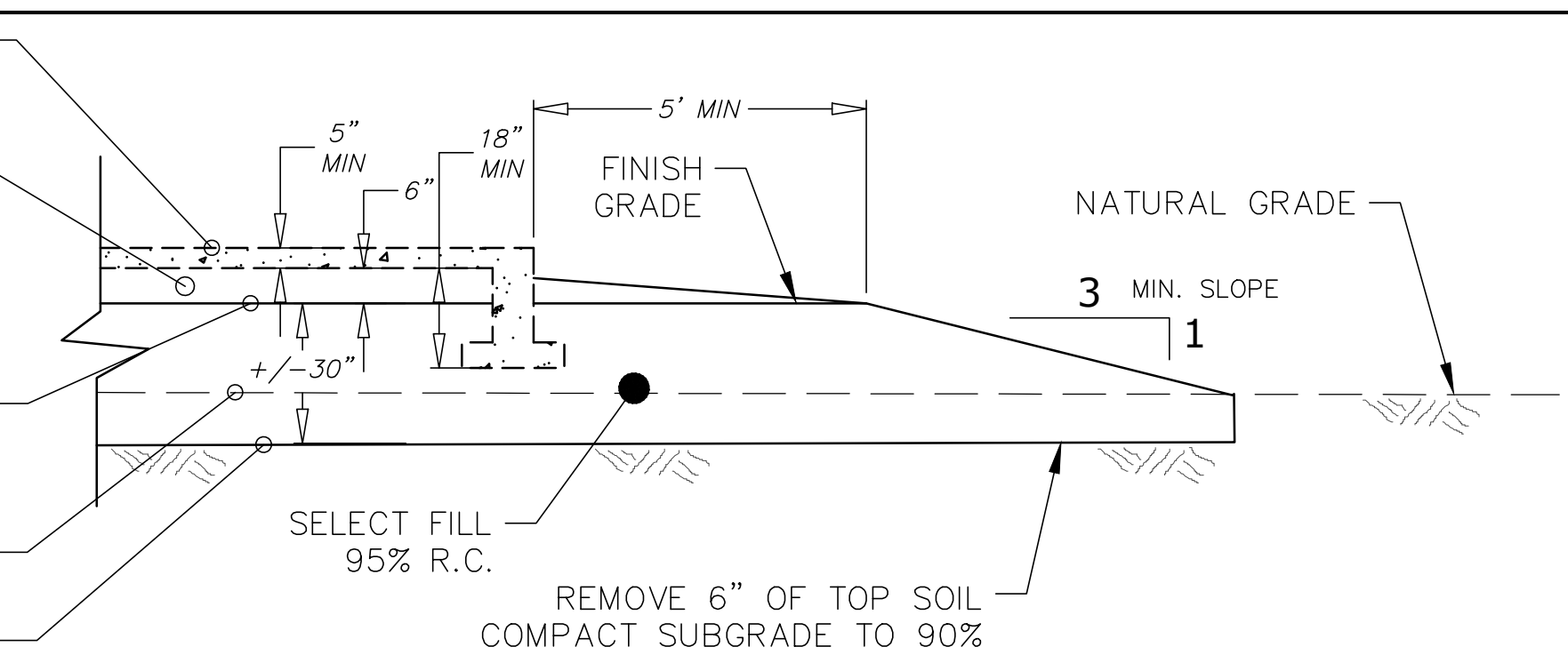
(P) F.F.E.: 100.1-  
(NOT A PART OF THESE PLANS)

BELOW SLAB ON GRADE PLACE -  
15-MIL WRAP VAPOR BARRIER,  
2" OF CLEAN SAND AND  
4" OF (CALTRANS CLASS 2) A.B.  
REFER TO GEOTECH. REPORT

(P) COMPACTED FILL  
99.10 AFTER 1" SETTLING (98.10)

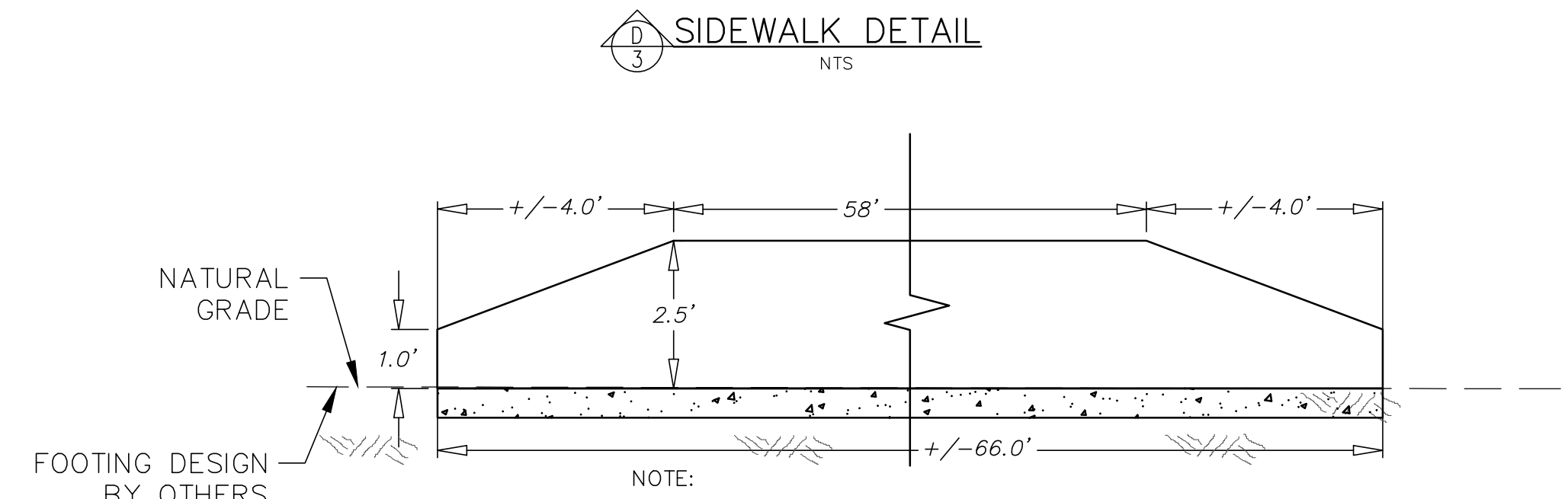
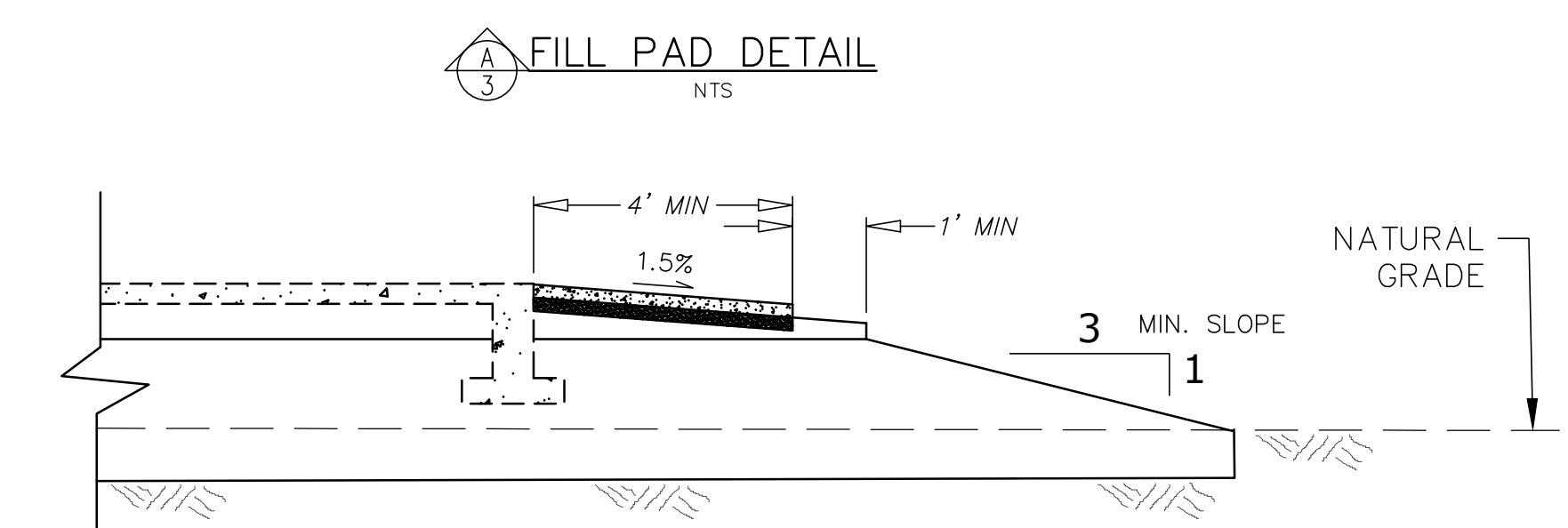
REMOVE ORGANIC MATERIAL +/- 6"

(P) COMPACTED SUBGRADE:  
SCARIFY +/- 8" BELOW  
REMOVED ORGANIC MATERIAL


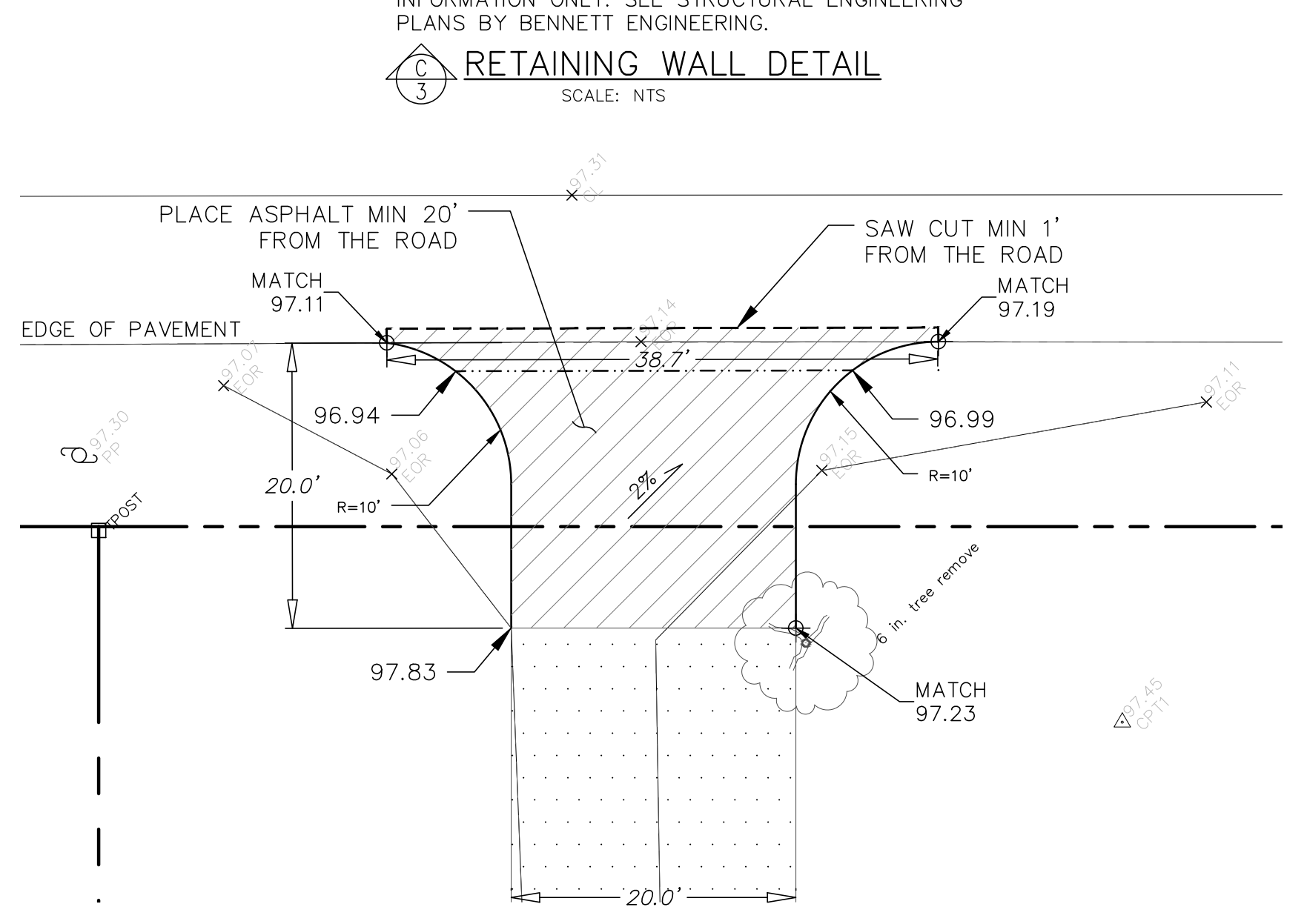


NOTES:

1. THIS DETAIL IS NOT TO SCALE. REFER TO GRADING PLAN FOR ACTUAL ELEVATIONS AND GEOTECH. REPORT FOR COMPLETE INSTALLATION SPECIFICATIONS.
2. REMOVE AND STOCKPILE TOP 6" MIN. OF ORGANIC MATERIAL.
3. COMPACT SUBGRADE TO MIN. 90% RELATIVE COMPACTION TO 30" BELOW PLANNED FINISH GRADE.



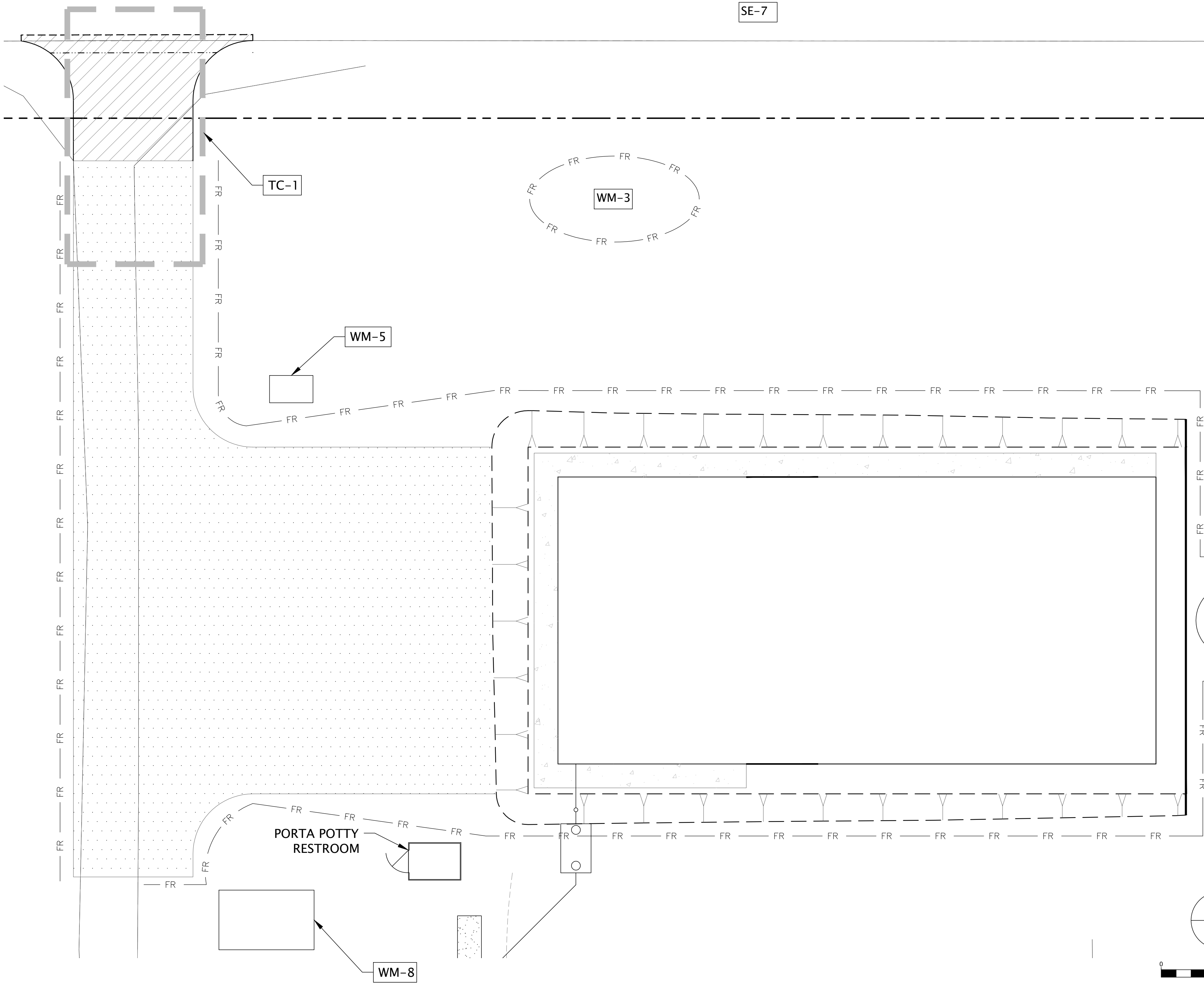
NOTE:  
INFORMATION ONLY. SEE STRUCTURAL ENGINEERING  
PLANS BY BENNETT ENGINEERING.



**ENCROACHMENT DETAIL**  
SCALE: 1" = 10'

FINLEY EAST RD

SE-7



Responsible Person

Responsible person for all erosion and sedimentation control measures on site shall be the general contractor.

Name: JOHN OLIVER  
Company Name: OWNER'S REP  
Phone #:  
Cell #:

GRADING NOTES

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2. AS A MINIMUM, ALL GRADED AREAS AND EXPOSED SOIL WITHIN THIS PROJECT SHALL BE SEEDED FOR EROSION CONTROL BY THE CONTRACTOR. SEED AND MULCH WILL BE APPLIED BY OCTOBER 1ST TO ALL CUT AND FILL SLOPES WITHIN OR ADJACENT TO PROJECT ROADS. SEED AND FERTILIZER WILL BE APPLIED HYDRAULICALLY OR BY HAND AT THE RATES SPECIFIED IN BMP EC-6.
3. THE CONTRACTOR SHALL BE RESPONSIBLE TO PROVIDE DUST CONTROL MEASURES FOR THE ENTIRE CONSTRUCTION PERIOD OF THIS PROJECT TO THE SATISFACTION OF THE COUNTY AND AIR QUALITY MANAGEMENT DISTRICT AS APPLICABLE.
4. SOIL TRACKED ONTO ADJACENT STREETS SHALL BE SWEEPED UP BY THE END OF THE WORK DAY PER BMP SE-7.

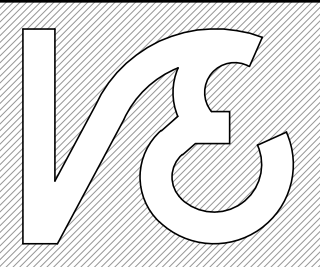
BMP NOTES

ALL BMPS SHALL ADHERE TO AND REFERENCE BY THE NOMENCLATURE AS THE CALIFORNIA STORMWATER BMP HANDBOOK FOR CONSTRUCTION. FOR MORE CUT SHEET ON EACH BMP SEE WWW.CASQA.ORG

BMP LEGEND

— SF —	— SF —	EC-6	STRAW MULCH (ALL DISTURBED AREAS)
— FR —	— FR —	SE-1	SILT FENCE
		SE-5	FIBER ROLLS
		SE-7	STREET SWEEPING AND VACUUMING
		TC-1	STABILIZED CONST. ENTRANCE/EXIT
		WM-5	SOLID WASTE MANAGEMENT
		WM-9	SANITARY WASTE MANAGEMENT
		WM-8	CONCRETE WASTE MANAGEMENT
		WM-3	STOCK PILE MANAGEMENT

JOHN OLIVER FINLEY EAST RD  
GRADING PLANS  
EROSION AND SEDIMENT CONTROL PLANS  
APN: 008-026-07  
3545 FINLEY EAST RD  
KELSEYVILLE, CA



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Job: 21-21  
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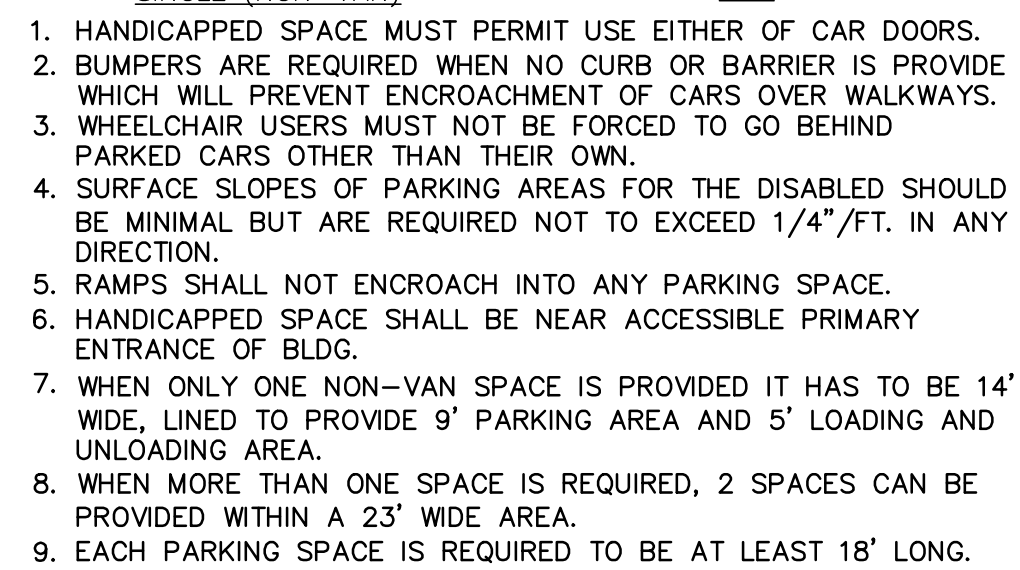


Diagram illustrating the cross-sections of the existing and proposed pavement structures.

**Existing Pavement Structure (Left):**

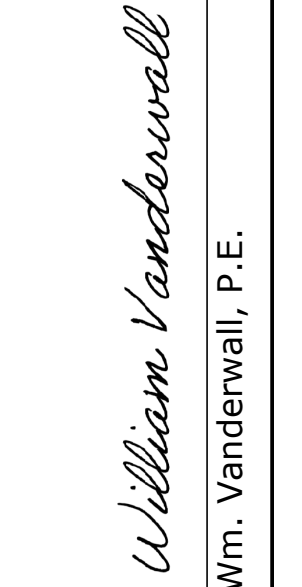
- Top layer: 8.0 IN CLASS 2 AGGREGATE BASE
- Bottom layer: 3.0 IN Asphalt Concrete

**Proposed Pavement Structure (Right):**

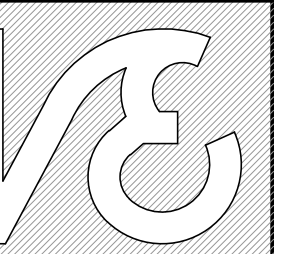
- Top layer: 10.0 IN CLASS 2 AGGREGATE BASE

Technical drawing of a bollard detail showing cross-section and dimensions. The drawing includes the following labels and dimensions:

- DOME CONC. AT TOP
- GRIND EDGE OF PIPE
- 3" BLUE REFLECTOR
- 4'-0" GALV. STL. PIPE
- FILL WITH CONC. PIPE SHALL BE 4" DIA. NOMINAL (EXTRA STRONG), WALL THICKNESS = 0.337".
- PAVEMENT
- CONCRETE ENCASEMENT
- NOTE: INSTALL TWO GUARD POSTS AT EACH FIRE HYDRANT.
- Dimensions: 36", 36", 4", 4", 4", 16", 4"
- Section line: C-11
- Section title: BOLLARD DETAIL



**GRADING PLANS**  
**DETAIL DRAWINGS**  
APN: 008-026-07  
3545 FINLEY EAST RD  
KELSEYVILLE, CA



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[www.vdwengr.com](http://www.vdwengr.com)

e: SEPT 2021

le: n/a

wnt: WJV

21-21

et:

COUNTY OF LAKE  
MAJOR USE PERMIT, UP 20-40 AND INITIAL STUDY, IS 20-50

HIGHER GROUND FARMS  
(APPLICANT – JOHN OLIVER)  
CONDITIONS OF APPROVAL

EXPIRES IF NOT USED BY: JANUARY 11, 2026  
VALID UNTIL JANUARY 11, 2034

Pursuant to the approval of the Planning Commission on January 11, 2024, there is hereby granted to Higher Ground Farms a Major Use Permit, UP 20-40 with the following conditions of approval to allow approval of 22,000 square feet (sf) of cannabis canopy inside eight greenhouses within a fenced 47,040 sf enclosure; project includes a 48' x 100' drying building, and one Type 13 Cannabis Distributor Transport Only, Self-Distribution License on a site located at 3545 Finley Road East, Kelseyville (APN: 008-026-07). The project is subject to the following terms and conditions of approval:

- A. GENERAL CONDITIONS:
1. The use hereby permitted shall substantially conform to the Site Plans, Project Description, Hydrology Technical Memorandum, Property Management Plan and any conditions of approval imposed by the Major Use Permit and Review Authority for the outdoor cannabis cultivation site described above. This decision also includes a Type 13 'self-distribution' license. Approval of this project is based on:
    - a. Revised Site Plans received January 3, 2024
    - b. Property Management Plan, received March 7, 2022
    - c. Hydrological Technical Memorandum, received March 7, 2022
  2. This permit does not abridge or supersede the regulatory powers or permit requirements of any federal, state, local agency, special district or department which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain permits as may be required from each agency.
  3. Prior to operation and construction, the applicant shall obtain permits from all necessary Federal, State, and local agencies for the construction/ development of any infrastructure.
  4. Prior to operation, the applicant shall contact the Lake County Building Department to schedule an inspection(s) to ensure compliance with Public Resource Code sections 4290/4291.
  5. Prior to operation, the applicant shall provide adequate security on the premises. All fencing installed shall contain screening material such as chain link with slats, or solid wood or metal fencing; fabric screening material is not permitted due to poor durability. The fence shall be a minimum of six (6) feet in height and cannot exceed eight (8) feet in height. If the fencing exceeds seven (7) feet height, the applicant shall obtain all necessary building permits.
  6. If there is a change in the project manager (permit holder representative), the permit holder shall submit notarized written documentation to the Community Development Department for review and approval. Said documentation shall include the following:
    - Name of Individual and Title
    - Contact Information (Phone, email, and address)
    - What that individual is authorized to do.
  7. If there is a change in the use permit holder(s), the new permit holder(s) shall submit notarized written documentation that they are formally taking over said permit to the Community Development Department for review and approval, including submitting submit the required application and appropriate fees.
  8. If the subject properties have a change of ownership, the applicant shall obtain written approval from all property owner(s), which authorize the tenant(s) or lessee(s) to cultivate cannabis at the project site(s). Said written verification containing the property owner's (s) signature shall be notarized.
    - A copy of the written approval shall be maintained by the tenant or lessee and made available for review upon request. Written approvals shall be renewed annually.

Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

9. Prior to operation, the applicant is responsible for ensuring that all project workers are informed of, understand and agree to abide by the approved plans and project conditions.
10. Prior to operation, all necessary permits shall be obtained from all applicable federal, state, and county agencies having jurisdiction over this project. Said permits shall be maintained for the life of the project.
11. Prior to this use permit being valid, vested, or operative, all necessary permits shall be obtained from all applicable federal, state and county agencies having jurisdiction over this project including but not limited to the Department of Cannabis Control, Department of Food and Agriculture, Department of Pesticide Regulation, Department of Fish and Wildlife, The State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, Department of Public Health, and Department of Consumer Affairs. Said permits shall be maintained for the life of the project.
  - A copy of said permits shall be submitted to the Lake County Community Development Department for review and approval. If permits are not required, the applicant shall obtain written documentation from each agency and submit said documentation to the Community Development Department.
  - If there is a change in name of the permit operator(s), the new permit operator(s) shall be responsible for ensuring all applicable permits are up to date.
12. Prior to operation, the applicant shall be enrolled in and comply with the State of California Track and Trace program and all requirements, including having all cannabis plants properly tagged. Additionally, the applicant shall submit written verification to the Lake County Community Development Department for review and approval.
13. The applicant shall not sell, transfer and/or give cannabis or cannabis products, nor allow into the cultivation area, nor employ or retain any persons under the age of 21.
14. An applicant shall keep accurate records of commercial cannabis activity. All records related to commercial cannabis activity as defined by the State Licensing Authorities shall be maintained for a minimum of seven (7) years. Said records shall be made available upon request at any given time.
  - The County may examine the books and records of an applicant and inspect the premises of a permittee when the County deems necessary to perform its duties under this division. All inspections shall be conducted during standard business hours of the permitted facility or at any other reasonable time.
  - Applicants shall keep records identified by the County on the premises of the location permitted and the County may make any examination of the records of any applicant. Applicants shall also provide and deliver copies of such documents to the County upon request.
  - An applicant, or its agent or employee, that refuses, impedes, obstructs, or interferes with an inspection of the premises or records of the applicant pursuant to this section, has engaged in a violation of this article.
15. Prior to operation, all current and future applicants and/or employees, including private contractors, shall undergo and pass a background check by the Lake County Sheriff Department. Pursuant to California Business and Professions Code, Section 26057, if an individual who has failed a background check becomes involved in any aspect of the cultivation process, or if any employee is involved with the cultivation who has not undergone a background check, the use permit will be brought before the Planning Commission for consideration of revocation. A list of all employees, including private contractors, shall be made available upon request.
16. The applicant shall provide adequate security measures per Article 27 of the Lake County Zoning Ordinance to minimize criminal activity, provide for safe and secure working environments, protect private property, and prevent damage to the environment. Said security plan shall be reviewed and approved by the Lake County Sheriff's Office.
17. Prior to operation, all structure(s) used for commercial cultivation shall meet accessibility standards. Please contact the Lake County Community Development Department's Building Division for more information.
18. Prior to operation, all accessible compliant parking areas, routes of travel, building access, and/or bathrooms shall meet all California Building Code Requirements.

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19. Prior to operation, all employees shall have access to restrooms and hand-wash stations. The restrooms and hand wash stations shall meet all accessibility requirements.
20. All handicap parking areas, routes of travel, building access, and bathrooms shall meet the Americans with Disabilities Act (ADA) requirements and be subject to review and approval of a Certified Accessibility Access Specialist (CASP).
21. The proper storage of equipment, removal of litter and waste, and cutting of weeds or grass shall not constitute an attractant, breeding place, or harborage for pests.
22. The applicant shall pay the cannabis cultivation tax to the Lake County Tax Collector in accordance with the cannabis billing cycle. The applicant shall submit proof of payment to the Lake County Community Development Department within thirty (30) days of receiving payment confirmation. Failure to pay said cultivation tax will result in the initiation of permit revocation proceedings. For further details on cultivation taxes, please contact the Lake County Tax Collectors Office at (707) 263-2234.
23. Prior to operation, the applicant(s) shall adhere to the Lake County Division of Environmental Health requirements regarding on-site wastewater treatment and/or potable water requirements. The applicant shall contact the Lake County Division of Environmental Health for details.
24. All food scraps, wrappers, food containers, cans, bottles, and other trash from the project area should be deposited in trash containers with an adequate lid or cover to contain trash. All food waste should be placed in a securely covered bin and removed from the site weekly to avoid attracting animals.
25. The permit holder shall pay the Fish and Wildlife fee within five days of the date of this approval. Checks are paid through the Lake County Planning Department and shall be made out to 'County of Lake'.

#### B. AESTHETICS

1. Prior to cultivation, all greenhouses shall incorporate blackout screening so that no light is visible from outside each greenhouse. *Mitigation measure AES-1*
2. Prior to cultivation, a minimum 6' tall screening fence shall be installed around the perimeter of the cultivation. The screening material shall not be fabric due to poor durability, and the fence may be chain link with slats, or solid wood or metal. *Mitigation measure AES-2*
3. All exterior lighting shall be downcast and shall not be directly visible from public roads or neighboring lots. All lighting shall comply with fixture recommendations found in darksky.org. *Mitigation measure AES-3*
4. Prior to construction, the applicant shall provide greenhouse elevations that show the colors of the proposed greenhouses, which shall be muted and earth tone. The elevations will state that non-glare materials will be used on all buildings that will be constructed.

#### C. AIR QUALITY

1. Prior to obtaining the necessary permits and/or approvals for any phase, applicant shall contact the Lake County Air Quality Management District 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. *Mitigation measure AQ-1*
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 any diesel engine use. *Mitigation measure AQ-2*
3. The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information in order to complete an updated Air Toxic emission Inventory. *Mitigation measure AQ-3*

Initials: \_\_\_\_\_

Date: \_\_\_\_\_

- 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. *Mitigation measure AQ-4*
- 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. *Mitigation measure AQ-5*
- 6. All areas subject infrequent use of driveways, overflow parking, etc., shall be surfaced with gravel. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations. *Mitigation measure AQ-6*
- 7. Prior to greenhouse cultivation, and prior to use of the greenhouses and the processing building for cannabis drying and packaging, the applicant shall install carbon or similar air filters in each structure. *Mitigation measure AQ-7*

D. BIOLOGICAL RESOURCES

- 1. All work shall incorporate erosion control measures consistent with the Property Management Plan submitted, as well as the Lake County Grading Regulations, and the State Water Resources Control Board Order No. WQ 2019-001-DWQ and Construction General Permit 2009-009-DWQ. *Mitigation measure BIO-1*
- 2. Permit conditions for this project shall require strict compliance with local, state, and federal regulations for the handling, use and storage of agricultural chemicals. *Mitigation measure BIO-2*
- 3. A spill containment kit shall be kept on site at all times. Employees shall be trained in the use of this kit prior to cultivation, and all fuel or chemical spills that occur must be immediately cleaned up on the site.

E. CULTURAL AND TRIBAL RESOURCES

- 1. Prior to initiation of ground disturbance activities, all on-site personnel of the project shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted within 100 feet 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. No work shall commence within 100 feet of the find(s) until the recommended mitigation procedures, if necessary, has been adopted by the applicant. 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. *Mitigation measure CUL-1*
- 2. All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the local overseeing 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. *Mitigation measure CUL-2*
- 3. Prior to site disturbance, the applicant shall bring an archaeologist to the site and shall stake out the mapped Mostin site (historically sensitive area) for avoidance. If the sensitive area is within the project boundary, the applicant shall amend the site plan to show a 50’ buffer of non-disturbable area between the sensitive site and the cultivation site. *Mitigation measure CUL-3*

F. GEOLOGY AND SOIL

- 1. Prior to site disturbance, the applicant shall bring an archaeologist to the site and shall stake out the mapped historically sensitive area for avoidance. If the sensitive area is within the project boundary, the applicant shall amend the site plan to show a 50’ buffer of non-disturbable area between the sensitive site and the cultivation site. *Mitigation measure CUL-3*

G. HAZARDS & HAZARDOUS MATERIALS

- 1. All equipment shall be maintained and operated to minimize spillage or leakage of hazardous

Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

materials. All equipment shall be refueled in locations more than 100 feet from surface water bodies. Servicing of equipment shall occur on an impermeable surface. In an event of a spill or leak, the contaminated soil shall be stored, transported, and disposed of consistent with applicable local, state, and federal regulations.

2. The storage of hazardous materials equal to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/ Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is stored on site.
3. Any spills of oils, fluids, fuel, concrete, or other hazardous construction material shall be immediately cleaned up. All equipment and materials shall be stored in the staging areas away from all known waterways.
4. The applicant shall maintain records of all hazardous or toxic materials used, including a Material Safety Data Sheet (MSDS) for all volatile organic compounds utilized, including cleaning materials. Said information shall be made available upon request and/or the ability to provide the Lake County Air Quality Management District such information to complete an updated Air Toxic Emission Inventory.
5. The applicant shall obtain an Operator Identification Number from the California Department of Pesticide Regulation prior to using pesticides onsite for cannabis cultivation.

#### H. HYDROLOGY & WATER QUALITY

1. The project design shall incorporate appropriate BMPs consistent with County and State storm water drainage regulations to prevent or reduce discharge of all construction or post-construction pollutants and hazardous materials offsite or all surface water.
2. The production well shall have a meter to measure the amount of water pumped. The production wells shall have continuous water level monitors. The methodology of the monitoring program shall be described. A monitoring well of equal depth within the cone of influence of the production well may be substituted for the water level monitoring of the production well. The monitoring wells shall be constructed and monitoring begun at least three months prior to the use of the supply well. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually.
3. The illicit discharge of irrigation or storm water from the project parcel, as defined in Title 40 of the Code of Federal regulation, Section 122.26, which may result in degradation of water quality of any water body is prohibited.
4. The applicant shall maintain all necessary permits from the Central Valley Regional Water Quality Control Board and submit written verification to the Community Development Department. A copy of all permits shall be included in the Annual Performance Report.
5. The applicant shall maintain a legal water source on the premises, and shall obtain and maintain all necessary Federal, State, or local permits required to utilize the water source. If the permitted activity utilizes a shared source of water from another site, such source shall be a legal source, have all Federal, State, or local permits required to utilize the water source, and have a written agreement between the property owner of the site where the wells are located and the permitted activity agreeing to use the permitted water source and all terms and conditions of that use.
6. The use of water provided by a public water supply, unlawful water diversions, transported by a water hauler, bottled water, a water-vending machine, or a retail water facility is prohibited. The utilization of water that has been or is illegally diverted from any lake, springs, wetland, stream, creek, vernal pool and/or river is prohibited. The applicant shall not engage in unlawful or unpermitted drawing of surface water.
7. The applicant may use water supplied by a licensed retail water supplier, as defined in Section 13575 of the Water Code, on an *emergency basis only*. The applicant shall notify the Community Development Department within seven (7) days of the emergency and provide the following information: (a) A detailed description of the emergency; (b) Identification of the retail water supplier including license number; (c) The volume of water supplied and actions taken to prevent the emergency in the future.

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8. Prior to cultivation, the applicant shall install straw wattles around the cultivation sites in a manner that retains stormwater within the cultivation area consistent with the Grading and Erosion Control plans submitted to the County.
9. Prior to cultivation, the applicant shall submit an engineered Erosion Control Plan that shows the erosion mitigation measures described in the Property Management Plan, pages 13 and 14.

#### I. NOISE

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. *Mitigation measure NOI-1*
2. NOI-2: Maximum non-construction related sounds levels shall not exceed levels of 55 dBA between the hours of 7:00 a.m. to 10:00 p.m. and 45 dBA between the hours of 10:00 p.m. to 7:00 a.m. within residential areas as specified within Zoning Ordinance Section 21-41.11 (Table 11.1) at the property lines. *Mitigation measure NOI-2*

#### J. TRANSPORTATION

1. The driveway approved for this project is the driveway located approximately 100 feet to the east of the western property line abutting the old schoolhouse property. An encroachment permit may be required from the Public Works Department, and the approach leading to Finley Road East shall be paved with a non-permeable surface capable of sustaining vehicle traffic.
2. The applicant shall meet and maintain all the requirements and/ or regulations as define in 14 California Code of Regulations (CCCR), Division 1.5, Chapter 7, Subchapter 2, Article 2, §1273.00 through §1273.11 of the California Department of Forestry and Fire Protection (Cal Fire) for Emergency Access and Egress Requirements. The interior driveway shall be required to meet Public Resource Code (PRC) 4290 and 4291 standards for a commercial driveway prior to cultivation.
3. Gates shall not be constructed across driveways or access roads that are used by neighboring properties or the general public. Gates constructed across public access easements are subject to removal per State Street and Highway Codes. A Knox box is required on all gated entrances.
4. Prior to final inspection, all Accessible Compliant Parking Areas, routes of travel, building access and/or bathrooms shall meet all California Building Code Requirements.

#### K. WILDFIRE

1. Prior to cultivation, the applicant shall schedule a site visit with the Building Official or designee to verify that the roads, gates and site are PRC 4290 and 4291 compliant.
2. The applicant shall provide one (1) steel or fiberglass 2,500 gallon water tank for on-site fire suppression in the event of a wildfire on site. The tank shall be equipped with fittings that can be used by fire suppression personnel.

#### L. TIMING & MITIGATION MONITORING

1. The permit holder shall permit the County of Lake or representative(s) or designee(s) to make periodic and/ or annual inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
2. This permit shall be null and void if not used by January 11, 2026, or if the use is abandoned for two years. Once activated, this permit is valid for a period of 10 years unless the use is discontinued for two years or if this permit is revoked due to non-compliance with these conditions.
3. Prior to this use permit becoming valid, effective or operative, the applicant shall coordinate with the Community Development Department and enter into an Indemnification Agreement with the County. The Indemnification Agreement holds harmless the County and its officers, agents and employees from actions or claims of any description brought on account of any injury or damages sustained by any person or property resulting from the issuance of this permit and the conduct of the activities authorized under said permit.

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4. The site shall be restored to its original state within six months of the expiration of this use permit, termination of use, or abandonment of the site. The applicant shall enter into a Site Restoration Agreement subject to the approval of the Community Development Director or their designee.
5. Prior to operation, the applicant shall submit to Lake County Community Development Department a summary response in writing establishing compliance with these conditions of approval, as well as documenting their compliance with all obligations of the Property Management Plan, including dates of compliance and referencing documents or other evidence of compliance.
6. The applicant shall contact the Community Development Department to schedule an annual Compliance Monitoring Inspection during the cultivation season. Prior to scheduling said inspection, the applicant shall pay the established compliance monitoring fee approved by the Board of Supervisors.
  - *If there are no violations of the County permit or state license during the first five years, the inspection frequency may be reduced by the Director to not less than once every five years.*
7. The applicant shall submit a Performance Review Report each year from their initial date of operation for review and approval by the review authority. The review authority may delegate review of the Performance Review Report to the Community Development Director at the time of the initial hearing or at any time thereafter.
  - Performance Review Report shall identify the effectiveness of the approved Use Permit, Operations Manual, Operating Standards, and Conditions of Approval, as well as the identification and implementation of additional procedures deemed necessary. In the event that the review authority identifies issues with the annual Performance Review Report, it may lead to revocation of the approved use, and/or the review authority may require the submittal of more frequent Performance Review Reports. Additionally, the Performance Review Report shall include the following:
    - *A copy of the results from said inspection shall be provided to the applicant for inclusion in their Performance Review Report.*
    - *Compliance monitoring fees pursuant to the County's adopted master fee schedule shall be paid by the permittee and accompany the Performance Review Report for costs associated with the review of the Report by County staff.*
    - *Non-compliance by the applicant in allowing the inspection by the Community Development Department or refusal to pay the required fees or non-compliance in submitting the Annual Performance Review Report for review by the review authority shall be deemed grounds for a revocation of the development permit or use permit and subject the holder of the permit(s) to the penalties outlined in this Code.*
    - *A record of all complaints and resolution of complaints shall be kept. Said record shall include a tally and summary of the issues and be provided.*
    - *All wells shall be monitored for monthly usage, and a report by month shall be included in the Annual Report.*
    - *The results of the previous year's Annual Compliance Monitoring Inspection shall be included in the following year's Performance Review Report.*
    - *If a violation is determined upon inspection, the applicant shall correct the violation in the amount determined by the Community Development Director or their designee. An additional site inspection(s) may be required to confirm that said violation(s) have been corrected.*
8. The applicant shall submit an application for the renewal of the authorized use to the Lake County Community Development Department a minimum of 180 days prior to the expiration date of said use. Failure to apply for renewal at least six months prior to the expiration of this permit may result in expired approval of this permit. The applicant shall submit the required application, associated fees, and the following additional information which may include but is not limited to:
  - A copy of all licenses, permits, and conditions of such licenses and permits related to the project from state agencies as appropriate, including, but not limited to the Department of Cannabis Control, Department of Pesticide Regulation, Department of Fish and Wildlife, the State Water Resources Control Board, Board of Forestry and Fire Protection, Central Valley or North Coast Regional Water Quality Control Board, and the Department of Public Health.
  - A copy of all reports provided by the County and State agencies as determined by the Director.
  - A list of all employees on the premises during the past year and a copy of the background check certification for each individual.

Initials: \_\_\_\_\_

Date: \_\_\_\_\_



- Documentation that the applicant is still qualified to be an applicant.
- Any proposed changes to the Use Permit or how the site will be operated.
- Payment of all fees as established by resolution by the Board of Supervisors.

9. This permit may be revoked if the use for which the permit was granted is concluded to be detrimental to the public health, safety or welfare or as to be a nuisance. This permit shall be valid until it expires or is revoked pursuant to the terms of this permit an/or Chapter 21 of the Lake County Code.

Mireya G. Turner, Director  
COMMUNITY DEVELOPMENT DEPARTMENT

Prepared by: EJP

By: \_\_\_\_\_  
Ruby Mitts, Office Administrator III

ACCEPTANCE

I have read and understand the foregoing Major Use Permit and agree to each and every term and condition thereof.

Date: \_\_\_\_\_

\_\_\_\_\_  
Applicant or Authorized Agent Signature

\_\_\_\_\_  
Printed Name of Authorized Agent

Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

**Attachment 3**

**PROPERTY MANAGEMENT PLAN**  
**HIGHER GROUNDS FARMS**  
**CANNABIS CULTIVATION OPERATIONS**  
**APN: 008-026-07**  
**3545 FINLEY EAST ROAD KELSEYVILLE, CALIFORNIA**

Date:  
November 2021

Prepared for:  
County of Lake

Prepared by:  
NorthPoint Consulting Group, Inc.  
1117 Samoa Blvd  
Arcata, CA 95521

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## 1.0 INTRODUCTION

This Property Management Plan has been prepared to fulfill the requirements of **Ordinance No. 3084, an Ordinance Amending Chapter 21, Article 27 of the Lake County Code Pertaining to Cannabis Cultivation (referred to herein as “Ordinance”)**.

*“The intent of said plan is to identify and locate all existing cannabis and non-cannabis related uses on the property, Identify and locate all proposed cannabis and non-cannabis related uses on the property, and describe how all cannabis and non-cannabis related uses will be managed in the future. The property management plan shall demonstrate how the operation of the commercial cannabis cultivation site will not harm the public health, safety, and welfare or the natural environment of Lake County.”*

This Property Management Plan is intended to be a “living” document, updated as necessary, such that when operational activities or processes are modified or replaced, the applicable sub-plans are revised to reflect these changes. Relevant sub-plans should also be amended whenever the goals of the Plan are not met, whenever a significant pollution event occurs, or whenever a violation notice is issued.

## 2.0 PROJECT DESCRIPTION

Higher Ground Farms is seeking discretionary approval for a Major Use Permit for commercial cannabis operations at 3545 Finley East Road (APN:008-026-07) in Kelseyville. The total parcel acreage is 24.9 acres. The project proposes:

*A Cannabis Processor License, A-Type 13 Self Distribution License and an A-Type 2B Mixed-Light Cultivation License* for a total canopy area of 22,000 sq. ft. (0.50 acres) within a cultivation area of 47,040 sq. ft. (1.07 acres). The proposal also includes the development of facilities appurtenant to cultivation, including greenhouse, facilities for drying, trimming, and packaging of harvested cannabis (in a 48'x100', two-story building), small storage sheds and the appropriate irrigation infrastructure. Mixed-light cultivation will occur in eight (8) 30'x96' greenhouses using light deprivation and/or artificial lighting below a rate of 25 watts per square foot. Two approximate 2-foot walkways of non-canopy area will occur within each greenhouse, along the length of the greenhouse. The proposed project includes two (2) 30'x96' greenhouses for on-site nursery and propagation and a single commercial building for on-site drying, trimming, and packaging. The commercial building will include ADA parking and restroom facilities. Refer to the project's Project Description and Site Plan.

The cultivation greenhouses and operation have similar layouts and will share existing resources, such as access roads and water supply. Irrigation water for the cultivation system will be provided by an onsite groundwater well. Water will be pumped to water storage tanks where it will be pumped to each greenhouse using small horsepower pumps powered by existing PG&E service.

The project is located within the Local Responsibility Area and will comply with all Fire Codes, including Title 14, Title 19, Title 24 and all Sections in 4290 and 4291 (4001-4958) requirements.

### 2.1.1. Hours and Dates of Operation

These cultivation operations are closed to the public. Visitation is only allowed when specific permission is granted.

The cultivation operation hours of operation are approximately:

- Monday through Sunday, from 7:00 a.m. to 6:00 p.m.

## 3.0 AIR QUALITY

### 3.1. Requirements / Goals

According to the Ordinance, the Property Management Plan must have a section on Air Quality:

*(a) Intent: All cannabis permittees shall not degrade the County's air quality as determined by the Lake County Air Quality Management District (LCAQMD).*

*(b) In this section permittees shall identify any equipment or activity that which may cause, 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.*

*(c) All cannabis permittees shall obtain an Authority to Construct permit pursuant to LCAQMD Rules and Regulations, prior to the construction of the facility described in the Property Management Plan.*

- (d) All cannabis permittees shall obtain Authority to Construct Permit pursuant to LCAQMD Rules and Regulations, if applicable, to operate any article, machine, equipment or other contrivance which causes or may cause the issuance of an air contaminant.
- (e) All permittees shall maintain an Authority to Construct or Permit to Operate for the life of the project, until the operation is closed and equipment is removed.
- (f) The applicant shall prepare an odor response program that includes (but is not limited to):
- Designating an individual(s) who is/are responsible for responding to odor complaints 24 hours per day/seven (7) days a week, including holidays.
  - Providing property owners and residents of property within a 1,000 foot radius of the cannabis facility, with the contact information of the individual responsible for responding to odor complaints.
  - Policies and procedures describing the actions to be taken when an odor complaint is received, including the training provided to the responsible party on how to respond to an odor complaint.
  - The description of potential mitigation methods to be implemented for reducing odors, including add-on air pollution control equipment.
  - Contingency measures to mitigate/curtail odor and other emissions in the event the methods described above are inadequate to fully prevent offsite nuisance conditions.

### 3.2. Air Quality Setting and Potential Pollutant Sources

The project is in the Lake County Air Basin. The Lake County Air Quality Management District (LCAQMD) regulates air quality in Lake County. The U.S. Environmental Protection Agency (EPA) sets acceptable levels for seven air pollutants, and then determines — with the help of states and local air districts — where those standards are or are not met. Lake County is currently in attainment for all federal and state ambient air quality standards.

Short-term construction emissions could include fugitive dust and other particulate matter, as well as exhaust emissions generated by earthmoving activities from operation of tractors, tillers, etc., during site preparation. Site preparation includes only minor grading and tilling. Operation emissions could include fugitive dust, other particulate matter, and exhaust emissions from daily traffic as well as odor from cultivation activities.

Construction emissions could be caused by onsite or offsite activities. Onsite emissions principally consist of exhaust emissions (NOX, CO, ROG, PM10, and PM2.5) from construction equipment, motor vehicle operation, and fugitive dust (mainly PM10) from disturbed soil. Offsite emissions are caused by motor vehicle exhaust from delivery vehicles as well as worker commuter traffic, but they also include road dust (PM10).

Amount of grading is minor due to the flat terrain. A grading plan has been submitted to the County for approval.

Two to four people will be needed to maintain growing plants, resulting in up to a maximum of 8 trips daily. Eight to sixteen seasonal employees will be needed during planting, harvesting, and processing, resulting in up to 32 additional trips per day during peak season. Small trucks will be used to ship processed and packaged cannabis off-site. Each harvested cycle will generate approximately 0.4 tons per 22,000 sq. ft. per of dried cannabis. Small trucks will have a capacity of 1 to 3.5 tons and will be required 4 to 5 times per year. Thus, approximately five (5) truck trips would be required per year. Therefore, the project would not generate significant vehicle emissions.

Operational emission sources consist of mobile emissions and area source emissions. Mobile source emissions estimates are derived from motor vehicle traffic from staff commuting. Area

source emissions estimates are derived from the consumption of propane, electricity, and consumer products, as well as emissions resulting from landscape maintenance. Power would be through on-grid PG&E. All cultivation would occur inside greenhouses, minimizing fugitive dust emissions. Minor emissions would occur from vehicle or truck trips on unpaved roads.

Operation of the proposed cultivation and processing operation would generate small amounts of carbon dioxide from vehicular traffic associated with staff commuting. The generation of carbon dioxide would be partially offset by the cultivation of fast-growing plants, which remove carbon dioxide in the air for photosynthesis.

The proposed project would not generate a substantial number of vehicle trips and would not require intensive use of heavy equipment, and as such, would not degrade air quality or produce significant amounts of greenhouse gasses.

### **3.3. Permits**

As required by the Ordinance, an Authority to Construct permit will be obtained pursuant to LCAQMD Rules and Regulations, if applicable, prior to construction of facilities described in this Property Management Plan. An Authority to Construct or Permit to Operate permit shall be maintained for the life of the project.

### **3.4. Dust Management**

Cultivation operations may generate fugitive dust emissions through ground-disturbing activities such as ground tilling, uncovered soil or compost piles, and vehicle or truck trips on unpaved roads. The following are mitigation measures that can be used to control dust. Staff should be informed of speed limits and dust pollution. The roadways may be clearly marked for limited speed to control dust. The access road will be armored with gravel to minimize dust. On tilled earth and stockpiles, fugitive dust can be controlled by wetting the soil with a mobile water tank and hose, or by delaying ground disturbing activities until site conditions are not windy. Stockpiles can also be covered with tarps to control dust. Water applications may be concentrated during the late summer and early fall months, when soils have the lowest moisture content or when winds are severe. Water application rates will be minimized as necessary to prevent runoff and ponding and water equipment leaks will be repaired immediately. During windy conditions (forecast or actual wind conditions of 25 miles per hour or greater), dust control may be applied to disturbed areas, including haul roads, to adequately control wind erosion. Stockpiles will be protected using silt fences, straw wattles or fiber rolls and plastic covers to prevent wind dispersal of sediment from stockpiles.

### **3.5. Odor Response Program**

The individual(s) that are responsible for responding to odor complaints are:

- John Oliver, Property Manager, (707) 234-9815, [hgfca@hushmail.com](mailto:hgfca@hushmail.com)

The project is in a Farmland Protection Zone. County Ordinance 3101 requires that the proposed mixed-light cultivation to be in greenhouses equipped with filtration systems that prevent the movement of odors, pesticides, and other airborne contaminants out of or into the structure. No significant odor impacts that would affect a substantial number of people are anticipated from this cultivation operation, due to the limited population in the area, distances to nearest residences, the small size of the cultivation operations, and the setbacks from roads and property

lines, and proposed filtration systems. Low odor cannabis strains and/or Fragrant flowering and herb plants, such as Lavender, Rosemary, Thyme, and Daphne Odora could be planted as needed to mask residual odors emanating from the cultivation operation. The processing facility used for drying, trimming, and packaging could be equipped with carbon filters/air scrubbers (or similar) to mitigate odors emanating from the buildings.

Any air filtration and odor mitigation equipment will be inspected bimonthly to determine if maintenance or replacement is required. Maintenance records will be maintained and retained for at least three years.

When an odor complaint is received, it will be forwarded to the manager responsible for odor control. The manager will visit the facility in question, determine any deficiencies in the odor control system, and identify and implement remedies. There should be follow-up correspondence with the person that filed the complaint, and this correspondence should communicate that remedial actions were taken.



## 4.0 GROUNDS

### 4.1. Requirements / Goals

According to the Ordinance, the Property Management Plan must have a section about grounds keeping:

*(a) The permittee shall establish and implement written procedures to ensure that the grounds of the premises controlled by the permittee are kept in a condition that prevents the contamination of components and cannabis products. The methods for adequate maintenance of the grounds shall include at minimum:*

- a. The proper storage of equipment, removal of litter and waste, and cutting of weeds or grass so that the premises shall not constitute an attractant, breeding place, or harborage for pests.*
- b. The proper maintenance of roads, yards, and parking lots so that these areas shall not constitute a source of contamination in areas where cannabis products are handled or transported.*
- c. The provision of adequate draining areas in order to prevent contamination by seepage, foot-borne filth, or the breeding of pests due to unsanitary conditions.*
- d. The provision and maintenance of waste treatment systems so as to prevent contamination in areas where cannabis products may be exposed to such a system's waste or waste by-products.*

*(b) If the lot of record is bordered by grounds outside the applicant's control that are not maintained in the manner described in subsections (i) through (iv) of this section, inspection, extermination, and other reasonable care shall be exercised within the lot of record in order to eliminate any pests, dirt, and/or filth that pose a source of cannabis product contamination.*

*(c) Any other information as may be requested by the Director and/or by the Planning Commission.*

### 4.2. Storage

Excess compost will be stored within the green waste and compost storage area specified and will be covered and surrounded by straw wattles to minimize loss of material. Fertilizers will be stored in Buildings 1 or 2 or in stormproof containers.

Pesticides will be used according to the instructions on the label or the material safety data sheets (MSDS). County regulations also apply to listed pesticides. Pesticides will be stored in proposed buildings so that stormwater is not contaminated. Chemicals will be properly labeled and open containers sealed when stored.

### 4.3. Groundskeeping

Good housekeeping measures will be implemented. The grounds will be inspected at least once per day and any litter picked up. Trash containers will be emptied when full. Roads will be maintained so that significant erosion does not occur. This may include wetting dusty roads, armoring with gravel, patching holes, and maintaining existing drainage features such as ditches. Weeds and grasses will be controlled by mulching or by cutting with a lawnmower or line trimmer. Drainage ditches and swales will be regularly mowed and cleaned, including the removal of litter, debris, and sediment. Containers will be drained so that mosquitos do not breed. Live traps may be deployed to remove rodents from operational areas. Disposable coveralls (e.g. Tyvek) can be used to increase sanitation levels and reduce vectoring of mites and other pests. A clothing changing station/mudroom will be provided in an existing building for employees so that street clothing is separated from cultivation clothing. Portable toilets and hand washing facilities will be utilized temporarily until the permanent restroom in the processing building is constructed. The portable toilets and handwashing facilities will be serviced regularly to maintain sanitary conditions for operational staff. Wastes will be managed as specified in the Waste Management subsection.

## 5.0 SECURITY

### 5.1. Requirements / Goals

According to the Ordinance, the Property Management Plan must have a section on Security:

*(a) Intent: To minimize criminal activity, provide for safe and secure working environments, protect private property, and to prevent damage to the environment. The Applicant shall provide adequate security on the premises, as approved by the Sheriff and pursuant to this section, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft.*

*(b) Security Plan. This section shall include at a minimum:*

*a. A description of the security measures to be taken to:*

*(1) Prevent access to the cultivation site by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to:*

*i. Establishing physical barriers to secure perimeter access and all points of entry (such as locking primary entrances with commercial-grade, non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including windows, roofs, or ventilation systems);*

*ii. Installing a security alarm system to notify and record incident(s) where physical barriers have been breached;*

*iii. Establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors;*

*iv. Maintaining the premises such that visibility and security monitoring of the premises is possible; and*

*v. Establishing procedures for the investigation of suspicious activities.*

*(2) Prevent theft or loss of cannabis and cannabis products. This includes but is not limited to:*

*i. Establishing an inventory system to track cannabis material and the personnel responsible for processing it throughout the cultivation process;*

*ii. Limiting access of personnel within the premises to those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties;*

*iii. Supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles); and*

*iv. Providing designated areas in which personnel may store and access personal items.*

*(3) Identification of emergency contact(s) that is/are available 24 hours/seven (7) days a week including holidays. The plan shall include the name, phone number and facsimile number or email address of an individual working on the commercial cultivation premises, to whom notice of problems associated with the operation of the commercial cultivation establishment can be provided. The commercial cultivation establishment shall keep this information current at all times. The applicant shall make every good faith effort to encourage neighborhood residents to call this designated person to resolve operating problems, if any, before any calls or complaints are made to the County.*

*(4) The permittee shall maintain a record of all complaints and resolution of complaints and provide a tally and summary of issues the annual Performance Review Report.*

*(5) A description of fences, location of access points, and how access is controlled.*

*(6) Video Surveillance.*

*i. At a minimum, permitted premises shall have a complete digital video surveillance system with a minimum camera resolution of 1280 X 720 pixel. The video surveillance system shall be capable of recording all pre-determined surveillance areas in any lighting conditions.*

*ii. The video surveillance system shall be capable of supporting remote access by the permittee.*

*iii. To the extent reasonably possible, all video surveillance cameras shall be installed in a manner that prevents intentional obstruction, tampering with, and/or disabling.*

*iv. Areas that shall be recorded on the video surveillance system include, but are not limited to, the following:*

*a. The perimeter of the cannabis cultivation site and cannabis nursery,*

- b. Areas where cannabis or cannabis products are weighed, packed, stored, quarantined, loaded and/or unloaded for transportation, prepared, or moved within the premises;*
  - c. Areas where cannabis is destroyed;*
  - d. Limited-access areas;*
  - e. Security rooms;*
  - f. Areas containing surveillance-system storage devices, in which case, at least one camera shall record the access points to such an area; and*
  - g. The interior and exterior of all entrances and exits to the cannabis cultivation sites and cannabis nursery including all buildings where cannabis or cannabis products are weighed, packed, stored, quarantined, loaded and/or unloaded for transportation, prepared, or moved within the premises.*
  - v. The surveillance system shall record continuously 24 hours per day and at a minimum of 30 frames per second.*
  - vi. All exterior cameras shall be waterproof, I-66 minimum.*
  - vii. All interior cameras shall be moisture proof.*
  - viii. Cameras shall be color capable.*
  - ix. Video management software shall be capable of integrating cameras with door alarms.*
  - x. Video recordings shall be digital.*
  - xi. Thermal technology shall be use for perimeter fencing.*
  - xii. All cameras shall include motion sensors that activates the camera when motion is detected.*
  - xiii. In areas with inadequate lighting for the cameras being used, sufficient lighting shall be provided to illuminate the camera's field of vision.*
  - xiv. All recording shall be located in secure rooms or areas of the premises in an access and environment-controlled environment which is separate from the room where the computer and monitoring equipment is located.*
  - xv. All surveillance recordings shall be kept on the applicant's recording device or other approved location for a minimum of 30 days.*
  - xvi. All video surveillance recordings are subject to inspection by the Department and shall be copied and sent, or otherwise provided, to the Department upon request.*
  - xvii. The video recordings shall display the current date and time of recorded events. Time is to be measured in accordance with the U.S. National Institute Standards and Technology standards. The displayed date and time shall not significantly obstruct the view of recorded images.*
- (7) Fences**
- i. All commercial cannabis cultivation sites shall be enclosed by a fence. The fence shall include, at a minimum, the following: Posts set into the ground. The posts may be steel tubing, timber or concrete and may be driven into the ground or set in concrete. End, corner or gate posts, commonly referred to as "terminal posts", must be set in concrete footing or otherwise anchored to prevent leaning under the tension of a stretched fence. Posts set between the terminal posts shall be set at intervals not to exceed 10 feet. A top horizontal rail is required between all posts. The fence shall be attached to the posts and top horizontal rail.*
  - ii. No barbed wire, razor wire or similar design shall be used.*
  - iii. The cultivation area shall be screened from public view. Methods of screen may include, but is not limited to, topographic barriers, vegetation, or solid (opaque) fences.*

The Ordinance also identifies these prohibited activities that are relevant to this sub-plan:

*"All lights used for cannabis related permits including indoor or mixed light cultivation of cannabis shall be fully contained within structures or otherwise shielded to fully contain any light or glare involved in the cultivation process. Artificial light shall be completely shielded between sunset and sunrise.*

*Security lighting shall be motion activated and all outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the lot of record upon which they are placed."*

## 5.2. Security Measures

General security measures will consist of the following:

- A security plan, updated as needed;
- Staff screening process, including background checks;
- Personnel rules and responsibilities (to be incorporated into a employee handbook in the future);
- Physical barriers, including signage, road gates, security fencing with locked gates, and commercial-grade locks on all interior doors;
- Theft and loss control program;
- Video surveillance system.

The Security Officer(s) for the cultivation sites are:

- John Oliver, Property Manager, (707) 234-9815, hgfhca@hushmail.com

Any complaints or problems associated with the operation of the commercial cultivation establishment will be directed to the Security Officer. The Security Officer shall make every good faith effort to encourage neighborhood residents to call the designated Security Officer to resolve operating problems, if any, before any calls or complaints are made to the County. The Security Officer shall maintain a record of all complaints and resolution of complaints and provide a tally and summary of issues the annual Performance Review Report. The Staff Screening Process is described in the Operations Manual subsection of this Plan.

Personnel rules and responsibilities are as follows:

- Obey the rules of the Security Plan;
- Sign in when entering the facility and sign out when exiting the facility;
- Do not carry any weapons;
- Do not engage in lengthy conversation with the public or respond directly to complaints: direct all such concerns to the Security Officer;
- Only authorized vehicles are allowed in operational areas;
- Do not bring backpacks or other unnecessary storage devices that might complicate the theft control program. Lockers will be provided for personal items; and
- Do not enter restricted areas unless authorized to do so.

The site is accessed by Finely East Road, a County maintained road. There is a locked gate that limits access to the parcel and a second located gate to the cultivation area.

These cultivation operations are closed to the public. Visitation is only allowed when specific permission is granted. All staff, all suppliers, all product transporters, and all visitor must sign the log in / log out sheet. Signage will be posted that states that the operational areas have restricted access and are closed to the public. The signage will not advertise the presence of Cannabis products.

## 5.3. Theft and Loss Control

The County requires an inventory system to track Cannabis material and personnel handling the material. This requirement will be fulfilled by following the requirements of the CalCannabis

Licensing Program, which creates a Track-and Trace System. Sections 8401 through 8405 (quoted in part) state:

*“The Department shall establish a track-and-trace system for unique identifiers of cannabis and nonmanufactured cannabis products, which all licensees shall use. Each licensee shall report in the track-and-trace system the disposition of immature and mature plants, as required by Section 8402 of this Chapter, and nonmanufactured cannabis products on the licensed premises and any transfers associated with commercial cannabis activity between licensees.*

*(a) The licensee is responsible for the accuracy and completeness of all data and information entered into the track-and- trace system. Data entered into the track-and-trace system is assumed to be accurate and can be used to take enforcement action against the licensee if not corrected.*

*(b) Attempts to falsify or misrepresent data or information entered into the track-and-trace system is a violation and subject to enforcement.*

*(c) Each licensee shall use the track-and-trace system for recording all applicable commercial cannabis activities. Each licensee shall do all of the following activities:*

*(1) Establish an account in the track-and-trace system prior to engaging in any commercial cannabis activities associated with their license and maintain an active account while licensed;*

*(2) Designate at least one of the owners or the responsible party named in the application to be the track-and-trace system administrator....”*

For these cultivation sites, the Track-And-Trace System Administrators are:

- John Oliver, Property Manager, (707) 234-9815, hgfhca@hushmail.com

Personnel will be granted access within the premises to only those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties. There will be supervision of tasks or processes with a high potential for diversion (including the loading and unloading of cannabis transportation vehicles). Supervision may include video surveillance and/or the requirement that the Security Officer or their designee be present.

#### **5.4. Video Surveillance**

Each cultivation site will have a comprehensive digital video surveillance system. Each camera will have the following specifications:

- minimum resolution of 1920 X 1080 pixels
- digitally record continuously 24 hours per day and at a minimum of 30 frames per second, color
- exterior cameras shall be waterproof, I-66 minimum
- interior cameras shall be moisture proof
- display the current date and time of recorded events
- sufficient lighting shall be provided to illuminate the camera’s field of vision or infrared cameras will be used
- thermal (infra-red) motion sensing technology shall be used for perimeter fencing
- installed in a manner that prevents intentional obstruction, tampering, and/or disabling

The video management software shall be capable of integrating cameras with door alarms. The video surveillance system shall be capable of recording all pre-determined surveillance areas in

any lighting conditions. The video surveillance system shall be capable of supporting remote access by the permittee. To the extent reasonably possible, all video surveillance cameras shall be installed in a manner that prevents intentional obstruction, tampering with, and/or disabling.

Areas that shall be recorded on the video surveillance system include, but are not limited to, the following:

- a. The perimeter of the cannabis cultivation and processing,
- b. Areas where cannabis or cannabis products are weighed, packed, stored, quarantined, loaded and/or unloaded for transportation, prepared, or moved within the premises;
- c. Areas where cannabis is destroyed;
- d. Limited-access areas;
- e. Security rooms;
- f. Areas containing surveillance-system storage devices, in which case, at least one camera shall record the access points to such an area; and
- g. The interior and exterior of all entrances and exits to the cannabis cultivation sites and cannabis nursery including all buildings where cannabis or cannabis products are weighed, packed, stored, quarantined, loaded and/or unloaded for transportation, prepared, or moved within the premises.

All recording shall be located in secure rooms or areas of the premises in an access and environment-controlled environment which is separate from the room where the computer and monitoring equipment is located. All surveillance recordings shall be kept on the applicant's recording device or other approved location for a minimum of 30 days. Data transfer will be by coax cable or by WiFi router. Power supplies shall be self-contained, solar arrays and batteries.

Security cameras that meet the County and state requirements will be installed. Locations to be determined once building layout is known. Data transfer will be via a WiFi to a secure building where recordings are stored for a minimum of 30 days. These cameras can be remotely accessed.

## **5.5. Fencing**

Each cultivation site will be enclosed with a sturdy fence. The posts will be set in the ground and will be made of steel tubing or lumber. Terminal posts will be set in concrete or otherwise anchored to prevent leaning under the tension of stretched fence panels. Post interval will not exceed 10 feet. Fence panels will consist of metal mesh "cyclone" fabric or welded wire mesh. The fenced cultivation compound will have at least two gates. The gate will consist of metal tube frame and the paneling will be the same as described above. The gates will be large enough for a service vehicle to ingress/egress. The gates will be secured with a metal padlock. Keys or lock combinations will be controlled by the Security Officer.

## 6.0 STORM WATER MANAGEMENT

### 6.1. Requirements / Goals

According to the Ordinance, the Property Management Plan must have a section on Storm Water Management:

*(a) 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.*

*(b) All permittees shall manage storm water runoff to protect downstream receiving water bodies from water quality degradation.*

*(c) 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.*

*(d) Outdoor cultivation, including any topsoil, pest management, or fertilizer used for the cultivation cannabis shall not be located within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool. For purposes of determining the edge of Clear Lake, the setback shall be measured from the full lake level of 7.79 feet on the Rumsey Gauge.*

*(e) The illicit discharge of irrigation or storm water from the premises, as defined in Title 40 of the Code of Federal Regulations, Section 122.26, which could result in degradation of water quality of any water body is prohibited.*

*(f) All permittees shall prepare a Storm Water Management Plan 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 to be approved by the Lake County Water Resources Department. In addition to those requirements, the plan shall include:*

*a. Identification of any Lake County maintained drainage or conveyance system that the stormwater is discharged into and documentation that the stormwater discharge is in compliance with the design parameters of those structures.*

*b. Identification of any public roads and bridges that are downstream of the discharge point and documentation that the stormwater discharge is in compliance with the design parameters of any such bridges.*

*c. Documentation that the discharge of stormwater from the site will not increase the volume of water that historically has flow onto adjacent properties.*

*d. Documentation that the discharge of stormwater will not increase flood elevations downstream of the discharge point.*

*e. Documentation that the discharge of stormwater will not degrade water quality of any water body.*

*f. Documentation of compliance with the requirements of Chapter 29, Storm Water Management Ordinance of the Lake County Ordinance Code.*

*g. Describe the proposed grading of the property.*

*h. Describe the storm water management system.*

*i. Describe the best management practices (BMPs) that will be used during construction and those that will be used post-construction. Post-construction BMPs shall be maintained through the life of the permit.*

*j. Describe what parameters will be monitored and the methodology of the monitoring program.*

### 6.2. List of Responsible Parties and Contact Information

The Stormwater Manager(s) currently assigned to these cultivation operations are:

- John Oliver, Property Manager, (707) 234-9815, hgfhca@hushmail.com

The stormwater manager shall have primary responsibility and significant authority for the implementation, maintenance, inspection, and amendments to the Stormwater Management Plan. Duties of the stormwater manager include but are not limited to:

- Ensuring full compliance with the Plan and the Chapter 29, Storm Water Management Ordinance of the Lake County Ordinance Code. Implementing all elements of the Plan, including but not limited to implementation of prompt and effective erosion and sediment

control measures, and implementing all non-storm water management, and materials and waste management activities (such as monitoring discharges (dewatering, diversion devices); general site clean-up; vehicle and equipment cleaning, fueling and maintenance; spill control; ensuring that no materials other than storm water are discharged in quantities which will have an adverse effect on receiving waters or storm drain systems; etc.);

- Inspections (pre-storm, during storm, and post-storm) or designating qualified personnel to do so;
- Routine inspections as specified in the cultivation operation's specifications or described in the Plan;
- Preparing any annual compliance certification;
- Ensuring elimination of all unauthorized discharges;
- The storm water manager shall be assigned authority to mobilize crews to make immediate repairs to the control measures;
- Coordinate with the landowner or cultivator to assure all the necessary corrections/repairs are made immediately, and that the project complies with the Plan and relevant permits.

### **6.3. Compliance**

#### **6.3.1. Setbacks and Buffers**

The 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). See site plan for locations of all waterbodies, buffers, and cultivation locations.

#### **6.3.2. Water Board Permitting**

Higher Ground Farms is enrolled with the State Water Resources Control Board (SWRCB) for Tier 1, Low Risk coverage under Order No. WQ 2019-001-DWQ (Cannabis Cultivation General Order). The Cannabis Cultivation General Order implements Cannabis Policy requirements with the purpose of ensuring that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, or springs. The site was assigned WDID No. 5S17CC423911. For Tier 1, low risk coverage, the Cannabis Cultivation General Order requires the preparation of a Site Management Plan (SMP) and the submittal of annual technical and monitoring reports demonstrating compliance. The purpose of the SMP is to identify Best Practicable Treatment or Control (BPTC) measures that the site intends to follow for erosion control purposes and to prevent stormwater pollution. The SMP is required prior to commencing cultivation activities and were submitted with the application materials.

#### **6.3.3. Grading, Discharge Flows, and Downstream Effects**

The property is relatively flat (slope less than 3%) and drains east and southeast as sheet flow towards Kelsey Creek. Proposed grading activities would include vegetation removal and minor grading (clearing and grubbing) to prepare the building pads for the greenhouses and the processing building and parking. The areas for the proposed activities have little vegetation cover. A grading permit application and Grading Plan have been submitted to Lake County. No grading would occur until an approved grading permit has been obtained from the County. Normal means and methods would be used to construct the greenhouses and processing building. The proposed construction and operations will not alter the hydrology of the parcels.



## 6.4. Storm Water Management

### 6.4.1. Water Pollution Control Schedule

BMPs will be deployed in a sequence to follow the progress of site preparation. As the locations of soil disturbance change, erosion and sedimentation controls will be adjusted accordingly to control storm water runoff at the downgrade perimeter and drain inlets. BMPs will be mobilized as follows:

- Year-round:
  - The site manager or stormwater manager will monitor weather using National Weather Service reports (<https://www.weather.gov/>) to track conditions and alert crews to the onset of rainfall events.
  - Disturbed soil areas will be stabilized with temporary erosion control or with permanent erosion control as soon as possible after grading or construction is complete.
- During the rainy season:
  - Disturbed areas will be stabilized with temporary or permanent erosion control before rain events. Cultivation areas will be stabilized with nitrogen fixing vegetation.
  - Disturbed areas that are substantially complete will be stabilized with permanent erosion control (soil stabilization) and vegetation (if within seeding window for seed establishment).
  - Prior to forecast storm events, the erosion control measures illustrated on Sheet 4B (Appendix A) will be inspected and maintained as necessary.
- During the non-rainy season:
  - The project schedule will sequence earth-moving activities with the installation of both erosion control and sediment control measures. The schedule will be arranged as much as practicable to leave existing vegetation undisturbed until immediately prior to grading.

Sufficient quantities of temporary sediment control materials will be maintained on-site throughout the duration of the project, to allow implementation of temporary sediment controls in the event of predicted rain, and for rapid response to failures or emergencies. This includes implementation requirements for active areas and non-active areas before the onset of rain. Stormwater and sediment control measures will be documented and reported annually as part of the requirement for the State Water Resources Control Board General Order for Cannabis Cultivation.

Since, the project would disturb more than one acre in preparing the cultivation areas, constructing the parking areas, greenhouses, and processing building, the project would be subject to the requirements State Water Resources Control Board (SWRCB) Construction General Permit (CGP, 2009-009-DWQ). The SWRCB CGP would require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) and Erosion Control Plan which documents the stormwater dynamics at the site, the Best Management Practices (BMPs), and water quality protection measures that are used, and the frequency of inspections. BMPs are activities or measures determined to be practicable, acceptable to the public, and cost effective in preventing water pollution or reducing the amount of pollution generated by non-point sources. Obtainment of a CGP is also a BPTC Measure for compliance with the SWRCB General Order. The Construction General Permit does not cover disturbances of land surfaces solely related to agricultural operations such as disking, harrowing, terracing and leveling, and soil preparation.

### 6.4.2. Pollutant Source Identification

Construction or cultivation activities that have the potential to contribute sediment to storm water discharges include:

- Clearing, grubbing, and minor grading for construction;
- Soil import/export operations;
- Structure installation process;

The following table provides a list of materials that may be used and activities that may be performed that will have the potential to contribute pollutants, other than sediment, to storm water runoff.

**Summary of Potential Project Pollutant Other Than Sediment**

Activity/Material Type	Potential Pollutant
Vehicle lubricants and fuels, including oil, grease, diesel and gasoline, and coolants	Petroleum hydrocarbons, volatile organic compounds (VOCs)
Road base and subbase material	Materials with high alkalinity or high pH, metals
Gardening materials and wastes	Pesticides, nutrient pollution (nitrates, phosphates, biological oxygen demand, etc.), metals
Treated lumber (materials and waste)	Arsenic, copper, other metals, creosote
Material packaging and site personnel	General litter (municipal solid waste, universal waste)
Temporary Portable toilets	Septic waste (fecal coliform, biological oxygen demand)

### 6.4.3. Monitoring/Inspection and Maintenance

A visual monitoring (inspection) program will be implemented, and an inspection would ideally be performed prior to each qualifying rain event and contain the following focal areas:

- All storm water drainage areas to identify any spills, leaks, or uncontrolled pollutant sources
- All control measures to identify whether they have been properly implemented
- Any storm water storage and containment areas to detect leaks and ensure maintenance of adequate freeboard

### 6.4.4. Training

A copy of this Property Management Plan will be made available to the site personnel or contractor representatives engaged in the maintenance or installation of the control measures. Site inspectors observing pollution caused by ineffective construction or cultivation practices will inform site personnel of appropriate and proper erosion and sedimentation control practices, along with special follow-up inspection for further training. The Stormwater Manager or general contractor shall organize orientation sessions with all installation, inspection, and maintenance personnel upon initiation of a specific project activity or change in key personnel. These sessions will be setup to ensure that all contractor and sub-contractor operations are implemented in accordance with this Plan. Training sessions will be included as part of regular safety meetings to familiarize works with the requirements of the Plan.

## 7.0 CANNABIS VEGETATIVE MATERIAL WASTE MANAGEMENT

### 7.1. Requirements / Goals

According to the Ordinance, the Property Management Plan must have a section on Cannabis Vegetative Material Waste Management:

*The cannabis vegetative material waste management section shall include:*

- (1) Provide an estimate of the type and amount of cannabis vegetative waste that will be generated on an annual basis.*
- (2) Describe how the permittee will minimize cannabis vegetative waste generation.*
- (3) Describe how solid waste will be disposed.*
- (4) Describe the methodology on how the amount of cannabis vegetative waste that is generated on the site, the amount that is recycled, and the amount and where cannabis vegetative waste is disposed of is measured.*

### 7.2. Cannabis Vegetative Material Waste Management

#### 7.2.1. Types and Volumes of Green Waste

Sources of cannabis vegetative material waste on this cultivation operation may consist of leaves, stems, and root balls that remain after flower harvest, trimming and grooming during cultivation, and whole dead plants.

Volume of green waste generated by per acre is estimated to be one to two cubic yards per month, or about 6 to 12 cubic yards per year for the entire operation.

Cannabis green waste will be weighed daily, weekly, or as needed, and data shall be recorded in Metrc (track and trace) for reporting requirements. Cannabis waste should be shredded and mixed with at least an equal amount of compostable materials such as food waste, yard waste, or growing medium (to render the cannabis unconsumable). Cannabis waste must be kept inside the locked fence or other locked compound at all times.

If cannabis waste is to be disposed offsite, it should first be shredded and blended with an equal part of non-consumable material, such as cardboard. Cannabis waste must be kept inside the locked garden area or other locked compound until ready for transport. It would then be transported as solid waste to the proper disposal facility.

Non-cannabis green waste will be shredded in a wood-chipper, as necessary. Vegetative waste will be mixed with soil and inoculated with humus and composted. If vegetative waste is composted, compost heaps should be at least one cubic yard in size to generate and sustain necessary heat for composting (to sustain aerobic digestion). Compost heaps should be segregated into batches as they age, with humus being the resulting product after several weeks of composting. Compost heaps should be turned often to encourage aeration and aerobic digestion and supplemental water added to keep the heaps moist, but not wet (to discourage anaerobic digestion).

### 7.2.2. Handling and Disposal of Cannabis Vegetative Waste

There will be a dedicated area in each cultivation compound where Cannabis waste is handled. This area will be surveilled by video camera, and Cannabis waste will be weighed at regular intervals as part of the Track and Trace Program. Cannabis waste will be handled with appropriate PPE, including long-sleeved shirts, pants, boots, dust mask, eye protection, and gloves. Cannabis waste will be composted onsite.

California Department of Food and Agriculture's CalCannabis Cultivation Licensing Program dictates specific Cannabis waste management practices, that will be adopted, as applicable, by this cultivation operation. The following draft regulations from the CalCannabis Cultivation Licensing Program are quoted as follows, and incorporated by reference:

*§ 8305. Cannabis Waste Management*

*(a) For the purposes of this Chapter, "cannabis waste" is waste that is not hazardous waste as defined in Section 40141 of Public Resources Code, and is solid waste, as defined in Section 40191 of Public Resources Code, that contains cannabis and that has been made unusable and unrecognizable in the manner prescribed in subsection (e). A licensee may not sell cannabis waste.*

*(b) A licensee shall manage all waste that is hazardous waste, as defined in Section 40141 of Public Resources Code, in compliance with all applicable hazardous-waste statutes and regulations.*

*(c) A licensee shall dispose of cannabis waste as identified in the licensee's Cultivation Plan approved by the Department. A licensee shall not dispose of cannabis waste in an unsecured waste receptacle, whether in the control of the licensee or not.*

*(d) Cannabis that a licensee intends to render into cannabis waste shall be held in the designated holding area for a minimum of 72 hours. A licensee shall affix to each batch one or more documents with batch information and weight. At no time during the 72-hour hold period may the cannabis be handled, moved, or rendered into cannabis waste. The cannabis the licensee intends to render into cannabis waste is subject to inspection by the Department.*

*(e) A licensee shall make cannabis into cannabis waste by rendering the cannabis unusable and unrecognizable. The licensee shall render the cannabis into cannabis waste before removing the cannabis waste from the licensed premises. A licensee shall render the cannabis into cannabis waste by grinding and incorporating the cannabis with other ground material so that the resulting mixture is at least 50 percent noncannabis material by volume. A licensee shall render cannabis into cannabis waste and track that waste by batch.*

*(f) Cannabis that a licensee wishes to deposit at a compostable materials handling facility or at an in-vessel digestion facility may be rendered cannabis waste by incorporating any nonhazardous compostable material, as defined in Title 14 of the California Code of Regulations at Section 17852 (a)(11), that a compostable materials handling facility or in-vessel digestion facility may lawfully accept.*

*(g) Unless a licensee will compost onsite, after a licensee renders the cannabis into cannabis waste, a licensee shall do one of the following with the cannabis waste:*

- (1) Dispose of the cannabis waste at a manned and fully permitted solid waste landfill;*
- (2) Deposit the cannabis waste at a manned solid waste operation or a manned fully permitted compostable materials handling facility; or*
- (3) Deposit the cannabis waste at a manned solid waste operation or a manned fully permitted in-vessel digestion facility.*

*(h) In addition to all other tracking requirements set forth in Sections 8404 and 8405 of this Chapter, a licensee shall use the track-and-trace system and onsite documents to ensure the cannabis waste materials are identified, weighed, and tracked while on the licensed premises and when disposed of or deposited in accordance with subsection (g).*

- (i) A licensee shall enter the date and time that the cannabis was rendered cannabis waste and the weight of the resulting cannabis waste into the track-and-trace database.*
- (j) A licensee shall maintain accurate and comprehensive records regarding cannabis waste material that account for, reconcile, and evidence all activity related to the generation and disposal or disposition of cannabis waste. A licensee shall obtain a record from the solid waste facility evidencing the acceptance of the cannabis waste material at the facility. The record shall contain the name and address of the facility, the date, and the volume or weight of the cannabis waste accepted. These documents are records subject to inspection by the Department and shall be kept in compliance with Section 8400 of this Chapter.*
- (k) A licensee shall enter the date and time of the disposal or deposit of the cannabis waste at a solid waste facility, compostable materials handling facility, or an in-vessel digestion facility into the track-and-trace system.*

## 8.0 GROWING MEDIUM MANAGEMENT

According to the Ordinance, the Property Management Plan must have a section on Growing Medium Management:

*The growing medium management section shall include:*

- (1) Provide an estimate of the type and amount of new growing medium that will be used and amount of growing medium will be disposed of on an annual basis.*
- (2) Describe how the permittee will minimize growing medium waste generation.*
- (3) Describe any non-organic content in the growing medium used (such as vermiculite, silica gel, or other non-organic additives).*
- (4) Describe how growing medium waste will be disposed.*
- (5) Describe the methodology on how the amount of growing medium waste that is generated on the site, the amount that is recycled, and the amount and where growing medium waste is disposed of, is measured.*

The CDFA CalCannabis Program describes soils handling as follows:

*“Soils used in cannabis cultivation may be treated, reused, stockpiled, and/or discarded. For reuse, soils are piled and covered with tarps for an extended period (months to a year) to allow heat from sunlight to destroy any potential soil pathogens or pests. Another practice for soil reuse is to run a compost tea through the soils between harvests to restore soil nutrients. Although it is not a direct component of the Proposed Program, another aspect of soil reuse can include laboratory testing of soil samples to identify nutrient deficiencies or other issues. Identifying such deficiencies allows the soil to be properly treated or amended with fertilizers or other soil amendments, thereby correcting these deficiencies, prior to being reused with a new cannabis crop.” (CDFA 2017)*

For the purposes of this Plan, growing medium consists of soil and non-organic amendments (vermiculite, perlite, silica gel, etc.). It does not include fertilizers or organic amendments such as mulch, humus, worm castings. etc.

### 8.1.1. Types and Volumes of Growing Medium

The growing medium for this cultivation operation will be approximately 20 to 80 yards of amendment mixed with existing topsoil or above ground pots/beds using Coco Coir or similar.

### 8.1.2. Growing Medium Handling, Disposal, and Waste Reduction

Growing media waste will be reduced or eliminated by composting and blending old soils with new soils and amendments. The anticipated growing medium will Coco Coir or similar. No significant amounts of growing media are expected to be disposed. Instead, media is reduced in volume yearly because it is absorbed by the plants and metabolized by soil organisms (bacteria, fungi, invertebrates). Soil staging areas and compost piles will be located inside the fenced compounds. BMPs will be employed to ensure that these piles do not contaminate stormwater or cause nuisance dust or odor issues.

## 9.0 WATER USE

### 9.1. Requirements / Goals

According to the Ordinance, the Property Management Plan must have a section on Water Resources:

- (a) Intent: To conserve the County's water resources by minimizing the use of water.*
- (b) All permitted activities shall have a legal water source on the premises, and have all local, state, and federal permits required to utilize the water source. If the permitted activity utilizes a shared source of water from another site, such source shall be a legal source, have all local, state, and federal permit required to utilize the water source, and have a written agreement between the property owner of the site where the source is located and the permitted activity agreeing to the use of the water source and all terms and conditions of that use.*
- (c) Permittee shall not engage in unlawful or unpermitted drawing of surface water.*
- (d) The use of water provided by a public water supply, unlawful water diversions, transported by a water hauler, bottled water, a water-vending machine, or a retail water facility is prohibited.*
- (e) Where a well is used, the well must be located on the premises, an adjacent parcel or piped through a dedicated easement. The production well shall have a meter to measure the amount of water pumped. The production wells shall have continuous water level monitors. The methodology of the monitoring program shall be described. A monitoring well of equal depth within the cone of influence of the production well may be substituted for the water level monitoring of the production well. The monitoring wells shall be constructed and monitoring begun at least three months prior to the use of the supply well. An applicant shall maintain a record of all data collected and shall provide a report of the data collected to the County annually.*
- (f) Water may be supplied by a licensed retail water supplier, as defined in Section 13575 of the Water Code, on an emergency basis. The application shall notify the Department within 7 days of the emergency and provide the following information:*
  - a. A description of the emergency.*
  - b. Identification of the retail water supplier including license number.*
  - c. The volume of water supplied.*
  - d. Actions taken to prevent the emergency in the future.*
- (g) All permittees shall prepare a Water Use/water availability analysis prepared by qualified individual Said plan shall:*
  - a. Identify the source of water, including location, capacity, and documentation that it is a legal source.*
  - b. Describe the proposed irrigation system and methodology.*
  - c. Describe the amount of water projected to be used on a monthly basis for irrigation and separately for all other uses of water and the amount of water to be withdrawn from each source of water on a monthly basis.*

### 9.2. Water Availability Analysis

The water for the project will be pumped from an existing historic agricultural groundwater well (see Site Plan for location at the southeastern corner of the parcel, to the west of Kelsey Creek) that has been in production since prior to the requirement for a well permit. According to the property owner, the well is approximately 100 feet deep. In July of 2021 a Well Test Report was completed by and reported the well is capable of approximately 253 gallons per minute. This equates to about 408 acre-feet per year. Water will be pumped from the well, using an existing 7.5 horsepower pump (powered by PG&E) and stored in two (2) 5,000 gallon water tanks at the cultivation site. The irrigation system will consist of PVC pipes. Black polyvinyl flexible tubes and drip emitters will be used to irrigate plants directly.

The addition of fertilizers and other amendments will be added to by hand every other week.

The CalCannabis Environmental Impact Report (CDFA, 2017) uses 6.0 gallons per day per plant as an estimated water demand for cannabis cultivation. This is 1.0 gallon (gpd) per plant more than reported by Bauer et. el. (2015), who reported up to 5.0 (gpd) per plant (18.9

Liters/day/plant). Using the more conservative estimate of 6.0 gpd (CDFA, 2017), the demand is 3,000 gpd (2.1 gallons per minute [gpm]) per acre of canopy; this use rate is consistent with the Water Availability Analysis section of the project's Property Management Plan. The total estimated yearly irrigation water demand for 22,000 sq. ft. of canopy and approximately 5,400 sq. ft. of nursery approximately **690,000 gallons** (2.1 acre-feet) over a 365-day cultivation season. The daily demand would be approximately 1,887 gallons. The total water storage would be approximately 10,000 gallons (2-5,000 gallon tanks). In addition to irrigation water demand, the project proposes two to four fulltime and eight to sixteen seasonal employees. It is assumed that water demand for fulltime employees is equivalent to sanitary sewer generation for factories without shower facilities. According to the Lake County Rules and Regulations for On-Site Sewage Disposal (Lake County, 2010), the demand would be 15 gallons per day, per person or up to 109,500 gallons per year, assuming operations 7 days per week, all year (0.3 AF per year). All landscaping would be drought-tolerant landscaping, which would require little to no water use. Thus, the total annual water demand is approximately 2.4 AF and the average daily demand is approximately 1.6 gpm. Water use distributed by month is summarize in Table 1.

**Table 1. Monthly estimated irrigation water demand (units are 1,000 gallons)**

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Irrigation	45	45	50	50	55	75	75	80	75	50	45	45	<b>690</b>
Employee	9.3	8.4	9.3	9.0	9.3	9.0	9.3	9.3	9.0	9.3	9.0	9.3	<b>109.5</b>

Note that water may be supplied by a licensed retail water supplier, as defined in Section 13575 of the Water Code, on an emergency basis. The application shall notify the Department within 7 days of the emergency and provide the following information: a description of the emergency; identification of the retail water supplier including license number; the volume of water supplied; and actions taken to prevent the emergency in the future.

Water conservation practices will be implemented, including some combination of the following strategies and actions:

- no surface water diversion;
- selection of plant varieties that are suitable for the climate of the region;
- the use of driplines and drip emitters (instead of spray irrigation);
- cover drip lines with straw mulch or similar to reduce evaporation;
- water application rates modified from data from soil moisture meters and weather monitoring;
- shutoff valves on hoses and water pipes;
- daily visual inspections of irrigation systems;
- immediate repair of leaking or malfunctioning equipment; and
- water metering and budgeting.

## **10.0 MONITORING AND REPORTING FOR COUNTY LICENSING**

### **10.1. Requirements / Goals**

According to the Ordinance, the licensee will perform annual compliance monitoring and prepare annual reports as follows:



6. Compliance Monitoring

- i. A compliance monitoring inspection of the cultivation site shall be conducted annually during growing season.
- ii. The permittee shall pay a compliance monitoring fee established by resolution of the Board of Supervisors prior to the inspection.
- iii. If there are no violations of the permit or state license during the first five years, the inspection frequency may be reduced by the Director to not less than once every five years.

7. Annual Reports

i. Performance Review

(a) All cannabis permittees shall submit a "Performance Review Report" on an annual basis from their initial date of operation for review and approval by the Planning Commission. The Planning Commission may delegate review of the annual Performance Review Report to the Director at the time of the initial hearing or at any time thereafter. This annual "Performance Review Report" is intended to identify the effectiveness of the approved development permit, use permit, Operations Manual, Operating Standards, and conditions of approval, as well as the identification and implementation of additional procedures as deemed necessary. In the event the Planning Commission identifies problems with specific Performance Review Report that could potentially lead to revocation of the associated development or use permit, the Planning Commission may require the submittal of more frequent "Performance Review Reports."

(b) Pursuant to sub-section 6.i. above, the premises shall be inspected by the Department on an annual basis, or less frequently if approved by the Director. A copy of the results from this inspection shall be given to the permittee for inclusion in their "Performance Review Report" to the Department.

(c) Compliance monitoring fees pursuant to the County's adopted master fee schedule shall be paid by permittee and accompany the "Performance Review Report" for costs associated with the inspection and the review of the report by County staff.

(d) Non-compliance by permittee in allowing the inspection by the Department, or refusal to pay the required fees, or noncompliance in submitting the annual "Performance Review Report" for review by the Planning Commission shall be deemed grounds for a revocation of the development permit or use permit and subject the holder of the permit(s) to the penalties outlined in this Code.



## COUNTY OF LAKE

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

May 5, 2023

### CALIFORNIA ENVIRONMENTAL QUALITY ACT ENVIRONMENTAL CHECKLIST FORM INITIAL STUDY (UP 20-40, IS 20-50)

1. Project Title: Higher Ground Farms
2. Permit Numbers: Major Use Permit UP 20-40  
Initial Study IS 20-50
3. Lead Agency Name and Address: County of Lake  
Community Development Department  
Courthouse, 3<sup>rd</sup> Floor, 255 North Forbes Street  
Lakeport, CA 95453
4. Contact Person: Eric Porter, Associate Planner  
(707) 263-2221
5. Project Location(s): 3545 Finley East Road, Kelseyville  
APN: 008-026-07
6. Project Sponsor's Name & Address: Higher Ground Farms / John Oliver  
PO Box 94825  
Las Vegas, NV 89193
7. General Plan Designation: Agriculture
8. Zoning: "A-WW-FF-AI", Agriculture – Waterway – Floodway  
Fringe – Agriculture Industry
9. Supervisor District: Districts 4 and 5
10. Flood Zone: Zones AE and AO (entire site)
11. Slope: Flat on cultivation site
12. Fire Hazard Severity Zone: SRA – Non-Wildland / Non-Urban
13. Earthquake Fault Zone: None mapped
14. Dam Failure Inundation Area: Not located within Dam Failure Inundation Area
15. Parcel Size: 23.69 Acres

## 16. Description of Project:

Major Use Permit for A-Type 3B Medium Mixed Light Cultivation License for a total canopy area of 22,000 sq. ft. inside eight 30' x 96' greenhouses within a total cultivation area of 47,040 sq. ft. (1.07 acres). The applicant is also applying for an A-Type 6 Processing License, and an A-Type 13 Self-Distribution License to allow transportation of cannabis to and from the site. Processing to occur in an existing 48' x 100' two-story building. The applicant is proposing two greenhouses, each being 30' x 96' for immature plants. The applicant is proposing to have two 5,000 gallon water tanks on site for irrigation. Water will be provided from an existing permitted on-site groundwater well. The applicant indicates that there will be four full-time employees, and up to 16 seasonal employees during peak harvest season.

The site has historically been used for traditional crop production. The orchard that had been on site was removed over the course of time.

FIGURE 1 – AERIAL PHOTO OF SITE



*Source: Material Submitted by Applicant*

Greenhouses would be constructed from galvanized steel frame structures with polyethylene film coverings and polycarbonate end walls. Cannabis plants would be grown in above-ground smart potting beds using a combination of natural light and artificial light at a rate of up to 25 watts per square foot. Cultivation would occur year-round, with peak season in July, August, and September. Immature plants would be grown on site in two 30' x 96' greenhouses. Organic plant waste would be composted onsite; all other solid waste would be stored in enclosed bins and disposed of at a licensed facility weekly.

Power for the proposed activities would come from an existing Pacific Gas and Electric (P.G.&E.) service located onsite. There are no grid capacity issues in this location.

### *Existing Conditions*

The site contains a residence on a private septic system; two outbuildings (one being 520 sq. ft.; the other being 720 sq. ft.), neither of which would be used for cannabis cultivation. The site has an existing internal driveway; 8 acres of hay production; 3 acres of hemp (unrelated to this project); and an existing permitted on-site groundwater well. The site is located within a mapped Farmland Protection Zone, so greenhouse cultivation with carbon air filtration systems is required.

### *Construction*

Construction is expected to take between two and three months to build the greenhouses. The processing building is existing. An estimated four workers would be on site during construction working Monday through Saturday, 8 a.m. to 5 p.m.

Included in the construction will be 19 parking spaces (4 located adjacent to the processing building, including one ADA-compliant parking spaces, and 15 spaces located adjacent to the cultivation greenhouses); fencing, the security system, a 20' x 20' composting area, portable toilets and handwashing station, and a trash enclosure. A total of 16 to 18 daily vehicle trips is expected during site preparation and construction.

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

### *Post - Construction*

- Hours of operation will be 8:00 a.m. to 6:00 p.m. Monday through Sunday
- Four employees per day would occupy the site during regular operations, and up to 16 employees would occupy the site during peak harvest season
- Trips per day estimated at 8 and 20 Average Daily Trips (ADT)
- Chemicals, fuel and fertilizer to be stored in the lockable processing building
- On-grid power is proposed
- Existing well will be used for irrigation in combination with two 5,000 gallon water storage tanks.
- Vegetative waste to be composted on site

Higher Ground Farms is enrolled with the State Water Resources Control Board (SWRCB) prior to October 31, 2020. The General Order requires the preparation of a Site Management Plan (SMP) and a Nitrogen Management Plan (NMP). The purpose of the SMP is to identify Best Practicable Treatment or Control (BPTC) measures that the site intends to follow for erosion control purposes and to prevent stormwater pollution. The purpose of the NMP is to identify how nitrogen is stored, used, and applied to crops in a way that is protective to water quality. The SMP and NMP are required prior to commencing cultivation activities.

**SEE DRAWING BY VAN DER WALL ENGINEERS**

**FINLEY EAST ROAD**

**KELSEY CREEK**

**EXISTING HEMP GROW SITE**

**EXISTING BUILDINGS ON SITE**

**PROCESS BUILDING**

**ADDITIONAL BUILDINGS**

**PARKING**

**EXISTING HEMP GROW AREA DATA**

**ADA PARKING**

**FENCE**

**SYMBOLS**

**PROPOSED SITE PLAN**

**HIGHER GROUND FARMS - FINLEY**

**VINCENT PRICE DESIGN GROUP**

**DATE: 08/11/2021**

**PROJECT: HIGHER GROUND FARMS - FINLEY**

**SHEET: 1 OF 1**

**SCALE: 1"=40'**

**1"=40'**

## Water Analysis

There is one existing permitted groundwater well located on the site. A well test was performed by Jim's Pumps on July 27, 2021. The well produced about 253 gallons per minute over a four-hour testing period. The well was drilled to a depth of 100 feet when installed. The water was found at a depth of 40 feet, and over the four-hour test, the well had a 10 foot drawdown with rapid recovery following shut down of the test.

The applicant provided a Technical Memorandum, prepared by Northpoint Consulting Group Inc., dated November 11, 2021. The Memorandum ("Study") assumed that daily water demand per plant was 6 gallons per day, which is consistent with industry standards. The projected water demand for this project is 690,000 gallons of water per year over a 365 day year (about 2.1 acre-feet). Included in this projected use is water use by employees and for irrigation. Total on-site water storage is 10,000 gallons.

The Memorandum ("Study") had the following projections and conclusions regarding the aquifer. The site is located on the Big Valley Groundwater Basin, which includes the watersheds of Manning Creek/ Rumsey Slough, Adobe Creek, Hill Creek, Kelsey Creek, Cole Creek, Highland Creek. The well is located just west of Kelsey Creek in the Kelsey Creek



watershed. The estimated Big Valley Water Basin storage capacity is 105,000 acre-feet, with a usable amount of 60,000 acre-feet. According to the 2006 Lake County Groundwater Management Plan, the agricultural demand for water within the Big Valley Groundwater Basin is 11,454 acre-feet during an average year. The Big Valley Groundwater Basin is not a listed 'critically over-drafted' basin, and the recharge rates of the Basin during drought years exceeds the demand by the known wells using the basin.

#### Conclusion

Per the calculations and assumptions in the Hydrology report, the project has adequate water supply for the proposed irrigation use. The report also concludes that even in a drought year, estimates show that the well has the capacity to handle the proposed water irrigation needs of the project, without impacting the surrounding neighbor's wells.

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

All properties surrounding the project property are zoned "RL" Rural Lands. The following neighboring lot characteristics are present. See Figure 2, next page for map.

- North: Agriculture ("A") zoned properties ranging in size from 0.95 acres to ±10 acres in size. Most of the neighboring northern lots are developed with dwellings and agricultural uses.
- South: Agriculture ("A") zoned properties, both being about 5 acres in size and developed with dwellings. The lot to the southwest contains agricultural uses.
- East: Agriculture ("A") zoned property, about 45 acres in size and developed with a dwelling and agricultural uses.
- West: Agriculture ("A") zoned property, about 20 acres in size; contains a dwelling and crop production.

FIGURE 2 – SUBJECT SITE AND SURROUNDING AREA



Source: Lake County GIS Mapping

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

The extent of this environmental review falls within the scope of the Lead Agency, the Lake County Community Development Department, and its review for compliance with the Lake County General Plan, the Lakeport 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 Community Development Department
- 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
- Kelseyville Fire Protection District,
- Central Valley Regional Water Quality Control Board
- State Water Resources Control Board
- California Department of Forestry & Fire Protection (Calfire)
- California Department of Fish & Wildlife (CDFW)
- California Department of Food and Agriculture (CalCannabis)
- California Department of Pesticides Regulations
- California Department of Public Health
- California Bureau of Cannabis Control
- California Department of Consumer Affairs
- California Department of Transportation (CalTrans)

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

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

Lake County sent an AB52 notice to 11 Lake County-based Tribes on May 12, 2020, informing tribes of the proposed project and offering consultation under AB-52. The Upper Lake Habematolel Tribe and the Yocha Dehe Tribe responded with both deferring to the Big Valley Tribe and the Middletown Rancheria Tribe.

On June 26, 2020, the County received a letter from the California Historic Resource Information System at Sonoma State (CHRIS); the letter indicated that five previous Cultural Studies were performed in 1973, 1974, 1976, 1981 and 1984. The letter stated that there was a known significant site on the property identified as the Mostin Site, P-17-000392, and

recommended that a qualified archaeologist update the conditions of the site on Office of Historic Preservations DPR 523 resource recordation from.

On July 30, 2021, Archaeological Resource Service submitted a new Cultural Study that included a 24 acre portion of the site where the cultivation activities would occur. The 2021 Study references the Mostin Site, stating that it is located outside of the proposed cultivation area. The 2021 Study indicated that previous studies conducted (the author cites nine studies in total) yielded negative results. The Study also indicated that evidence of a dwelling used by Native Americans during the Emergent Period (920 to 720 BP) were found in the nearby right of way in 2006. While the Study states that there are at least 18 known archaeological sites within a mile of the project area, the 2021 survey of the site yielded no items of significance.

#### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

#### DETERMINATION: (To be completed by the lead Agency)

On the basis of this initial evaluation:

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



EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Initial Study Prepared By: Eric J. Porter, Associate Planner



Signature: \_\_\_\_\_

Date: 5-5-2023

Mireya G. Turner, Director  
Lake County Community Development Department

## SECTION 1

### EVALUATION OF ENVIRONMENTAL IMPACTS:

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

to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

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

## I. AESTHETICS

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

### Discussion:

- a) Higher Ground Farms is proposing a total of ten 30' x 96' greenhouses, and the use of the existing 48' x 100' metal building for crop drying and packaging. The property is not located within a scenic corridor, however the cultivation areas are flat and will be visible from several neighboring properties, so the opportunity exists for the greenhouses to be visible from

neighboring lots and from Finley Road East. To reduce visual impacts, mitigation measures are needed.

FIGURE 3 – VIEW OF SITE FROM FINLEY EAST ROAD



*Source: Google Earth Pro, 2023*

The following mitigation measures will help reduce the potential Aesthetic impacts to 'less than significant' levels:

- AES-1: Prior to cultivation, all greenhouses shall incorporate blackout screening so that no light is visible from outside each greenhouse.
- AES-2: Prior to cultivation, a minimum 6' tall screening fence shall be installed around the perimeter of the cultivation. The screening material shall not be fabric due to poor durability, and the fence may be chain link with slats, or solid wood or metal.
- AES-3: All exterior lighting shall be downcast and shall not be directly visible from public roads or neighboring lots. All lighting shall comply with fixture recommendations found in [darksky.org](http://darksky.org).

Less than Significant Impact with Mitigation Measure AES-1 through AES-3 incorporated

- b) The project site parcels are located on a private driveway that is served by Finley East Road, a paved, non-scenic County maintained road. The site had been cleared of vegetation as far back as 2006. There are no trees that would need to be removed, and no rock outcroppings or historic buildings exist on the site.

Less than Significant Impact

- c) The site is located in an agricultural area to the south of Lakeport and is highly visible from Finley East Road. Screening requirements and light mitigation are added to minimize potential impacts to the neighboring properties.

Less than Significant Impact with mitigation measures added

- d) The project has potential to create additional light or glare due to the proposed greenhouses and hoop house buildings proposed. Mitigation measures AES-1 through AES-3 will help to reduce potential light-related impacts to 'less than significant' levels.

Less than Significant Impact with mitigation measures added

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

#### Discussion:

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

- a) The project parcel is zoned "A", Agriculture, and has been used in the recent past as a traditional agriculturally-productive lot. The lot is not under a Williamson Act contract but is located in a mapped Farmland Protection Area which requires greenhouse cultivation with carbon air filtration systems. The one acre cultivation area will not prevent the owner

from planting traditional crops on the remaining portions of the lot, which is ±23.69 acres in size. The lot has several adjacent lots that are agriculturally productive, but the cannabis use will not interfere with other lots' ability to cultivate traditional crops as the cannabis will be grown in greenhouses and are required to have air filtration systems to inhibit transfer of pesticides, fertilizers and odors from the cultivation activity.

Less Than Significant Impact

- b) As stated in 'a' above, the lot is not under a Williamson Act contract.

Less Than Significant Impact

- c) The project will not result in rezoning forest land as defined by Public Resource Code section 4526, or of timberland as defined by Government Code section 51104(g).

No Impact

- d) The project would not result in the loss or conversion of forest land to a non-forest use since no timber production is occurring on the land.

No Impact

- e) As proposed, this project would not induce changes to existing farmland that would result in its conversion to non-agricultural use.

Less Than Significant Impact

### III. AIR QUALITY

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

#### Discussion:

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

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

Because 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 Bay Area Air Quality Management District's 'significance thresholds' address air quality standards that are associated with a project.

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 site, and would pose no threat of asbestos exposure during either the construction phase or the operational phase. Air impacts from vehicle use is addressed in section c) below.

#### Less than Significant Impact

- b) The Project area is in the Lake County Air Basin, which is designated as in attainment for state and federal air quality standards for criteria pollutants (CO, SO<sub>2</sub>, NO<sub>x</sub>, O<sub>3</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, VOC, ROG, Pb). Any Project with daily emissions that exceed any of the thresholds of significance for these criteria pollutants should be considered as having an individually and cumulatively significant impact on both a direct and cumulative basis.

As indicated by the Project's Air Quality Management Plan, near-term construction activities and long-term operational activities would not exceed any of the thresholds of significance for criteria pollutants. Lake County has adopted Bay Area Air Quality Management District (BAAQMD) thresholds of significance as a basis for determining the significance of air quality and greenhouse gas impacts. Using the California Emissions Estimator Model, air emissions modeling performed for this Project, in 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 <sub>x</sub>	10 to 20	54	Less than significant
CO	10 to 30	548	Less than significant
SO <sub>x</sub>	< 1	219	Less than significant
Exhaust PM <sub>10</sub>	1 to 10	82	Less than significant
Exhaust PM <sub>2.5</sub>	1 to 10	54	Less than significant
Greenhouse Gasses (CO <sub>2</sub> 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 <sub>x</sub>	1 to 5	54	Less than significant
CO	1 to 10	548	Less than significant
SO <sub>x</sub>	< 1	219	Less than significant
PM <sub>10</sub> (total)	1 to 5	82	Less than significant
PM <sub>2.5</sub> (total)	1 to 5	54	Less than significant
Greenhouse Gasses (CO <sub>2</sub> e)	1 to 20	No threshold established	Less than significant

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

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

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

- 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 residence is located about 450 feet west of the cultivation 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.

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



Construction impacts, which includes the construction of ten 30' x 96' greenhouses, a 120 sq. ft. shed, fencing and security system for the facility are proposed. Construction is expected to take place over a two to three month period.

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. The EPA has indicated that a vehicle produces 404 grams of CO<sub>2</sub> on average for each vehicle mile traveled. The proposed project will operate from 8 a.m. to 6 p.m., Monday through Sunday, and is estimated to have up to four employees during normal operations, and up to sixteen employees during peak harvest season. Vehicle trips per day during operations are estimated up to 16 daily employee trips during regular operations and up to 64 daily trips during peak harvest season with an overall average of 32 daily trips. It is realistic that up to 4 deliveries per week on average would occur. A total average of 228 weekly trips are projected. The applicant has stated that cultivation activities would occur 365 days per year; therefore a total of about 11,856 annual trips is possible.

The nearest populated area is Kelseyville, which is located about 2 miles southwest of the cultivation site, and for purposes of estimating total vehicle impacts is considered to be the living area for employees. Assuming 11,856 annual vehicle trips from two miles away, a total of 23,712 vehicle miles per year can be anticipated. Each car produces an average of 404 grams of CO<sub>2</sub> per vehicle mile traveled (source: EPA). Total anticipated CO<sub>2</sub> emissions is 9,579,650 grams of CO<sub>2</sub> per year, or about 9.57 tons of CO<sub>2</sub> per year.

Lake County has no thresholds for air emissions and uses Bay Area Air Quality Management District's (BAAQMD) standards for thresholds of significance. The BAAQMD's threshold is 1,100 tons of CO<sub>2</sub> per project. Based on this threshold amount, it would take this project about 115 years to meet the BAAQMD threshold for 'significant impact' to air quality.

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 there are no mapped serpentine soils on the subject site.

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.

Cannabis cultivation activities involve certain disturbance of soil; whether its related to grading for building pad preparation or importing soil for outdoor cultivation (usually fabric pots). Lake County routinely puts mitigation measures in place to prevent dust from the project from migrating to other sites, and to protect the site and area from air quality-related impacts. This includes carbon filtration systems inside of greenhouses containing mature plants, and the processing building.

The following mitigation measures are added:



- 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 any diesel 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 removed during site development shall be chipped and spread for ground cover and/or erosion control. The burning of vegetation, construction debris, including waste material is prohibited.
- AQ-5: The applicant shall have the primary access and parking areas surfaced with chip seal, asphalt, or an equivalent all weather surfacing to reduce fugitive dust generation. The use of white rock as a road base or surface material for travel routes and/or parking areas is prohibited.
- AQ-6: All areas subject to infrequent use of driveways, overflow parking, etc., shall be surfaced with gravel, chip seal, asphalt, or an equivalent all weather surfacing. Applicant shall regularly use and/or maintain graveled area to reduce fugitive dust generations.
- AQ-7: Prior to greenhouse cultivation, and prior to use of the processing building for cannabis drying and packaging, the applicant shall install carbon or similar air filters in each structure.

Less than Significant Impact with mitigation measures added

- d) The Project Property is located in an agricultural area of Lake County, where the majority of development is single family residential dwellings with agricultural uses in the vicinity. The potential impacts to air quality are dust and odor both of which have been addressed in the preceding mitigation measures.

Less than Significant Impact

#### IV. BIOLOGICAL RESOURCES

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

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

#### Discussion:

- a) A Biological Resources Assessment (BA) and Botanical Survey Report (BSR) were prepared by Northwest Biosurvey, dated July 28, 2021. In addition, a Nesting Bird Survey was conducted on March 31, 2021. The BA/BSR included two site visits for in-season floristic field surveys and mapping, conducted on May 25 and July 13, 2021. The BA included a review of current California Natural Diversity Database (CNDDB) mapping of known sensitive plants and wildlife, an analysis of the suitability of the site for sensitive plants and wildlife, and a protocol-level floristic field survey of the project site. The purpose of the BA and the BSR were to provide information as to whether the proposed cultivation and cannabis operation areas contain sensitive plants or potentially contain sensitive wildlife requiring mitigation under CEQA. The BSA and BSR refer to the "Project Area" which is the immediate boundaries of the proposed cannabis project.

This BA also analyzes the potential for jurisdictional wetlands and other waters of the U.S. to exist onsite, and classifies landforms that may potentially convey sediment to waters of the U.S. including dry creeks, washes, swales, gullies, and other erosional features. Also included in Appendix F is a set of recommended Best Management Practices (BMPs) that are adapted

from a variety of sources, some of which are enforceable conditions under State Water Resources Control Board *Cannabis* General Order No. WQ 2019-0001-DWQ.

Access to the parcel is taken from Finley East Road via driveway. Onsite structures include a residence, and several barns and outbuildings for farming purposes. There are no existing *Cannabis* cultivation facilities onsite, however there is a permitted hemp farm on site.

A wildlife and botanical survey was conducted at the site on July 28, 2021. There are abandoned historical drainages and a stormwater ditch adjacent to the existing runway. The Project area generally drains to the southeast. The Project is approximately 475-feet west of Kelsey Creek, the nearest watercourse and designated a Class I, perennial watercourse. The BSR identified no wetland areas on the Project parcel.

The Project Area is not located within any adopted Habitat Conservation Plan or Natural Community Conservation Plan.

#### Special-Status Plant Populations

The BSR included two site visits for in-season floristic field surveys and mapping, conducted on May 25 and July 13, 2021. A total of 44 native and introduced plant taxa were identified on the property during the floristic-level botanical surveys. No sensitive taxa were identified. As used in the BSR, the term *sensitive* includes species having state or federal regulatory status, included on Lists 1B through 4 by the California Native Plant Society, or otherwise listed in the California Natural Diversity Database (CNDDDB). The BSR concluded that no plants with sensitive regulatory status occur within the Project Area, and therefore the project would not directly impact sensitive plant species.

#### Sensitive Natural Communities

No designated sensitive natural communities were identified by the BA or BSR. The Project footprint is in the center of a fallow agricultural field surrounded by intensive agricultural development. The Project is consistent with the historic land use of the region and property. Although the Kelsey Creek riparian corridor contains important riparian woodland essential to the Kelsey Creek fish and wildlife corridor, including Valley Oak Woodland, Wild Oat Grassland, and Riparian Scour Zone vegetation Types, the Project footprint is west of this corridor and thus will have less-than significant impacts (direct, indirect, and cumulative) to sensitive natural communities or habitat associated with Kelsey Creek.

Additionally, project implementation would involve minimal grading and no removal of trees. Therefore, the Project would have a less than significant impact upon sensitive natural communities.

#### Special-Status Animal Species

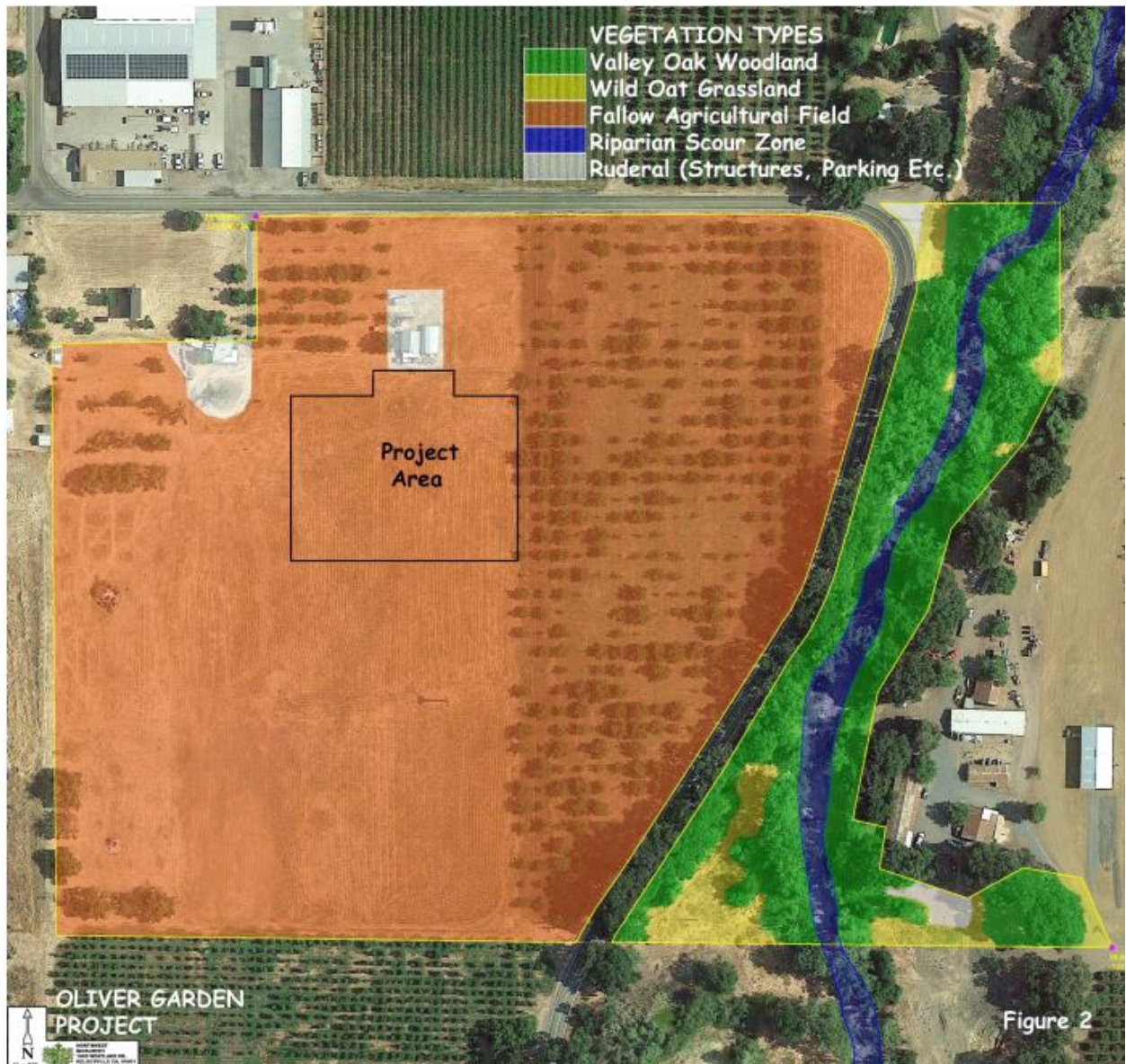
Sensitive wildlife species were assessed for potential occurrence at the site if included in the CNDDDB database for the Lucerne quadrangle. Per the database query, six (6) species with sensitive regulatory status were found to have a potential to occur in Kelsey Creek and its adjacent riparian habitat; including *Archoplites. interruptus* (Sacramento perch), *Cottus asper* ssp. (Clear Lake prickly sculpin), *Lavinia exilicauda chi* (Clear Lake hitch),

*Emys marmorata* (Western pond turtle), *Ardea herodias* (Great blue heron), and *Pandion haliaetus* (Osprey). Direct impacts from the Project to sensitive wildlife species occurring in Kelsey Creek and the adjacent riparian habitat are considered unlikely due to the Project distance from Kelsey Creek and the presence of Finley East Road, which separates the Project

from sensitive habitat. The BA concluded that the project would not result in direct impacts to sensitive fish and wildlife species, or birds protected under the Federal Migratory Bird treaty Act.

The BA recommended two (2) Mitigation Measures to prevent erosion and sedimentation that could indirectly impact sensitive plant or wildlife species. These recommendations have been incorporated as Mitigation Measures BIO-1 and BIO-2. With incorporation of Mitigation Measures, indirect impacts to sensitive species would be less than significant.

FIGURE 4 – VEGETATION TYPES ON AND NEAR SITE



Source: Material Submitted by Applicant

Special-status species are more likely to occur in sensitive and rare habitats. The Project Area is in the center of a fallow agricultural field surrounded by intensive agricultural development and the Project is consistent with the historic land use of the region and property. The project has adequate buffers from potential habitat of sensitive or special status species. With

incorporation of Mitigation Measures BIO-1 and BIO-2, impacts to sensitive or special status plant and wildlife species (direct, indirect, or cumulative) are less than significant. Impacts would be Less than Significant with Mitigation Measures BIO-1 through BIO-2 incorporated.

BIO-1: All work shall incorporate erosion control measures consistent with the engineered Grading and Erosion Control Plans submitted; the Lake County Grading Regulations, and the State Water Resources Control Board Order No. WQ 2019-001-DWQ and Construction General Permit 2009-009-DWQ.

BIO-2: Permit conditions for this project shall require strict compliance with local, state, and federal regulations for the handling, use, and storage of agricultural chemicals.

Less Than Significant Impact with mitigation measures added

- b) A Biological Resources Assessment (BA) and Botanical Survey Report (BSR) were prepared by Northwest Biosurvey, dated July 28, 2021. The BSR included two site visits for in-season floristic field surveys and mapping, conducted on May 25 and July 13, 2021. The purpose of the BA and the BSR were to provide information as to whether the proposed cultivation and cannabis operation areas contain sensitive plants or potentially contain sensitive wildlife requiring mitigation under CEQA. The BSA and BSR refer to the "Project Area (**Error! Reference source not found.**)".

Within the Project area, there are abandoned historical drainages and a stormwater ditch adjacent to the existing runway. The Project area generally drains to the southeast. The Project would be setback approximately 475-feet west of Kelsey Creek, the nearest watercourse and designated a Class I, perennial watercourse. The BSR identified no wetland areas on the Project parcel.

As described above, the BA/BSR identified no designated Sensitive Natural Communities onsite. The Project Area is in the center of a fallow agricultural field surrounded by agricultural development.

The Project parcel is a Class I watercourses. No development is proposed within 100-feet of 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 and Grading Plan, which address controlled water runoff in a manner that reduces impacts to this stream. No development would occur within the drainage buffers and setbacks.

Erosion control measures to control erosion and sedimentation during construction and operation have been identified in the Property Management Plan and on the Grading Plan. Measures that could be implemented include vegetated swales, buffer strips, sediment traps, straw wattles, silt fences, or fiber rolls.

Higher Ground Farms, LLC is enrolled with the State Water Resources Control Board (SWRCB) for Tier 1, Low Risk coverage under Order No. WQ 2019-001-DWQ (Cannabis Cultivation General Order). The Cannabis Cultivation General Order implements Cannabis Policy requirements with the purpose of ensuring that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, or springs. The site was assigned WDID No. 5S17CC423911. The Cannabis Cultivation General Order requires the preparation of a Site

Management Plan (SMP), a Nitrogen Management Plan (NMP), and the submittal of annual technical and monitoring reports demonstrating compliance. The purpose of the SMP is to identify Best Practicable Treatment or Control (BPTC) measures that the site intends to follow for erosion control purposes and to prevent stormwater pollution. The purpose of the NMP is to identify how nitrogen is stored, used, and applied to crops in a way that is protective to water quality. The SMP and NMP are required prior to commencing cultivation activities and were submitted with the application materials.

The project is located approximately 475-feet west of Kelsey Creek and its habitat, providing a sufficient buffer from the proposed cultivation activities to sensitive riparian habitat. In addition, Mitigation Measures BIO-1 and BIO-2 have been incorporated to address potential indirect impacts to the riparian habitat by reducing the potential of erosion, sedimentation, and agricultural chemical contamination.

In addition, the Project Area and surrounding Study Area are not within any designated listed species' critical habitat. The Project area does not contain special-status habitats. because they were designed to avoid all special-status habitats. The surrounding Study Area does contain special-status habitat: Kelsey Creek and its riparian corridor. There is no evidence that project implementation would impact any special-status habitat with Mitigation Measure BIO-1 and BIO-2 incorporated.

Impacts would be Less than Significant with Mitigation Measure BIO-1 and BIO-2 incorporated.

- c) There are no federally-protected wetlands located in or within 100 feet of the cultivation sites; therefore the project will not impact any wetlands.

Less Than Significant Impact

- d) The Biological Assessment conducted by Northwest Biosurvey was done mid-season on July 28, 2021. The surveying Biologist did not see any listed species according to the study, but put mitigation measures in place in the event of inadvertent discovery, which were added as mitigation measures BIO-1 and BIO-2. The Study Area was also informally assessed for the presence of potentially-jurisdictional water features, including riparian areas, isolated wetlands and vernal pools, and other biologically-sensitive aquatic habitats.

The Study concluded that "no critical habitat for any Federally-protected species occurs in the Project Area or surrounding Study Area during the field survey other than ephemeral watercourses.

Less than Significant Impact

- e) The proposed project would be consistent with all Lake County ordinances related to the protection of biological resources, because there are no protected biological resources present on the project site. The proposed project would not affect any wetlands, ephemeral drainages, or other sensitive habitats protected by the Lake County Zoning Ordinance. According to the material submitted, no tree removal will occur, so no County tree removal policies or ordinances would apply.

Less than Significant Impact

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

No Impact

## V. CULTURAL RESOURCES

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

### Discussion:

- a) Lake County sent an AB52 notice to 11 Lake County-based Tribes on May 12, 2020, informing tribes of the proposed project and offering consultation under AB-52. The Upper Lake Habematolel Tribe and the Yocha Dehe Tribe responded with both deferring to the Big Valley Tribe and the Middletown Rancheria Tribe.

On June 26, 2020, the County received a letter from the California Historic Resource Information System at Sonoma State (CHRIS); the letter indicated that five previous Cultural Studies were performed in 1973, 1974, 1976, 1981 and 1984. The letter stated that there was a known significant site on the property identified as the Mostin Site, P-17-000392, and recommended that a qualified archaeologist update the conditions of the site on Office of Historic Preservations DPR 523 resource recordation from.

On July 30, 2021, Archaeological Resource Service submitted a new Cultural Study that included a 24 acre portion of the site where the cultivation activities would occur. The 2021 Study references the Mostin Site, stating that it is located outside of the proposed cultivation area. The 2021 Study indicated that previous studies conducted (the author cites nine studies in total) yielded negative results. The Study also indicated that evidence of a dwelling used by Native Americans during the Emergent Period (920 to 720 BP) were found in the nearby right of way in 2006. While the Study states that there are at least 18 known archaeological sites within a mile of the project area, the 2021 survey of the site yielded no items of significance.



The following mitigation measures are added as a precautionary measure:

- CUL-1: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the applicant shall notify the culturally affiliated Tribe, and a qualified archaeologist to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, the applicant shall notify the Sheriff's Department, the culturally affiliated Tribe, and a qualified archaeologist for proper internment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.
- CUL-2: All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the culturally affiliated Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds.
- CUL-3: Prior to site disturbance, the applicant shall bring an archaeologist to the site and shall stake out the mapped historically sensitive area for avoidance. If the sensitive area is within the project boundary, the applicant shall amend the site plan to show a 50' buffer of non-disturbable area between the sensitive site and the cultivation site.

Less than Significant Impact with Mitigation Measures CUL-1 through CUL-3 added

- a) Site disturbance will take place as part of project and site preparation, so there is a potential for inadvertent discovery of as-of-yet undiscovered resources during project construction. Therefore, this impact is considered significant. Mitigation measures CUL-1 and CUL-2 will reduce potential effects of inadvertent discovery to 'less than significant levels'.

Less than Significant Impact with Mitigation Measures CUL-1 through CUL-3 added

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

Less than Significant Impact with Mitigation Measures CUL-1 through CUL-3 added

VI.	ENERGY	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number



Would the project:

- |   |                          |                          |                                     |                          |            |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|------------|
| a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resource, during construction or operation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5          |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5 |

#### Discussion:

- a) The project is proposing the use of on-grid power, supplied by PG&E, is the energy source for this project. The mixed light cultivation areas (ten greenhouses) and the 48' x 100' drying building may have a substantial need for power, although the greenhouse cultivation is based on 'light deprivation', which would limit the potential energy drain due to low wattage lighting or exclusively natural light.

No detailed energy calculations were provided with the application, however comparable projects require between 600 and 800 amp services to power the greenhouses, the processing building, and other lesser power demands on site such as the well pump and security system. There are no grid capacity issues at this location, so issuing an electrical permit for 800 amps of new service at this location would likely not be problematic.

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 minimal security lighting. The cultivation site will require power for greenhouses, the processing building, security systems, water pumps, minor outdoor lighting and cannabis odor filtration equipment. Electricity will be provided by 'on-grid' power. The project would meet the standards of Title 4 Division 19 §16305 Renewable Energy Requirements.

Less Than Significant Impact

## VII. GEOLOGY AND SOILS

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

Would the project:

- |  |                          |                          |                                     |                          |                       |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|-----------------------|
| a) Directly or indirectly cause potentially substantial adverse effects, including the risk of loss, injury, or death involving:   |                          |                          |                                     |                          |                       |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 2, 3, 4, 5, 18, 19 |

- a known fault? Refer to Division of Mines and Geology Special. Publication 42.
- ii) Strong seismic ground shaking?
  - iii) Seismic-related ground failure, including liquefaction?
  - iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 19, 21, 24, 25, 30
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 5, 6, 9, 18, 21
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	5, 7, 39
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2, 4, 5, 7, 13, 39
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4, 5, 14, 15

#### Discussion:

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

#### Earthquake Faults (i)

According to the USGS Earthquake Faults map available on the Lake County GIS Portal, there are no mapped earthquake faults within two 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.

#### Landslides (iv)

The 23 acre lot is flat. 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 unlikely to be susceptible to landslides and will not likely expose people or structures to substantial adverse effects involving landslides, including losses, injuries or death.

Less Than Significant Impact

- b) Grading for building pad preparation and utility / waterline trenching is proposed to prepare the Project site for cultivation. The applicant is required to apply for a Grading Permit, as a condition of approval, which is typical for most cannabis projects.

The applicant has provided an Erosion and Sediment Control Plan prepared by Vanderwall Engineering 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 area. 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 Property is flat, and landslides on site are extremely unlikely. 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".

The applicant has submitted engineered Grading Plans and is required to follow the Stormwater Mitigation Measures that are proposed on the plans submitted; this includes placing straw wattles around the cultivation area to channel drainage in a manner that it will not adversely affect the site or surrounding area. The drawings submitted by the applicant show stormwater mitigation measures, so the project is proposing sufficient mitigation measures to control stormwater on site.

Less Than Significant Impact

- d) The soil type on this lot is Type 123, "Cole clay loam, drained". Soil characteristics are slow permeability, slow surface runoff, and minimal risk of erosion. This soil type has a high shrink-swell rate, however the buildings proposed require building permits that would be engineered (greenhouses) due to the presence of the flood plain on the site, which will reduce the risk of structural damage due to shrink-swell occurring.

Less Than Significant Impact

- e) The proposed project site contains a 48' x 100' building that will have bathrooms that will be ADA compliant. A new septic system appears to be needed to serve this building.

Less Than Significant Impact

- f) According to the Wolf Creek Archaeological Services survey and CHRIS records, the project site contains a known unique site that might require protection or avoidance. The applicant shall contact an archaeologist and the Big Valley Tribe prior to site disturbance to stake out the area of interest and avoid it during construction and operations. Mitigation measure CUL-3. Less than Significant Impact with mitigation measure CUL-3 added.

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

#### Discussion:

- a) Lake County has no maximum thresholds for greenhouse gas emissions. With cannabis cultivation projects, greenhouse gasses are created during construction and during peak harvest season.

The construction of this project will take place over an estimated two to three months, and would primarily involve preparing the greenhouse pads, building the greenhouses, building one small shed, putting gravel down on the interior driveway; drilling fence post-holes, installing a fence, and installing security cameras. Estimated vehicle trips during construction are between eight and sixteen daily trips. No vehicles will be idling on site during construction.

Levels of greenhouse gasses emanating from outdoor portion of the cannabis cultivation are not yet well studied. The County obtained the following regarding potential greenhouse gasses:

“The potential for carbon payments has special interest for farmers growing hemp, which reportedly (consumes) carbon (dioxide) at a rate of 6 tons per acre, according to the European Industrial Hemp Association, and can play a key role in regenerative farming and soil remediation.

“For biomass carbon inventories of 750 t/ha and typical yields (5000 kg/ha) (UNODC, 2009), associated biomass-related CO<sub>2</sub> emissions would be on the order of 150 kg CO<sub>2</sub>/kg Cannabis (for only one harvest per location), or 3% of that associated with indoor production. These sites typically host on the order of 10,000 plants, although the number can go much higher (Mallery, 2011).”

Based on a total cultivation area of 22,000 sq. ft. of potential plants, and based on an estimate of 500 plants per acre, it is probable that a total of about 250 cannabis plants could be planted. The total estimated CO<sub>2</sub> output for 250 plants grown outdoors is 8 kg/year.

The estimated CO<sub>2</sub> output for the greenhouse cultivations are approximately the same, since greenhouse cultivation activities generate about 2 to 3 times more CO<sub>2</sub> than outdoor cultivation activities. The applicant proposes about 22,000 sq. ft. of greenhouse canopy area, which will consist of about 250 plants based on the recognized average of 500 mature plants per acre. Source: University of California, Berkeley; 2018 Cannabis Study.

Construction emissions and operational emissions were calculated using the California Emissions Estimator Model (CalEEMod®), Version 2016.3.2. Construction and operational CO<sub>2</sub> emissions are summarized above and in the tables 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 performed for this project 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 or BAAQMD rules or regulations and would therefore have a less than significant impact.

The 2017 AB Climate Change Scoping Plan recognizes that local government efforts to reduce emissions within their jurisdiction are critical to achieving the State’s long term GHG goals, which includes a primary target of no more than six (6) metric tons CO<sub>2</sub>e per capita by 2030 and no more than two (2) metric tons CO<sub>2</sub>e 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 CO<sub>2</sub>e per year, the per capita figure of 2.29 metric tons of operational CO<sub>2</sub>e 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 13, 21, 24, 29, 31, 32, 33, 34
b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 5, 13, 21, 24, 29, 31, 32, 33, 34
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 5
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 40
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 20, 22
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 20, 22, 35, 37
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 3, 4, 5, 20, 35, 37

Discussion:

- a) Materials associated with the proposed cultivation of commercial cannabis, such as gasoline, pesticides, fertilizers, alcohol, hydrogen peroxide and the equipment emissions may be considered hazardous if released into the environment. The applicant has stated that all potentially harmful chemicals will be stored and locked in the secured processing building on site. Storing petroleum products and fertilizers together is prohibited due to risk of explosion.

This proposal will use organic pest control and fertilizers. This will significantly limit potential environmental hazards that would otherwise result. All pesticides and fertilizers are required to be stored in a locked and secure facility and kept in accordance with manufacturer's recommendations as is being proposed by the applicant.

The project would 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.

Any petroleum products brought to the site, such as gasoline or diesel to fuel construction equipment, would be stored under cover and in State of California-approved containers and in a manner that is consistent with State Fire Codes regarding the storage of flammable fuels. All pesticides, fertilizers, or petroleum products would be stored a minimum of 100 feet from all potential sensitive areas and watercourses.

Cannabis waste, as appropriate, will be composted or chipped and spread on site; burning cannabis waste is prohibited in Lake County.

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

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

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 on the Project site is significant; the entire property is located in the "AO" flood zone, which has a relatively high risk of flooding. Because of the presence of the flood zone, any buildings that are to be occupied will require building permits and will likely need to have engineered footings per the Building Code.

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 mapped as being outside of any mapped Fire Risk areas.

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

Less than Significant Impact

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

No Impact

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

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

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

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

No Impact

- e) The Project site is located about 3 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.

Less Than Significant Impact

- f) The Project would not impair or interfere with an adopted emergency response or evacuation plan. Finley East Road would be used to evacuate the site if an evacuation were needed.



During evacuations, all persons at the Project site would be required to follow emergency response instructions for evacuations. Because the Project would not interfere with an adopted emergency response or evacuation plan, impacts are less than significant with the mitigation measures required in the Wildfire section of this document.

Less than Significant Impact

- g) The Project site is not located within a mapped fire hazard severity zone.

No Impact

X. HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 5, 6, 29, 30
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 5, 6, 29, 30, 45
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:					
i) Result in substantial erosion or siltation on-site or off-site;					
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 5, 6, 7, 15, 18, 29, 32, 45
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or					
iv) Impede or redirect flood flows?					
d) In any flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 5, 6, 7, 9, 23, 32
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 5, 6, 29

#### Discussion:

- a) The applicant has provided an engineered Grading Plan that shows the treatment of the cultivation areas in terms of runoff mitigation and erosion control. The project will use straw wattles around the cultivation areas to help retain the stormwater that might otherwise migrate onto other areas on the property and/or onto neighboring lots.

The chemicals used as fertilizers and pesticides are organic; cannabis has some of the strictest testing standards of any production crop grown and has to meet very stringent requirements for chemicals.

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 on the flattest portion of the property to reduce the potential for water pollution and erosion.

#### Less Than Significant Impact

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

#### *Water Analysis*

##### Well Data

There is one existing permitted groundwater well located on the site. A well test was performed by Jim's Pumps on July 27, 2021. The well produced about 253 gallons per minute over a four-hour testing period. The well was drilled to a depth of 100 feet when installed. The water was found at a depth of 40 feet, and over the four-hour test, the well had a 10 foot drawdown with rapid recovery following shut down of the test.

##### Water Demand

The applicant provided a Technical Memorandum, prepared by Northpoint Consulting Group Inc., dated November 11, 2021. The Memorandum ("Study") assumed that daily water demand per plant was 6 gallons per day, which is consistent with industry standards. The projected water demand for this project is 690,000 gallons of water per year over a 365 day year (about 2.1 acre-feet). Included in this projected use is water use by employees and for irrigation. Total on-site water storage is 10,000 gallons.

##### Aquifer Data

The Memorandum ("Study") had the following projections and conclusions regarding the aquifer. The site is located on the Big Valley Groundwater Basin, which includes the watersheds of Manning Creek/ Rumsey Slough, Adobe Creek, Hill Creek, Kelsey Creek, Cole

Creek, Highland Creek. The well is located just west of Kelsey Creek in the Kelsey Creek watershed. The estimated Big Valley Water Basin storage capacity is 105,000 acre-feet, with a usable amount of 60,000 acre-feet. According to the 2006 Lake County Groundwater Management Plan, the agricultural demand for water within the Big Valley Groundwater Basin is 11,454 acre-feet during an average year. The Big Valley Groundwater Basin is not a listed 'critically over-drafted' basin, and the recharge rates of the Basin during drought years exceeds the demand by the known wells using the basin.

#### Conclusion

Per the calculations and assumptions in the Hydrology report, the project has adequate water supply for the proposed irrigation use. The report also concludes that even in a drought year, estimates show that the well has the capacity to handle the proposed water irrigation needs of the project, without impacting the surrounding neighbor's wells.

#### 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.

The applicant has submitted proposed erosion and sediment control plans that have stormwater control measures, thus enabling stormwater to remain in a confined area on site and which will prevent the water from re-entering any nearby surface water courses.

#### Less than Significant Impact

- d) The Project site is not located in an area of potential inundation by seiche or tsunami, however the Project site is mapped as being in Flood Zone AO – areas with a high probability of flooding. All structures are required to be anchored to the ground due to the flood plain, and all structures requiring building permits will likely be required to have engineered footings during the building permit review process due to the flood plain.

#### 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.

Less than Significant Impact

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

#### Discussion:

- a) The Project Property is located in a rural area of Lake County, characterized by larger parcels containing agricultural and residential uses. The proposed Project would place four acres of cannabis cultivation area on a ±23 acre lots; there are no roads other than the interior driveway that would be affected, and the project would not physically divide an established community.

No Impact

- b) The proposed Project is consistent with the Lake County General Plan and Kelseyville Area Plan, and would create future employment opportunities for several local residents.

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

Less than Significant Impact

## XII. MINERAL RESOURCES

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

### Discussion:

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

No Impact

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

No Impact

## XIII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 13
b) Result in the generation of excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 13

- c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

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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 primarily for pad preparation for the processing building and greenhouses. There will be some noise generated from utility trenching and post-hole digging for the fencing. The hours of construction are limited through standard conditions of approval.

Operational noise anticipated will primarily come from vehicles entering and leaving the site, and from carbon filtration systems that are required in the greenhouses and processing building.

Although the property size and location will help to reduce any noise detectable 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.

The following mitigation measures will reduce the impacts associated with noise to 'less than significant' levels:

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

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

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

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

Less Than Significant Impact

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

No Impact

#### XIV. POPULATION AND HOUSING

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

#### Discussion:

- a) The Project is not anticipated to induce significant population growth to the area. The increased employment will be between four and eight fulltime employees to be hired locally.

No Impact

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

No Impact

#### XV. PUBLIC SERVICES

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

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:

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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 site is serviced by the Kelseyville Fire Protection District, the Lake County Sheriff's Department, and the Lake County Public Works Department, and it is located within the Kelseyville Unified School District.

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. Construction and operation of the proposed project may result in accidents or crime emergency incidents that would require police services. Construction activities would be temporary and limited in scope. Accidents or crime emergency incidents during operation are expected to be infrequent and minor in nature.

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
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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?
- 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?

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1, 2, 3, 4,  
5

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1, 3, 4, 5

#### Discussion:

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



No Impact

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

No Impact

## XVII. TRANSPORTATION

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

### Discussion:

- a) The Project Property is accessed via Finley East Road, a County-maintained paved road at this location. A minimal increase in traffic is anticipated due to construction, employee use, and weekly and/or monthly incoming and outgoing deliveries through the use of small vehicles.

There are narrow shoulders on Finley East Road that could be used for pedestrians or bicycles in the vicinity of the project site.

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.”*

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.

The nearest populated area is Kelseyville, which is located about 2 miles southwest of the cultivation site, and for purposes of estimating total vehicle impacts is considered to be the living area for employees. Assuming 11,856 annual vehicle trips from two miles away, a total of 23,712 vehicle miles per year can be anticipated.

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

The 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 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. No road improvements appear to be necessary for this project.

#### 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. The site was evaluated for PRC 4290 and 4291 compliance in year 2020 and was found to comply with these regulations for a commercial driveway. 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

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:

- |   | Potentially Significant Impact | Less Than Significant with Mitigation Measures | Less Than Significant Impact | No Impact                | Source Number          |
|---|--------------------------------|--|------------------------------|--------------------------|------------------------|
| a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?   | <input type="checkbox"/>       | <input checked="" type="checkbox"/>            | <input type="checkbox"/>     | <input type="checkbox"/> | 1, 3, 4, 5, 11, 14, 15 |
| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>            | <input type="checkbox"/>     | <input type="checkbox"/> | 1, 3, 4, 5, 11, 14, 15 |

### Discussion:

- a) On June 26, 2020, the County received a letter from the California Historic Resource Information System at Sonoma State (CHRIS); the letter indicated that five previous Cultural Studies were performed in 1973, 1974, 1976, 1981 and 1984. The letter stated that there was a known significant site on the property identified as the Mostin Site, P-17-000392, and recommended that a qualified archaeologist update the conditions of the site on Office of Historic Preservations DPR 523 resource recordation from.

On July 30, 2021, Archaeological Resource Service submitted a new Cultural Study that included a 24 acre portion of the site where the cultivation activities would occur. The 2021 Study references the Mostin Site, stating that it is located outside of the proposed cultivation area. The 2021 Study indicated that previous studies conducted (the author cites nine studies in total) yielded negative results. The Study also indicated that evidence of a dwelling used by Native Americans during the Emergent Period (920 to 720 BP) were found in the nearby right of way in 2006. While the Study states that there are at least 18 known archaeological sites within a mile of the project area, the 2021 survey of the site yielded no items of significance.

A mitigation measure has been added requiring the Mostin site to be identified by an Archaeologist and avoided by the cultivator. A 50' 'no disturb' buffer is also required.

Less than Significant Impact with Mitigation Measures CUL-1 through CUL-3 added

- a) No prehistoric sites were discovered during the field survey conducted for the CRE. The lead agency has determined that, in its discretion and supported by substantial evidence, no resources pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1 will be affected by the proposed Project, with implementation of mitigation measures CUL-1 through CUL-3 added.

Less than Significant Impact with Mitigation Measures CUL-1 through CUL-3 added

## XIX. UTILITIES

	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 29, 32, 33, 34, 37, 45
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 5, 6, 22, 31, 45
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 5, 6, 22
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 5, 6, 35, 36
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 5, 6, 35, 36

### Discussion:

- a) The proposed Project will be served by an existing onsite irrigation well and on-grid power for all project-related energy and water demands. The Project will install a restroom in the in the processing building, and a new septic system will be needed. The ±23 acre property is large enough to accommodate a new septic system.

The Project will not require or result in the relocation or construction of new or expanded water, 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 Hydrology Report prepared for this project demonstrated that there is adequate water available for the cannabis cultivation project without impacting other area wells. The water analysis is within the Hydrology Report and summarized at the beginning of this document.

Less than Significant Impact

- c) The Project will be served by a new restroom in the processing building, and a new septic system will be needed. The ±23 acre property is large enough to accommodate a new septic system.

Less Than Significant Impact

- d) It is estimated that approximately 500 pounds of waste from the proposed Project will be taken to the Eastlake Landfill each year. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 5, 6, 23, 25, 28, 29
b) Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 5, 6, 23, 25, 28, 29

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

Discussion:

- a) The Project will not impair an adopted emergency response plan or evacuation plan. The applicant would use Hendricks Road, a paved County road serving the site as the evacuation route if needed. 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 on land that is mapped as not being in a fire hazard severity risk area.

Less than Significant Impact

- c) The interior driveway appears to be compliant with PRC 4290 and 4291 standards for a commercial driveway. The applicant will need to clear brush for defensible space around structures.

Less than Significant Impact

- d) There is little chance of increased risks associated with post-fire slope runoff, instability, or drainage impacts based on the flat terrain on and near the cultivation site.

Less than Significant Impact

## XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ALL

animal, or eliminate important examples of the major periods of California history or prehistory?

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (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 an agricultural area of the County on an "A" Agriculture-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/Geological Resources and Noise.

Less than significant impact with mitigation measures added.

- b) Potentially significant impacts have been identified related to Aesthetics, Air Quality, Biological Resources, Cultural/Tribal/Geological Resources and Noise. These impacts in combination with the impacts of other past, present, and reasonably foreseeable future projects could cumulatively contribute to significant effects on the environment.

Implementation of and compliance with 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 impact with mitigation measures added

- c) The proposed Project has the potential to result in adverse indirect or direct effects on human beings. In particular, Aesthetics, Air Quality, Biological Resources, Cultural/Tribal/Geological Resources and Noise 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. Kelseyville Area Plan
5. Higher Ground 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 Assessment prepared by Northwest Biosurvey, Inc., dated July 21, 2021.
14. Cultural Resource Evaluation prepared by Archaeological Resource Service and dated July 30, 2021.
15. California Historical Resource Information Systems (CHRIS); Northwest Information Center, Sonoma State University; Rohnert Park, CA.
16. Water Resources Division, Lake County Department of Public Works Wetlands Mapping.
17. U.S.G.S. Geologic Map and Structure Sections of the Clear Lake Volcanic, Northern California, Miscellaneous Investigation Series, 1995
18. Official Alquist-Priolo Earthquake Fault Zone maps for Lake County
19. Landslide Hazards in the Eastern Clear Lake Area, Lake County, California, Landslide Hazard Identification Map No. 16, California Department of Conservation, Division of Mines and Geology, DMG Open –File Report 89-27, 1990
20. Lake County Emergency Management Plan
21. Lake County Hazardous Waste Management Plan, adopted 1989
22. Lake County Airport Land Use Compatibility Plan, adopted 1992
23. California Department of Forestry and Fire Protection - Fire Hazard Mapping
24. National Pollution Discharge Elimination System (NPDES)
25. FEMA Flood Hazard Maps
26. Lake County Aggregate Resource Management Plan
27. Lake County Bicycle Plan
28. Lake County Transit for Bus Routes
29. Lake County Environmental Health Division
30. Lake County Grading Ordinance
31. Lake County Natural Hazard database
32. Lake County Countywide Integrated Waste Management Plan and Siting Element, 1996
33. Lake County Water Resources
34. Lake County Waste Management Department
35. California Department of Transportation (Caltrans)
36. Lake County Air Quality Management District website
37. Lake County Fire Protection District
38. Site Visit – July 24, 2020



39. United States Department of Agriculture – Natural Resources Conservation Service  
Web Soil Survey
40. Hazardous Waste and Substances Sites List,
41. State Water Resources Control Board (SWRCB) Cannabis Policy and General Order
42. Lake County Groundwater Management Plan, March 31<sup>st</sup>, 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)
45. Hydrology Report prepared by Northpoint Consulting and dated November 11, 2021.



## **TECHNICAL MEMORANDUM**

To: Lake County Community Development Department

From: Annjanette Dodd, PhD, CA PE #77756 Exp. 6/30/2023

Date: Original Date: November 11, 2021  
Revised: March 7, 2022

Subject: Ordinance 3106 Hydrology Report – UP 20-40 Higher Ground Farms  
3545 Finley East Road, Kelseyville CA 95482 (Cultivation APN: 008-026-07)

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### **INTRODUCTION AND PURPOSE**

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

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

The purpose of this Technical Memorandum (TM) is to provide the information required by Ordinance 3106 for UP 20-40, Higher Ground Farms. In addition to this TM, Ordinance 3106 also requires a Drought Management Plan (DMP) depicting how the applicant proposes to reduce water use during a declared drought emergency. The DMP for this project has been submitted as a separate document.

### **PROJECT LOCATION**

The project is located at 3545 Finley East Road in Kelseyville, California (Cultivation APN: 008-026-07). The site is accessed by private driveway off Finley East Road approximately 1.5 miles north of Kelseyville.

The site has a history of heavy agricultural activities. Formerly the site was an approximately 17-acre walnut orchard. The existing agricultural well was used to irrigate the walnut orchard (also could include pears) and more recently cultivation of hay and about 3-acres of hemp.

### **PROPOSED PROJECT**

The proposed project is to permit commercial cannabis cultivation in accordance with the Lake County Zoning Ordinance (Article 27). The proposal is for a Type 2b Mixed Light Cultivation License a total canopy area of 22,000 sq. ft. (0.50 acres) within a cultivation area of 47,040 sq. ft. The proposal also includes the development of facilities appurtenant to cultivation, including greenhouses, facilities for drying, trimming, and packaging of harvested cannabis, small storage sheds, and the appropriate irrigation infrastructure (Figure 1). The 22,000 sq. ft. of mixed-light cultivation will occur in (8) 30'x96' greenhouses using light deprivation and/or artificial lighting below a rate of 25 watts per square foot. The proposed project

includes two (2) 30'x96 greenhouses for on-site nursery and propagation and a single commercial building for on-site drying, trimming, and packaging. The commercial building will include ADA parking and restroom facilities. Two approximate 2-foot walkways of non-canopy area will occur within each greenhouse, along the length of the greenhouse.

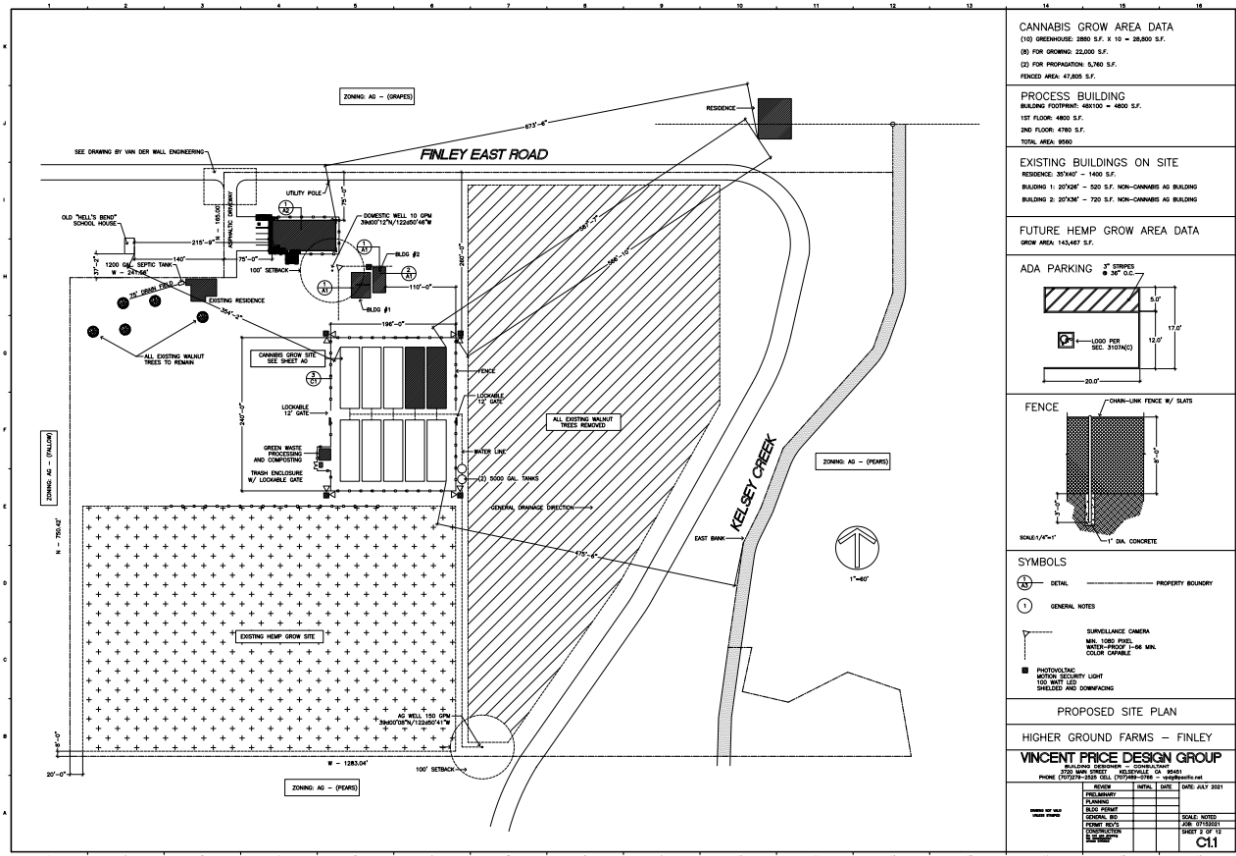


Figure 1: Higher Ground Farms Site Plan.

## PROJECT WATER DEMAND

The CalCannabis Environmental Impact Report (CDFA, 2017) uses 6.0 gallons per day per plant as an estimated water demand for cannabis cultivation. This is 1.0 gallon (gpd) per plant more than reported by Bauer et. el. (2015), who reported up to 5.0 (gpd) per plant (18.9 Liters/day/plant). Using the more conservative estimate of 6.0 gpd (CDFA, 2017), the demand is 3,000 gpd (2.1 gallons per minute [gpm]) per acre of canopy; this use rate is consistent with the Property Management Plan section (Section 10.0) of the project's Property Management Plan. The total estimated irrigation water demand, for 22,000 sq. ft. of cultivation area and approximately 5,400 sq. ft. of nursery area, is as follows:

- Average Daily
  - 1,887 gpd (1.3 gpm)
- Yearly (cultivation will be mixed light, 365 days/year)
  - 688,774 gallons or 2.1 acre-feet (AF)



The estimated irrigation water demand is reported as an average daily rate of the yearly water demand. However, seasonal water demand likely varies in response to environmental variables (e.g., temperature, relative humidity, wind, plant size, etc.). The monthly estimated irrigation water demand, accounting for seasonal variation, is summarized in Table 1 (totals to 2.1 AF). In addition to irrigation water demand, the project proposes two to four fulltime and eight to sixteen seasonal employees. It is assumed that water demand for fulltime employees is equivalent to sanitary sewer generation for factories without shower facilities. According to the Lake County Rules and Regulations for On-Site Sewage Disposal (Lake County, 2010), the demand would be 15 gallons per day, per person or up to 109,500 gallons per year, assuming operations 7 days per week, all year (0.3 AF per year). All landscaping would be drought-tolerant landscaping, which would require little to no water use. Thus, the total annual water demand is approximately 2.4 AF and the average daily demand is approximately 1.6 gpm.

*Table 1: Monthly estimated water usage (units are 1,000 gallons) at Higher Ground Farms.*

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Irrigation	45	45	50	50	55	75	75	80	75	50	45	45	690
Employee	9.3	8.4	9.3	9.0	9.3	9.0	9.3	9.3	9.0	9.3	9.0	9.3	109.5

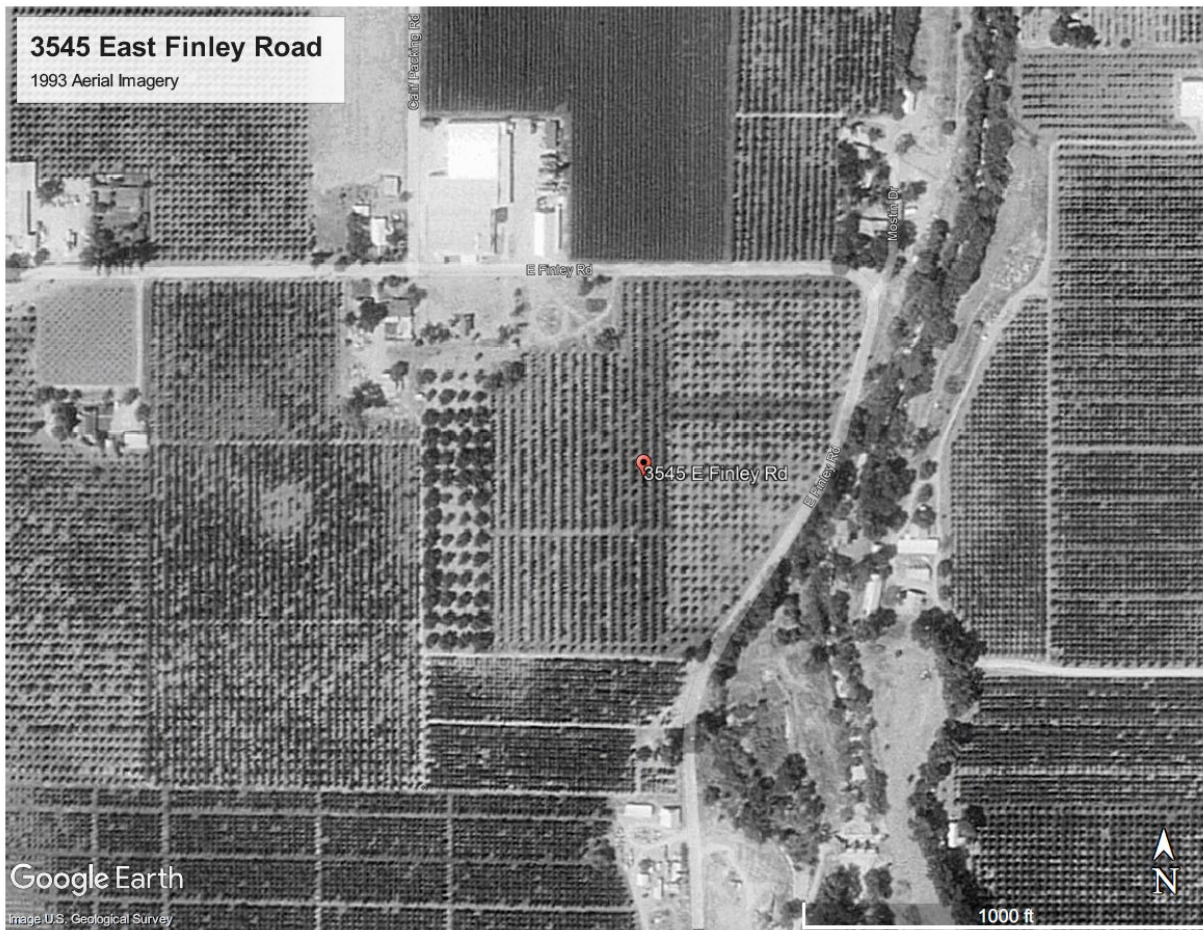
## WATER SOURCE AND SUPPLY

There is an existing agricultural well on APN 008-026-07 (Latitude/Longitude: 39.001367, -122.845389) that has been in production since prior to the requirement for a well permit. The well was certified by Jim's Pumps on July 27, 2021 (Attachment 1). According to the property owner, the well is approximately 100 feet deep. The ground surface elevation of the well is 1,357 feet according to USGS topography; thus, the elevation of the well bottom is approximately 1,257 feet.

In July of 2021, a Well Test Report was completed by Jim's Pumps and reported the well is capable of approximately 253 gpm (402.5 acre-feet per year). A 7.5-Horsepower (HP) pump has been installed on the well. The static water level when the pump test was conducted was 40 feet below ground surface, at an elevation of approximately 1,317 feet. The pump test was conducted for approximately four hours and concluded with a stable water yield of 253 gpm, resulting in 10 feet of drawdown during maximum well production (Attachment 1). The daily demand of 1.6 gpm represents 0.6% of the potential annual well production.

Historically, the site has been used for heavy agricultural activities. The existing agricultural well was used to irrigate approximately 7 to 10-acres of walnut orchard (also could include pears) and more recently approximately 6 to 8-acres of hay and about 3-acres of hemp. Historical aerial imagery of the project parcel shows the entire parcel planted with walnut trees, approximately 17-acres of coverage (Figure 1). Mature walnut trees can use about 41 to 44 inches of water per acre in an average year, which equates to approximately 58 to 62 acre-feet per year planted over the subject parcel. The historical use is approximately thirty times more than the proposed demand by the project.





*Figure 2. 1993 Aerial Imagery Illustrating Historical Agricultural Activities*

## **IRRIGATION AND WATER STORAGE**

Irrigation for the cultivation operation will use water supplied by the existing certified well. Irrigation water will be pumped from the well via PVC plumbing to water storage tanks with a total capacity of 10,000 gallons. The storage provided represents approximately 5-days of the average project demand.

Water from the storage tanks will be plumbed to drip irrigation systems in individual gardens. Drip lines will be sized to irrigate the cultivation areas at a slow rate to maximize absorption and prevent runoff. Drip irrigation systems, when implemented properly, conserve water compared to other irrigation techniques.

## **GROUNDWATER BASIN INFORMATION AND HYDROGEOLOGY**

The water source is in the Big Valley Groundwater Basin (Figure 3). The Big Valley Groundwater Basin includes the watersheds of Manning Creek/Rumsey Slough, Adobe Creek, Hill Creek, Kelsey Creek, Cole Creek, and Highland Creek. The well is located just west of Kelsey Creek in the Kelsey Creek Watershed.

The Big Valley Groundwater Basin primarily corresponds with late-Pleistocene to recent age alluvial and lacustrine basin fill deposits. The basin borders Mesozoic volcanic and metavolcanic rock to the west,





Jurassic Cretaceous Franciscan Formation marine sedimentary units to the south and west (which constitutes the basin basement rock), Clear Lake to the north, and Clear Lake Volcanics to the east. The structural boundaries of the Big Valley Groundwater Basin are formed by two major strike-slip faults – the Colayomi fault on the east and the Scotts Valley fault on the west. The Big Valley Fault intersects the Big Valley basin along a NW-SE trajectory, resulting in two distinct hydrogeologic regimes – comprised of younger quaternary alluvial and lacustrine deposits to the north, and raised Central Uplands of the Kelseyville Formation in the south (Figure 4). According to California’s Groundwater Bulletin 118, the primary water-bearing formations in the groundwater basin are Quaternary alluvium, lake, and terrace deposits and an interbed deposit of unconsolidated volcanic ash. Recharge in the northern portion of the Big Valley Basin is primarily infiltration from Kelsey Creek and underflow from the Adobe Creek-Manning Creek Subbasin. The estimated storage capacity across the basin is 105,000 acre-feet, with a usable storage capacity of 60,000 acre-feet.

According to the Big Valley Groundwater Sustainability Plan (Big Valley GSP, 2022), Crop changes over the last twenty years (e.g., pear crops replaced by wine grapes) has resulted in a reduction of overall groundwater demand in the Big Valley Groundwater Basin. The three primary water users in the Big Valley Groundwater Basin are agriculture, municipal, and rural domestic; mostly supplied from groundwater sources. Total water use is an estimated 12,944 acre-feet per year (AFY). Most of the water is used for agricultural purposes (11,928 AFY in 2013), with the remainder used by municipal and domestic water uses (622 AFY and 340 AFY, respectively in 2020). Irrigation/Municipal wells range in depth between 48-feet and 524-feet. Irrigation/Municipal well yields range between 30 and 1,470 gpm (CDM, 2006; California DWR, 2003 and 2021).

Seasonal high groundwater levels range between 5 and 20 feet below ground surface (bgs) in the northern portion of the groundwater basin. Seasonal low water levels can be 5 to 25 feet deeper than seasonal high levels, depending on well location, construction, and local water use. In general, water level fluctuations between dry and wet climatic periods range from a few feet to less than 10 feet. Groundwater levels have remained stable during over the last 30 years with no indication of overdraft in the groundwater basin. (Big Valley GSP, 2022)

Due to the age of the well that supplies water for Higher Grounds Farms, there is no existing well log on record; however, the location and depth of the well (approximately 100-feet) places it within the northern hydrogeologic regime of the Big Valley Basin, within the recent-age Quaternary alluvial and lacustrine deposits (Figure 4). Recharge in this area is derived from infiltration of surface flow from Kelsey Creek.

The Big Valley Groundwater Basin has not been identified by the California Department of Water Resources (DWR) as a critically overdrafted basin. Critically overdrafted is defined by DWR as, “A basin subject to critical overdraft when continuation of present water management practices would probably result in significant adverse overdraft-related environmental, social, or economic impacts.” In addition, as part of the California Statewide Groundwater Elevation Monitoring (CASGEM) program, DWR created the CASGEM Groundwater Basin Prioritization statewide ranking system to prioritize California groundwater basins to identify, evaluate, and determine the need for additional groundwater level monitoring. California’s groundwater basins were classified into one of four categories: high-, medium-, low-, or very low-priority. The Big Valley Groundwater Basin was ranked as a medium priority basin by the CASGEM ranking system (DWR, 2021), requiring the preparation of a Groundwater Sustainability Plan that was completed in January 2022 (Big Valley GSP, 2022).





*Figure 3. Project well location and mapped Groundwater Basin*



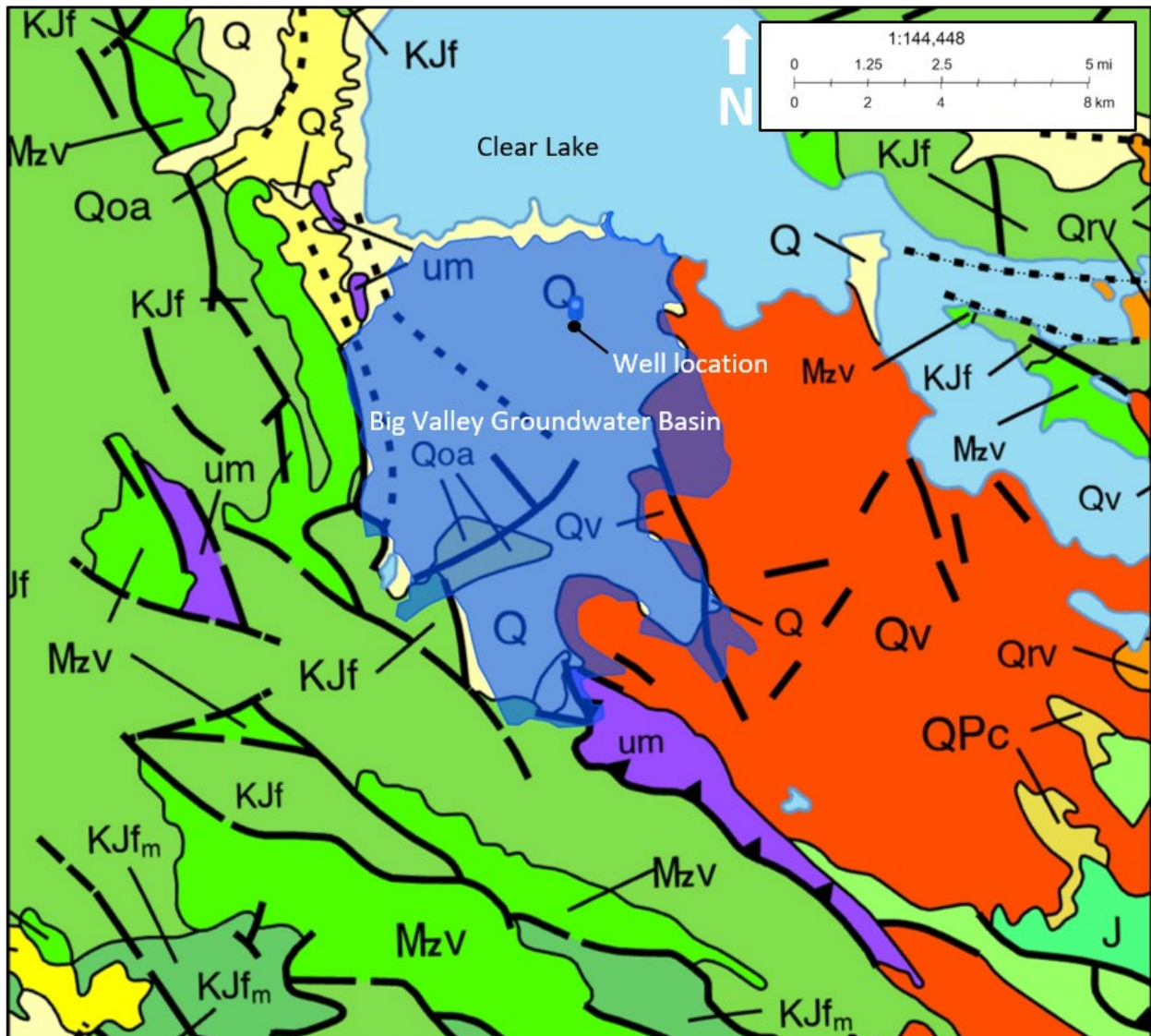


Figure 4. Geologic Map of California with the California Bulletin 118 Big Valley Groundwater Basin, corresponding primarily to recent age Quaternary lacustrine, stream, and terrace deposits (Q=Alluvium, lake, playa, and terrace deposit). Please refer to the [Geologic Map of California](#) online explanations for complete symbol descriptions.



## GROUNDWATER SOURCE RECHARGE RATE

Annual groundwater recharge can be estimated using a water balance equation, where recharge is equal to precipitation ( $P$ ) less runoff ( $Q$ ) and abstractions that do not contribute to infiltration (e.g., evapotranspiration). A simple tool that can be used to estimate runoff and abstractions with readily available data is the Natural Resources Conservation Service (NRCS) Curve Number (CN) Method (NRCS, 1986). The CN is an empirical parameter used to predict runoff or infiltration from excess rainfall. Determination of the CN depends on the watershed's soil and cover conditions, cover type, treatment, and hydrologic conditions. The CN Method runoff equation is:

$$Q = \frac{(P - I_a)^2}{(P - I_a) + S}$$

Where,

$Q$  = runoff (inches);

$P$  = rainfall (inches);

$S$  = potential maximum retention after runoff begins (inches), and;

$I_a$  = initial abstraction (inches).

The initial abstraction ( $I_a$ ) represents all losses before runoff begins, including initial infiltration, surface depression storage, evapotranspiration, and other factors. The initial abstraction is estimated as  $I_a = 0.2S$ .  $S$  is related to soil and cover conditions of the watershed through the CN, determined as  $S = 1000/CN - 10$ . Using these relations, the runoff equation becomes:

$$Q = \frac{(P - 0.2S)^2}{(P + 0.8S)}$$

The CN is estimated based on hydrologic soil group (HSG), cover type, condition, and land use over the area of recharge. The project parcel totals approximately 24.9 acres of land, nearly all of which is considered pervious as observed on aerial imagery (the only exception being the impervious surface area of East Finley Rd). This area was used to estimate the recharge area of the project (Figure 5).

Soils are classified into four HSGs ("A", "B", "C", and "D") according to the expected infiltration rate of each of the mapped soil units; where HSG "A" has the greatest infiltration rate and HSG "D" has the lowest infiltration rate. HSGs are based on soil type and are determined from the NRCS Web Soil Survey (<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>).

The entire recharge area is comprised of HSG "C" - indicating a moderately high runoff potential (Attachment 2). The land use was classified as row-crop cover with crop residue in good condition. The CN for the recharge area is 82.





*Figure 5: The project parcel area (APN: 008-026-07, 24.866 acres) over which groundwater recharge estimates were compared against water use in average and historic low precipitation years.*

The PRISM Climate Group gathers climate observations from a wide range of monitoring networks and provides time series values of precipitation for individual locations (<https://prism.oregonstate.edu/explorer/>). Using the annual precipitation from 1895 to 2020, as predicted by PRISM, the annual average precipitation over this period is 27.6 inches and the minimum precipitation over this period is 6.9 inches.

Using the above information, and assuming that 50% of the initial abstraction infiltrates and the remainder is evapotranspiration (0.2 inches, or 0.45 AF), the estimated annual recharge over the recharge area of 24.9 acres is 4.7 AF during an average year and 3.9 AF during a dry year (Table 2).

*Table 2. Estimated annual recharge over the recharge area of the project's well.*

Recharge Area (acres)	P (inches)	CN	S (inches)	I <sub>a</sub> (inches)	Q (inches)	Recharge = $P - Q - 0.5 \cdot I_a$ (inches)	Recharge (AF)
24.9	6.9	82	2.2	0.44	4.8	1.9	3.9
24.9	27.6	82	2.2	0.44	25.1	2.3	4.7

## CUMULATIVE IMPACT TO SURROUNDING AREAS

The annual water demand of the proposed project is estimated to be 2.4 AF per year. The demand is 62% and 51% of the annual recharge during an average and dry year, respectively. Overall, the project would need  $\pm 1.2$  inches of rainfall to infiltrate onto the project-parcel to meet the project's demand. Recharge in the Big Valley Groundwater Basin in the area of the project's water source is primarily infiltration and underflow from the Kelsey Creek Watershed. The watershed area upstream of the project is approximately 43.9 square miles (delineated using USGS StreamStats, <https://streamstats.usgs.gov/ss/>). The area used to estimate recharge for the proposed project is only 0.1% of the entire recharge area. The recharge estimate is likely a very low estimate of total recharge in the area, thus, there is sufficient recharge to meet the project's demand during both average and dry years.

The usable capacity of the Big Valley Groundwater Basin is 60,000 AF. The proposed project demand represents less than 0.01% of the capacity. The greatest demand for groundwater in the basin is agriculture. According to the Lake County Groundwater Management Plan (2006), the agricultural groundwater demand during an average year is 11,363 AF. The proposed project represents less than 0.02% of this demand. The existing irrigation well has a yield of 253 gpm (402.5 acre-feet per year), the project demand of 1.6 gpm (2.4 acre-feet) represents 0.6% of the well's yield.

Potential agricultural activities could occur on the remainder of the parcel, over approximately 13-acres. Potential agricultural activities include hay and/or hemp production or planting of a nitrogen fixing cover crop. Historic demand for approximately 17-acres of orchards was approximately 58 to 62 acre-feet per year or about 3.5 acre-feet per acre per year. According to the Lake County Water Demand Forecast (CDM, 2006), crops in Lake County use approximately 0.6 to 4.4 acre-feet per acre per year, with wine grapes using the least and pasture using the most. To be conservative, at 4.4 acre-feet per acre per year, the potential annual agriculture demand would be about 57 acre-feet. Including the proposed project, the total potential agriculture demand could be 59 acre-feet per year. This represents 0.1% of the usable storage capacity of the groundwater basin, 0.5% of the agricultural demand, and 23% of the well yield. There is sufficient groundwater storage and well capacity to meet the demand of the project and potential future agricultural activities on the project parcel.

Since there is sufficient recharge and supply to meet the project's demand (2.4 acre-feet per year) during average and dry years; the project's demand is insignificant, only 0.01 % and 0.02%, of the Big Valley Groundwater Basin usable storage capacity and average annual agriculture groundwater demand, respectively; the proposed project would use significantly less water compared to the previous use; and with implementation of water conservation measures (refer to the DMP), the proposed project water use would not have a cumulative impact on the surrounding area.



## QUALIFICATIONS OF AUTHOR

I have a PhD in Water Resources Engineering. In addition, I am a registered Professional Engineer with the State of California with 30-years of experience practicing and teaching Water Resources Engineering, including over 15 years of teaching, practicing, and modeling surface and groundwater hydrology.

## LIMITATIONS

The study of groundwater hydrology is very complex and often relies on limited data, especially in rural areas. Recommendations and conclusions provided herein are based on professional judgment made using information of the groundwater systems and geology in Lake County, which is limited and allows only for a general assessment of groundwater aquifer conditions and recharge. NorthPoint Consulting Group, Inc. is making analyses, recommendations, and conclusions based on readily available data, including studies and reports conducted by other professionals, Lake County, the State of California, and other consultants hired by the project proponent to prepare technical studies for the proposed project. If additional information or data becomes available for the project area, the recommendations and conclusions presented herein may be subject to change. This report has been prepared solely for the client and any reliance on this report by third parties shall be at such party's sole risk.

## Attachments:

1. Well pump test
2. NRCS Soil Survey Results
3. PRISM Climate Precipitation 1895 to 2020

## REFERENCES

- Bauer S, Olson J, Cockrill A, van Hattem M, Miller L, Tauzer M, et al. (2015). Impacts of Surface Water Diversions for Marijuana Cultivation on Aquatic Habitat in Four Northwestern California Watersheds. PLoS ONE 10(9): e0137935. <https://doi.org/10.1371/journal.pone.0137935>
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Natural Resources Conservation Service, NRCS. (1986) Urban Hydrology for Small Watersheds. USDFA NRCS Technical Release 55. June 1986.

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ATTACHMENT 1  
WELL TEST RESULTS



JIM'S PUMPS  
P.O. Box 474  
Upper Lake, CA 95485  
Telephone 707-349-2277  
Jose Fernandez Jr.  
CA# 993066

## WELL TEST REPORT

JOB John Oliver SIZE TURBINE 7.5 Hp  
LOCATION 3545 Finley East Rd Kelseyville SETTING Unknown  
WELL DEPTH Unknown CASING SIZE 12 in STATIC LEVEL 40 ft  
DATE STARTED 7-27-2021 DATE COMPLETED 7-27-2021

DATE	TIME		OPERATOR	G.P.M.	DRAWDOWN	WATER COLOR
	A.M.	P.M.				
7-27-21	9:00		Ben	183	40 ft	Clear
	9:15			183	47 ft	
	9:30			220	47 ft	
	9:45			253	48 ft	
	10:00			253	50 ft	
	10:15			253	50 ft	
	10:30			253	50 ft	
	11:00			253	50 ft	
	11:30			253	50 ft	
		12:00		253	50 ft	
		12:30		253	50 ft	
		1:00		253	50 ft	
			End Test			

COMMENTS: At this time we feel this well is Capable of (253 gpm). Note! All results are Subject to change depending on time of year and weather conditions.

*[Signature]*

Jin's Pump  
P.O. Box 474  
Upper Lake, CA 95485

## Contractors Invoice

WORK PERFORMED AT:

TO: John Oliver

3545 Finley East Rd  
Kelseyville Ca

DATE

7-27-2021

YOUR WORK ORDER NO.

707-234-9815

OUR BID NO.

### DESCRIPTION OF WORK PERFORMED

Performed Well test and took water samples for Emerald Package and Potability testing @ Alpha Labs. At this time we feel this well is capable of (253 gpm). Note: All results are subject to change depending on time of year and weather conditions. *Bryson*

Well test \$750.00  
~~Potability test \$65.00~~  
~~Emerald test \$400.00~~  
~~Total \$1215.00~~  
Total - \$750.00

Paying w/ Check # 2200

*paid*

*Apr 7*

~~Send Labs to:~~

All Material is guaranteed to be as specified, and the above work was performed in accordance with the drawings and specifications provided for the above work and was completed in a substantial workmanlike manner for the agreed sum of \_\_\_\_\_

Dollars (\$ \_\_\_\_\_).

This is a ☐ Partial ☐ Full invoice due and payable by: \_\_\_\_\_

Month

Day

Year

in accordance with our ☐ Agreement ☐ Proposal

No. \_\_\_\_\_

Dated \_\_\_\_\_

Month

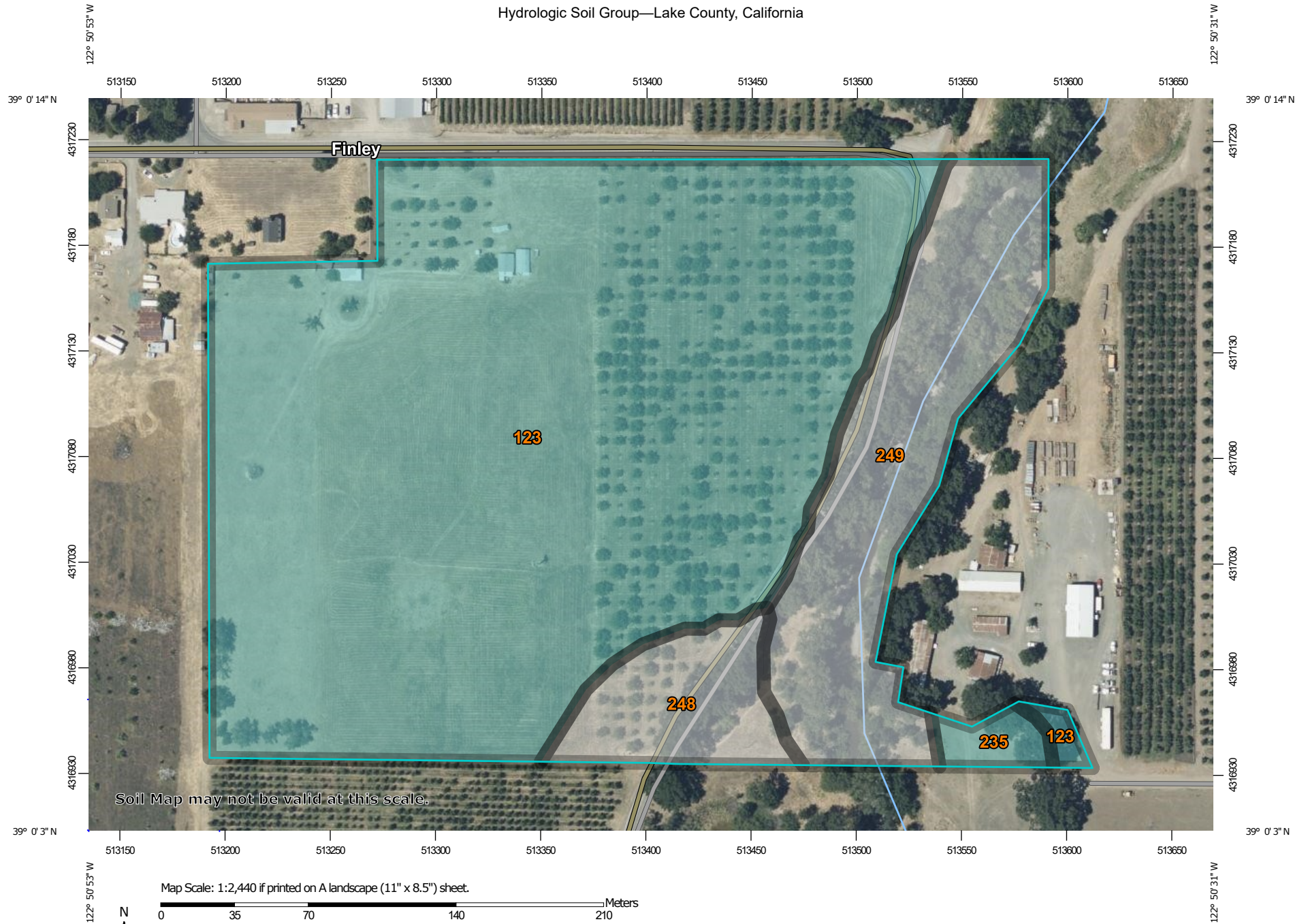
Day

Year



ATTACHMENT 2  
NRCS SOIL SURVEY RESULTS  
HYDROLOGIC SOIL GROUPS

# Hydrologic Soil Group—Lake County, California



**Natural Resources  
Conservation Service**

Web Soil Survey  
National Cooperative Soil Survey

10/11/2021  
Page 1 of 4

## MAP LEGEND

### Area of Interest (AOI)









 Area of Interest (AOI)

### Soils

#### Soil Rating Polygons





 A  
 A/D  
 B  
 B/D  
 C  
 C/D  
 D  
 Not rated or not available

#### Soil Rating Lines


 A  
 A/D  
 B  
 B/D  
 C  
 C/D  
 D  
 Not rated or not available

#### Soil Rating Points

 A  
 A/D  
 B  
 B/D

 C  
 C/D  
 D  
 Not rated or not available


### Water Features

 Streams and Canals

### Transportation

 Rails  
 Interstate Highways  
 US Routes  
 Major Roads  
 Local Roads

### Background

 Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lake County, California  
 Survey Area Data: Version 18, Sep 6, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 2, 2019—Jul 5, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
123	Cole clay loam, drained	C	18.9	76.0%
235	Still-Talmage complex, 2 to 8 percent slopes	C	0.3	1.3%
248	Xerofluvents, very gravelly		1.4	5.7%
249	Xerofluvents-Riverwash complex		4.2	17.0%
<b>Totals for Area of Interest</b>			<b>24.9</b>	<b>100.0%</b>

## Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

## Rating Options

*Aggregation Method:* Dominant Condition

*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Higher

ATTACHMENT 3  
PRISM PRECIPITATION 1895-2020

ATTACHMENT 1  
WELL TEST RESULTS

## PRISM Time Series Data

Location: Lat: 39.0022 Lon: -122.8447 Elev: 1358ft

Climate variable: ppt

Spatial resolution: 4km

Period: 1895 - 2020

Dataset: AN81m

PRISM day definition: 24 hours ending at 1200 UTC on the day shown

Grid Cell Interpolation: On

Time series generated: 2021-Oct-07

Details: [http://www.prism.oregonstate.edu/documents/PRISM\\_datasets.pdf](http://www.prism.oregonstate.edu/documents/PRISM_datasets.pdf)

Date	ppt (inches)		ppt (inches)
1895	31.76		
1896	37.39		
1897	25.63	Avg	27.6
1898	15.35	min	6.9
1899	33.27		
1900	23.68		
1901	24.45		
1902	36.33		
1903	24.17		
1904	41.29		
1905	21.4		
1906	38.85		
1907	32.24		
1908	18.65		
1909	45.09		
1910	15.96		
1911	31.44		
1912	19.42		
1913	25.63		
1914	30.27		
1915	36.98		
1916	28.31		
1917	13.18		
1918	20.27		
1919	22.83		
1920	28.47		
1921	22.42		
1922	28.64		
1923	13.7		
1924	22.79		
1925	28.39		
1926	33.86		
1927	29.62		
1928	21.1		
1929	15.95		
1930	17.17		



## PRISM Time Series Data

Location: Lat: 39.0022 Lon: -122.8447 Elev: 1358ft

Climate variable: ppt

Spatial resolution: 4km

Period: 1895 - 2020

Dataset: AN81m

PRISM day definition: 24 hours ending at 1200 UTC on the day shown

Grid Cell Interpolation: On

Time series generated: 2021-Oct-07

Details: [http://www.prism.oregonstate.edu/documents/PRISM\\_datasets.pdf](http://www.prism.oregonstate.edu/documents/PRISM_datasets.pdf)

Date	ppt (inches)		ppt (inches)
1895	31.76		
1896	37.39		
1897	25.63	Avg	27.6
1898	15.35	min	6.9
1899	33.27		
1900	23.68		
1901	24.45		
1902	36.33		
1903	24.17		
1904	41.29		
1905	21.4		
1906	38.85		
1907	32.24		
1908	18.65		
1909	45.09		
1910	15.96		
1911	31.44		
1912	19.42		
1913	25.63		
1914	30.27		
1915	36.98		
1916	28.31		
1917	13.18		
1918	20.27		
1919	22.83		
1920	28.47		
1921	22.42		
1922	28.64		
1923	13.7		
1924	22.79		
1925	28.39		
1926	33.86		
1927	29.62		
1928	21.1		
1929	15.95		
1930	17.17		

1931	24.91
1932	11.66
1933	20.21
1934	18.01
1935	22.93
1936	23.2
1937	34.14
1938	28.64
1939	12.57
1940	42.68
1941	41.53
1942	32.21
1943	20.81
1944	25.79
1945	29.9
1946	14.15
1947	16.41
1948	22.72
1949	15.74
1950	33.53
1951	28.88
1952	34.3
1953	19.95
1954	28.58
1955	27.99
1956	23.57
1957	31.4
1958	35.86
1959	20.63
1960	28.11
1961	20.27
1962	29.85
1963	30.03
1964	28.04
1965	25.49
1966	23.19
1967	29.79
1968	32.78
1969	36.96
1970	38.59
1971	19.56
1972	20.61
1973	41.72
1974	25.37
1975	26.54
1976	10.65
1977	22.59

1978	31.39
1979	38.96
1980	27.76
1981	36.18
1982	35.79
1983	64.32
1984	22.22
1985	16.61
1986	39.03
1987	28.93
1988	17.49
1989	19.39
1990	17.49
1991	22.64
1992	32.12
1993	33.91
1994	22.87
1995	49.84
1996	40.28
1997	30.84
1998	53.43
1999	23.6
2000	27.96
2001	35.22
2002	30.03
2003	34.56
2004	30.99
2005	38.37
2006	33.22
2007	17.6
2008	20.41
2009	20.06
2010	36.55
2011	23.61
2012	30.02
2013	6.92
2014	33.68
2015	20.11
2016	32.87
2017	36.81
2018	22.43
2019	45.32
2020	10.9

# **Drought Management Plan**

For  
**UP 20-40**  
**Higher Ground Farms**  
**APN 008-026-07**  
**3545 Finley East Road, Kelseyville CA 95482**

Prepared for:



***Lake County Community Development  
Department***  
255 N Forbes Street  
Lakeport, CA 95453

Prepared by:



***NorthPoint Consulting Group. Inc***  
1117 Samoa Blvd  
Arcata, California 95521  
(707)798-6438

**November 2021**

## **A. Purpose**

The purpose of this Drought Management Plan (DMP) is to meet the requirements of Lake County Ordinance 3106, passed by the Board of Supervisors on July 27, 2021. The Ordinance requires all projects that require a CEQA analysis of water use to provide a DMP depicting how the applicant proposes to reduce water use during a declared drought emergency to ensure both the success [of the project] and decreased impacts to surrounding areas. In addition to the DMP, Ordinance 3106 requires a Hydrology Report addressing water usage, water supply, water source recharge rate, and cumulative impacts to surrounding areas. The Hydrology Report, dated November 2021, for this project has been submitted as a separate document.

Note: The project proposes water conservation measures as part of the standard operating procedures. These measures will be followed whether or not the region is in a drought emergency. These measures are included below.

## **B. Project Description**

The proposed project is to permit commercial cannabis cultivation in accordance with the Lake County Zoning Ordinance (Article 27). The proposal is for a Type 2b Mixed Light Cultivation License a total canopy area of 22,000 sq. ft. (0.50 acres) within a cultivation area of 47,040 sq. ft. The proposal also includes the development of facilities appurtenant to cultivation, including greenhouses, facilities for drying, trimming, and packaging of harvested cannabis, small storage sheds, and the appropriate irrigation infrastructure (Figure 1). The 22,000 sq. ft. of mixed-light cultivation will occur in (8) 30'x96' greenhouses using light deprivation and/or artificial lighting below a rate of 25 watts per square foot. The proposed project includes two (2) 30'x96 greenhouses for on-site nursery and propagation and a single commercial building for on-site drying, trimming, and packaging. Irrigation for the cultivation operation will use water supplied by the existing well. Irrigation water will be pumped from the well via PVC plumbing to water storage tanks with a capacity of 10,000 gallons. Water from the storage tanks will be plumbed to drip irrigation systems in individual gardens. Drip lines will be sized to irrigate the cultivation areas at a slow rate to maximize absorption and prevent runoff. Drip irrigation systems, when implemented properly, conserve water compared to other irrigation techniques.

## **C. Operational Water Monitoring and Conservation Measures**

As part of the project's standard operational procedures, the project proposes to implement ongoing water monitoring and conservation measures that would reduce the overall use of water. These measures have been provided in the Water Use Management Plan section (Section 9.0) of the project's Property Management Plan. The Water Use Management Plan includes information on Water Sources and Metering, Estimated Water Use, Water Conservation, and the Irrigation System. On-going water conservation measures include:

- no surface water diversion;
- selection of plant varieties that are suitable for the climate of the region;
- the use of driplines and drip emitters (instead of spray irrigation);
- cover drip lines with straw mulch or similar to reduce evaporation;
- water application rates modified from data from soil moisture meters and weather monitoring;
- shutoff valves on hoses and water pipes;

- daily visual inspections of irrigation systems;
- immediate repair of leaking or malfunctioning equipment; and
- water metering and budgeting.

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

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

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

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

In addition to monitoring and reporting, an analysis of the water level monitoring data shall be provided and included in the project's annual report, demonstrating whether use of the well is causing significant drawdown and/or impacts to the surrounding area and what measures were taken to reduce impacts. If there are impacts, a revised Water Management Plan shall be prepared and submitted to the County, for review and approval, demonstrating how the project will mitigate the impacts in the future, including, for example, additional water sources and possibly a reduction in cultivation, if a reduction in water availability has occurred.

#### **D. Drought Emergency Water Conservation Measures**



Drought can reduce both water availability and water quality necessary for productive farming, ranches, and grazing lands, resulting in significant negative direct and indirect economic impacts to the farm. To plan and prepare for drought conditions, the project will follow recommendations for monitoring, planning, and preparedness provided by the National Integrated Drought Information System - <https://www.drought.gov/sectors/agriculture>.

- Install additional water storage and/or implement a rainwater catchment system;
- Install moisture meters to monitor how much water is in the soil at the root level and reduce watering to only what is needed to avoid excess;
- Cover the soil and drip-lines with removable plastic covers or similar to reduce evaporation;
- Irrigate only in the early morning hours or before sunset;
- Cover plants with shaded meshes during peak summer heat to reduce plant water needs; and/or
- Use a growing medium that retains water in a way to conserve water and aid plant growth. Organic soil ingredients like peat moss, coco coir, compost and other substances like perlite and vermiculite retain water and provide a good environment for cannabis to grow.

In the event that one or all of the wells cannot supply the water needed for the project, the following measures may be taken:

- Reduce the amount of cultivation and/or length of cultivation season;
  - The amount of cultivation would be determined based on available water
- Install additional storage; and/or
- If possible, develop an alternative, legal, water source that meets the requirements of Lake County Codes and Ordinances.

#### **E. Potential Rainwater Catchment**

Rainwater catchment is an option if the project needs to offset the groundwater well to supply the project. The greenhouses and processing building provide a total of 33,600 sq. ft. of potential rainwater catchment area. Estimated potential rainwater catchment volume for dry and average precipitation years is summarized below. Storage could be provided using water storage tanks, which would provide additional recharge area. The estimated demand is approximately 2.4 acre-feet. Rain catchment from the proposed cannabis facilities could offset about 18%-74% of the project's demand during a dry and average year, respectively.

Catchment	Area (sq. ft.)	Potential Rainwater Catchment Volume			
		Dry Year (6.9 inches)		Average Year (27.6 inches)	
		Acre-Feet	Gallons	Acre-Feet	Gallons
Greenhouses	28,800	0.38	123,877	1.52	495,509
Processing Building	4,800	0.06	20,646	0.25	82,585
<b>Total</b>	<b>33,600</b>	<b>0.44</b>	<b>144,523</b>	<b>1.77</b>	<b>578,094</b>

**Eric Porter**

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**From:** William Collins  
**Sent:** Monday, April 11, 2022 4:55 PM  
**To:** Lake County Cannabis Agency Review  
**Subject:** RE: Request for Review for Sufficiency UP 20-40 John Oliver

Thanks for checking with me. Please make sure they get all applicable building permits.

Sincerely

**Bill Collins, CBO, CASp**  
**Chief Building official**  
County of Lake  
255 N. Forbes St.  
Lakeport, CA 95453  
707-263-2221 ex 38123 (Office)  
[william.collins@lakecountyca.gov](mailto:william.collins@lakecountyca.gov)



**From:** Lake County Cannabis Agency Review  
**Sent:** Monday, April 11, 2022 8:31 AM  
**To:** William Collins <William.Collins@lakecountyca.gov>  
**Subject:** Request for Review for Sufficiency UP 20-40 John Oliver

Hello,

This email is a request for review for a commercial cannabis cultivation project as referenced above. Due to the size of the attachments I have utilized this file share system and the attachments will be located below for download.

Code (PRC), we are responding to your request to be notified of projects in our jurisdiction that will be reviewed under CEQA. We are hereby notifying you of an opportunity to consult with us regarding the potential for this project to impact Tribal Cultural Resources, as defined in Section 21074 of the PRC. The purposes of tribal consultation under AB52 are to determine, as part of the CEQA review process, whether or not Tribal Cultural Resources are present within the project area, and if so, whether or not those resources will be significantly impacted by the project. If tribal cultural resources may be significantly impacted, then consultation will also help to determine the most appropriate way to avoid or mitigate those impacts. In accordance with Section 21080.3.1(b) of the PRC, Consultation request under AB52 must be received in writing within 30 days of receipt of this notice. If the culturally-affiliated Tribe would like to formally request an AB 52 consultation, please email or write your request and



## Eric Porter

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**From:** CHP-EIR <EIR@chp.ca.gov>  
**Sent:** Friday, June 9, 2023 9:36 AM  
**To:** Eric Porter; 'state.clearinghouse@opr.ca.gov'  
**Cc:** Fansler, Daniel@CHP; Abrahams, Kristen@CHP  
**Subject:** [EXTERNAL] SCH# 2023050164

Good morning,

Please see the response below from Lieutenant Commander Dan Fansler of the California Highway Patrol, Clear Lake Area, for SCH# 2023050164 .

Thank you,

**Kristen Abrahams** (Lange), AGPA  
Special Projects Section, Transportation Planning Unit  
CHP Headquarters  
601 N. 7<sup>th</sup> Street  
Sacramento, CA 95811  
Office: (916) 843-3370  
Direct: (916) 843-3386

---

**From:** Fansler, Daniel@CHP <DFansler@chp.ca.gov>  
**Sent:** Friday, June 9, 2023 8:37 AM  
**To:** CHP-EIR <EIR@chp.ca.gov>  
**Cc:** CHP-10AAdesk <10AAdesk@chp.ca.gov>; Abrahams, Kristen@CHP <Kristen.Abrahams@chp.ca.gov>  
**Subject:** RE: Environmental Document Review – SCH # 2023050164 – Due to Lead Agency by 6/7/2023

It has been brought to my attention the Kelsey Creek Schoolhouse historical site is located at 3505 Finley Road East, directly next door to the proposed Higher Ground Farm commercial cannabis project.

There are many unknowns about how traffic volumes at High Ground Farm — both for workers and for shipping operations — could impact the schoolhouse, which I am told is intended to be utilized for school and community events on a regular basis.

From a traffic safety perspective, I do recognize that there could be a conflict if the two projects are not thoroughly studied. The two sites sit beside each other, with their proposed driveways a short distance apart on a narrow, county-maintained roadway that already sees steady traffic volume, with drivers typically traveling at the speed limit or above in many cases.

The condition of Higher Ground's driveway off of Finley Road East suggests that it will require grading and asphalt to make it suitable for commercial use. How those roadway improvements might impact traffic and the schoolhouse may need to be considered. Respectfully,

**Dan Fansler, Lieutenant**  
Commander  
CHP Clear Lake  
(707) 279-0103  
(707) 279-2863 Fax  
[dfansler@chp.ca.gov](mailto:dfansler@chp.ca.gov)



*Safety, Service, and Security*

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**From:** CHP-EIR <[EIR@chp.ca.gov](mailto:EIR@chp.ca.gov)>  
**Sent:** Thursday, May 25, 2023 4:57 PM  
**To:** Dye, Arthur J@CHP <[ADye@chp.ca.gov](mailto:ADye@chp.ca.gov)>; Fansler, Daniel@CHP <[DFansler@chp.ca.gov](mailto:DFansler@chp.ca.gov)>  
**Cc:** CHP-10AAdesk <[10AAdesk@chp.ca.gov](mailto:10AAdesk@chp.ca.gov)>; Abrahams, Kristen@CHP <[Kristen.Abrahams@chp.ca.gov](mailto:Kristen.Abrahams@chp.ca.gov)>  
**Subject:** Environmental Document Review – SCH # 2023050164 – Due to Lead Agency by 6/7/2023

Good afternoon,

Special Projects Section (SPS) recently received the referenced Notice of Environmental Impact document from the State Clearinghouse (SCH) outlined in the following Web site:

[Higher Ground Farms, UP 20-40, Commercial Cannabis Project](#)

Due to the project's geographical proximity, please use the attached checklist to assess its potential impact to local operations and public safety. **If impact is determined**, responses should be e-mailed directly to the Lead Agency with cc to SCH and myself. **If there is no impact**, please do not include SCH or the Lead Agency in your response.

For more information on the EIR review process, please check out: [Power Point Commanders EIR Training.pptx \(sharepoint.com\)](#).

Please feel free to e-mail me if you have any questions.

Thank you,

**Kristen Abrahams** (Lange), Staff Services Analyst  
Special Projects Section, Transportation Planning Unit  
CHP Headquarters  
601 N. 7<sup>th</sup> Street  
Sacramento, CA 95811  
Office: (916) 843-3370  
Direct: (916) 843-3386



**Department of  
Cannabis Control**  
CALIFORNIA

**Gavin Newsom**  
Governor

**Nicole Elliott**  
Director

June 2, 2023

Eric Porter, Associate Planner  
Lake County Community Development Department  
Courthouse – 255 North Forbes Street  
Lakeport, CA 95453  
CannabisCEQA@lakecountyca.gov

Re: Initial Study/Mitigated Negative Declaration for Higher Ground Farms; Major Use Permit  
UP 20-40, Initial Study IS 20-50 (SCH No. 2023050164)

Dear Mr. Porter:

Thank you for providing the California Department of Cannabis Control (DCC) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the County of Lake for the proposed Higher Ground Farms (Proposed Project).

DCC has jurisdiction over the issuance of licenses to cultivate, propagate, and process commercial cannabis in California. DCC issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries, cannabis processor facilities, and distribution facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, § 26012(a).) All commercial cannabis businesses within California require a license from DCC. For more information pertaining to commercial cannabis business license requirements, including DCC regulations, please visit: <https://cannabis.ca.gov/cannabis-laws/dcc-regulations/>.

DCC expects to be a Responsible Agency for this project under the California Environmental Quality Act (CEQA) because the project will need to obtain one or more annual cultivation licenses from DCC. In order to ensure that the IS/MND is sufficient for DCC's needs at that time, DCC requests that a copy of the IS/MND, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to DCC. This should apply not only to this Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in Lake County.

DCC offers the following comments concerning the IS/MND.

**General Comments (GCs)**

***GC 1: Proposed Project Description***

Certain comments provided in the specific comment table below relate to the need for additional detail regarding the description of the Proposed Project. In general, a more detailed project

description would be helpful to DCC. The following information would make the IS/MND more informative:

- 1) Description of the size and location of any existing natural features, such as vegetation, water features, and topography of the Proposed Project site; and
- 2) Detailed description of existing and proposed infrastructure and operational activities that would occur within these facilities, as well as any other structures that may be existing or constructed as part of the Proposed Project.
- 3) Description of facility operations and maintenance including:
  - a. Any heavy equipment that will be used for cultivation operations, including tractors, forklifts, mowers, etc.;
  - b. Source(s) and amounts of energy expected to be used in operating the project, including any generators that may be used, as well as any energy management and efficiency features incorporated into the Proposed Project.

The IS/MND should include local street maps, topographic maps, aerial photographs, site plans, property diagrams, and/or other graphics to show the existing site conditions, the Proposed Project, and the surrounding area. The site plans that are provided in the IS/MND are not included at a resolution that would allow the reviewer to understand the general location and surrounding features, or to visualize the layout of existing and proposed features of the Project.

## ***GC 2: Acknowledgement of DCC Regulations***

The IS/MND does not acknowledge that the Proposed Project requires one or more cultivation licenses from DCC. The IS/MND could be improved if it acknowledged that DCC is responsible for licensing, regulation, and enforcement of commercial cultivation activities, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and DCC regulations related to cannabis cultivation (Bus. & Prof. Code, § 26102(a)).

Additionally, the IS/MND's analysis could benefit from discussion of the protections for environmental resources provided by DCC's cultivation regulations, similar to the discussion provided with regard to County regulations. In particular, the impact analysis for each of the following resource topics could be further supported by a discussion of the effects of state regulations on reducing the severity of impacts for each applicable topic:

- Aesthetics (See 4 California Code of Regulations §16304(a).)
- Air Quality and Greenhouse Gas Emissions (See §§ 15020(e); 16304(a)(4); 16305; 16306.)
- Biological Resources (See §§ 15006(i); 15011(a)(11); 16304(a).)
- Cultural Resources (See § 16304(a)(3).)
- Energy (See §§ 15006(h)(6); 15011(a)(5); 15020(e); 16305; 16306.)
- Hazards and Hazardous Materials (See §§ 15006(h)(5)(c); 15011(a)(4); 15011(a)(12); 16304(a)(5)); 16307; 16310.)

- Hydrology and Water Quality (See §§ 15006(h); 15011(a)(3); 15011(a)(7); 15011(a)(11); 16304(a)(1); 16307; 16311.)
- Noise (See §§ 16304(a)(4); 16306.)
- Public Services (See §§ 15011(a)(10); 15036; 15042.)
- Utilities and Service Systems (See §§ 16311; 17223.)
- Wildfire (See § 15011(a)(10).)
- Cumulative Impacts (related to the above topics)

### ***GC 3: Impact Analysis***

Several comments provided in the specific comment table below relate to the absence of information or support for impact conclusions in the document. CEQA requires that Lead Agencies evaluate the environmental impacts of proposed projects and support factual conclusions with “substantial evidence.” Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. In general, the IS/MND would be improved if additional evidence (e.g., regulatory setting, environmental setting, impact analysis and methodology) was provided to support all impact conclusions in the checklist, including clear identification of the sources of information relied upon to make conclusions.

### ***GC 4: Requirements for Mitigation Measures***

When a CEQA document identifies impacts that are potentially significant, CEQA requires the Lead Agency to propose mitigation measures, where feasible, that may avoid, reduce, and/or minimize these impacts. According to the CEQA Guidelines, mitigation measures must be practical, specific, enforceable, effective, and roughly proportional to project impacts. This requires a Lead Agency to clearly disclose potential impacts and be sufficiently specific about prescribed mitigation measures. In several instances throughout the document, mitigation measures are not sufficiently specific to establish how such measures would minimize significant adverse impacts resulting from Proposed Project activities.

### ***GC 5: Site-Specific Reports and Studies***

The IS/MND references several project-specific plans, studies, and reports, including a Property Management Plan; Site Management Plan; Biological Assessment; Cultural Resource Evaluation; Erosion and Sediment Control Plan; and Nitrogen Management Plan. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the County advise applicants to provide to DCC copies of all project-specific plans and supporting documentation with their state application package for an annual cultivation license.

### ***GC 6: Evaluation of Cumulative Impacts***

It is important for the CEQA analysis to consider the cumulative impacts of cannabis cultivation in Lake County as a whole. Of particular importance are topics for which the impacts of individual projects may be less than significant, but where individual projects may make a considerable contribution to a significant cumulative impact. These topics include, but are not limited to:

- cumulative impacts from groundwater diversions on the health of the underlying aquifer, including impacts on other users and impacts on stream-related resources connected to the aquifer;
- cumulative impacts related to transportation;
- cumulative impacts related to noise; and
- cumulative impacts related to air quality and objectionable odors.

The IS/MND would be improved by acknowledging and analyzing the potential for cumulative impacts resulting from the Proposed Project along with other cannabis cultivation projects being processed by the County and any other reasonably foreseeable projects in Lake County that could contribute to cumulative impacts similar to those of the Proposed Project.

### **Specific Comments and Recommendations**

In addition to the general comments provide above, DCC provides the following specific comments regarding the analysis in the IS/MND.

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<b>Comment No.</b>	<b>Section Nos.</b>	<b>Page No(s).</b>	<b>Resource Topic(s)</b>	<b>IS/MND Text</b>	<b>DCC Comments and Recommendations</b>
1	Project Description	2	Figure 1	Figure 1	Figure 1 would be improved if the vicinity map provided were at a resolution and orientation that would allow the reader to discern the location of the Proposed Project in relation to identified roadways and known drainageways.
2	Project Description	2	16. Description of Project	The site has historically been used for traditional crop production. The orchard that had been on site was removed over the course of time.	The document would be improved if it included a time frame for the use of the site as an orchard and a year when the orchard was removed or became non-operational.
3	Project Description	4	Figure 2	N/A (General Comment)	Figure 2 would be improved if the site plans provided were at a resolution and orientation that would allow the reader to discern the text and features depicted as well as existing and proposed facilities, staging areas, and other relevant features. A separate figure showing environmental resources such as waterways, access routes, and structures on surrounding properties would be useful as well.
4	Project Description	5	Figure 2	N/A (General Comment)	There are two figures identified as Figure 2. The document would be improved if the figure on page 5 was renumbered to Figure 3. Subsequent figures should be renumbered as well.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
5	Project Description	6	18. Other public agencies whose approval is required	N/A (General Comment)	The IS/MND would be more informative if it identified the permit(s) or approval(s) required from each of the agencies listed.  In addition, please take note that commercial cannabis regulation and licensing previously under the responsibility of the California Department of Food and Agriculture, the Bureau of Cannabis Control, and the Office of Manufactured Cannabis Safety have been consolidated into a new agency, the California Department of Cannabis Control.
6	Project Description	6	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?	Lake County sent an AB52 notice to 11 Lake County-based Tribes on May 12, 2020, informing tribes of the proposed project and offering consultation under AB-52.	The document would be improved if it contained a list of the tribes that were notified.



<b>Comment No.</b>	<b>Section Nos.</b>	<b>Page No(s).</b>	<b>Resource Topic(s)</b>	<b>IS/MND Text</b>	<b>DCC Comments and Recommendations</b>
7	I(a)	9-10	Aesthetics	N/A (General Comment)	The document would be improved if it identified County-designated scenic vistas within the vicinity of the Proposed Project.
8	I(a)	9-10	Aesthetics	AES-2: Prior to cultivation, a minimum 6' tall screening fence shall be installed around the perimeter of the cultivation. The screening material shall not be fabric due to poor durability, and the fence may be chain link with slats, or solid wood or metal.	<p>The document would be improved if it provided an analysis of the potential aesthetic impacts of the fence.</p> <p>The document would be further improved if it described the height and appearance of the 10 proposed greenhouses and the processing building, and provided an analysis of the overall aesthetic impacts of the fence, greenhouses, and other structures to scenic vistas</p>
9	I(c)	10	Aesthetics	The site is located in an agricultural area to the south of Lakeport and is highly visible from Finley East Road. Screening requirements and light mitigation are added to minimize potential impacts to the neighboring properties.	The document would be strengthened if it included a discussion of how AES-1 through AES-3 would reduce the visual impact of the Proposed Project as well as identified potential viewpoints from adjacent public areas for reference.
10	I(d)	11	Aesthetics	N/A (General Comment)	The IS/MND would be strengthened if it referenced DCC's requirements that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					avoid nighttime glare. The document could also cite DCC's requirements that all outdoor lighting for security purposes must be shielded and downward facing. (Cal. Code Regs., tit. 4 §§ 16304(a)(6), 16304(a)(7)).
11	III(b)	13-14	Air Quality	The Project area is in the Lake County Air Basin, which is designated as in attainment for state and federal air quality standards for criteria pollutants (CO <sub>2</sub> , SO <sub>2</sub> , NO <sub>x</sub> , O <sub>3</sub> , PM <sub>10</sub> , PM <sub>2.5</sub> , VOC, ROG, Pb).	The IS/MND would be improved by providing a description of applicable air quality standards, including BAAQMD thresholds of significance and LCAQMD Rules and Regulations; proposed equipment required for project operations (e.g., employee vehicles and supply trucks, road and vegetation maintenance equipment, cultivation equipment); and a quantitative assessment of impacts to air quality.
12	III(b)	13-14	Air Quality	N/A (General Comment)	The document would be improved if it summarized or provided the inputs used to determine the emissions represented in the tables on pages 13 and 14.
13	III(b)	13-14	Air Quality	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.	The document would be strengthened if it provided a clearer distinction between the analysis of potential construction impacts and operation impacts.  The analysis should also include an examination of potential cumulative impacts to air quality.

<b>Comment No.</b>	<b>Section Nos.</b>	<b>Page No(s).</b>	<b>Resource Topic(s)</b>	<b>IS/MND Text</b>	<b>DCC Comments and Recommendations</b>
14	III(c)	15	Air Quality	Operational impacts would include dust and fumes from site preparation of the greenhouse pads and vehicular traffic, including small delivery vehicles that would be contributors during and after site preparation and construction.	The document would be strengthened if it provided a quantitative analysis of the PM2.5 and PM10 emissions that would be generated by vehicle travel on dirt and gravel roads during project operations. The analysis should also include an examination of potential cumulative impacts.
15	III(c)	15	Air Quality	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	The document does not specify any mitigation measures that include restricting activities in high winds or watering to mitigate fugitive dust impacts. According to the CEQA Guidelines, mitigation measures must be practical, specific, enforceable, effective, and roughly proportional to project impacts. The IS/MND would be strengthened if it specified what mitigation measures would be used to mitigate airborne dust emissions, the standards the mitigation measures are designed to achieve, and how such mitigation would be enforced. (See GC 4.)
16	III(c)	16	Air Quality	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	Mitigation Measure AQ-6 appears to contain one or more errors that make it difficult to understand the requirements of the mitigation measure. The document would be improved if the language were

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
17	III(c)	16	Air Quality	AQ-7: Prior to greenhouse cultivation, and prior to use of the processing building for cannabis drying and packaging, the applicant shall install carbon or similar air filters in each structure.	<p>corrected to clarify the actions that would be required.</p> <p>In addition, Mitigation Measure AQ-6 would be strengthened if it stated what specific maintenance activities would be used to mitigate airborne dust emissions and how such mitigation would be enforced.</p> <p>The mitigation measure would be improved if it described the standard of odor reduction the carbon filters would be required to achieve, and described how the measure would be monitored or enforced. (See GC 4.)</p>
18	III(d)	16	Air Quality	N/A (General Comment)	Item III(b) discusses the potential for the Project to produce fugitive dust emissions during construction and operation and identifies mitigation measures to reduce the impact to a less-than-significant level. Item III(c) contains mitigation to reduce odors. This information should be reflected in the discussion of item III(d), and the conclusion should be revised to "Less than Significant Impact with Mitigation Measures AQ-5, AQ-6, and AQ-7 incorporated" in the text and the checkbox.
19	IV(b)	20	Biological Resources	The Project parcel is a Class I watercourses.	The document appears to contain a typographical error that makes it difficult to understand the site

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					description. The document would be improved if it described the distance from the Project to all nearby watercourses.
20	V(a)	23	Cultural Resources	Prior to site disturbance, the applicant shall bring an archaeologist to the site and shall stake out the mapped historically sensitive area for avoidance. If the sensitive area is within the project boundary, the applicant shall amend the site plan to show a 50' buffer of non-disturbable area between the sensitive site and the cultivation site.	<p>The IS/MND would be improved if it described the distance of the sensitive historic site from the Proposed Project activities.</p> <p>The document would be improved if it provided an analysis of whether project operations or routine maintenance activities could result in significant impacts to identified cultural resources. In addition, the mitigation measure should specify whether the staking must remain in place during Proposed Project operations.</p>
21	VI(a)	24	Energy	N/A (General Comment)	The document would be improved if it provided an estimate of the energy that would be used for the Proposed Project on a monthly or annual basis. The IS/MND would be further strengthened if it described all power needs during Project operations (including lighting, ventilation, and filtration systems) and provided an analysis of whether the Proposed Project would result in a potentially significant environmental impact due to wasteful, inefficient, or

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
22	VII(e)	26	Geology and Soils	The proposed project site contains a 48' x 100' building that will have bathrooms that will be ADA compliant. A new septic system appears to be needed to serve this building	unnecessary consumption of energy, or wasteful use of energy resources.  The document would be improved if it included the types of soils onsite and their compatibility with septic systems.
23	VII(f)	27	Geology and Soils	According to the Wolf Creek Archaeological Services survey and CHRIS records, the project site contains a known unique site that might require protection or avoidance. The applicant shall contact an archaeologist and the Big Valley Tribe prior to site disturbance to stake out the area of interest and avoid it during construction and operations. Mitigation measure CUL- 3. Less than Significant Impact with mitigation measure CUL-3 added.	Mitigation measure CUL-1 includes measures in the event of accidental discovery of a paleontological resource. The document would be improved if this section was revised to include this mitigation measure.
24	VIII(a)	28	Greenhouse Gas Emissions	The applicant proposes about 22,000 sq. ft. of greenhouse canopy area, which will consist of about 250 plants based on the recognized average of 500 mature plants per acre.	The project description initially indicates that the total project canopy would be 47,040 square feet. (Page 2.) The document would be improved if it included a consistent description of the size of the Project and its components, and

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					provided its analysis of greenhouse gas emissions on that basis.
25	VIII(a)	28	Greenhouse Gas Emissions	Construction emissions and operational emissions were calculated using the California Emissions Estimator Model (CalEEMod®).	The document would be improved if it summarized or provided the inputs used to determine the emissions.
26	IX(b)	31	Hazards and Hazardous Materials	N/A (General Comment)	The IS/MND would be strengthened if it referenced DCC's pesticide use requirements (Cal. Code Regs., tit. 4 § 16307.)
27	X(c)	34	Hydrology and Water Quality	The applicant has submitted proposed erosion and sediment control plans that have stormwater control measures, thus enabling stormwater to remain in a confined area on site and which will prevent the water from re-entering any nearby surface water courses.	The document would be improved if it contained a description and analysis of how stormwater would be managed, both in the outdoor cultivation areas and with the addition of 10 additional greenhouses and other structures.
28	XIII(a)	37	Noise	NOI-1: ... This mitigation does not apply to night work.	The document would be improved if it specified why the mitigation measure would not apply to night work.
29	XIII(a)	37	Noise	N/A (General Comment)	The document would be improved if it described the sources of noise (e.g., cultivation equipment, fans, HVAC, odor control equipment, pumps, generators, operation and maintenance activities) expected to occur during Proposed Project

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					operations, the levels of noise those sources are likely to generate, and how the decibel limits in Mitigation Measure NOI-2 would be met. In addition, the document should describe the location and distance of any sensitive receptors from the Project and whether noise impacts to those receptors would be potentially significant.
30	XVIII(a)	43	Tribal Cultural Resources	A mitigation measure has been added requiring the Mostin site to be identified by an Archaeologist and avoided by the cultivator. A 50' 'no disturb' buffer is also required.	<p>The IS/MND would be improved if it described the distance of the sensitive historic site from the Proposed Project activities.</p> <p>The document would be improved if it provided an analysis of whether project operations or routine maintenance activities could result in significant impacts to identified cultural resources. In addition, the mitigation measure should specify whether the buffer must remain in place during Proposed Project operations.</p>
31	XIX(a)	43	Utilities	The proposed Project will be served by an existing onsite irrigation well and on-grid power for all project-related energy and water demands.	The document would be improved if it described the capacity of the existing system, estimated the energy demand that would be required for the Proposed Project,



Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
32	XX(a)	45	Wildfire	The applicant would use Hendricks Road, a paved County road serving the site as the evacuation route if needed.	and described whether the existing system would require any upgrades.  Hendricks Road is not located in the vicinity of the Proposed Project site. The document would be improved if it accurately described the Proposed Project's evacuation route, and provided an analysis of whether the Proposed Project would substantially impair an adopted emergency response plan or emergency evacuation plan.
33	XXI(b)	46	Mandatory Findings of Significance (Cumulative Impacts)	N/A (General Comment)	The IS/MND would be more informative if it identified any other cannabis growing operations that exist or have been proposed in the vicinity of the Proposed Project, and whether the Proposed Project would make a considerable contribution to any cumulative impacts from these other projects. (See GC 6.)
34	N/A	47-48	Source List	N/A (General Comment)	The Source List would be improved if it provided additional information regarding some of the references. For referenced documents, the author, title, and date of each document should be provided. For personal communications, the agency or organization, person contacted, date of contact, and method of contact should be provided. For websites, the URL and date accessed should be provided.

Comment No.	Section Nos.	Page No(s).	Resource Topic(s)	IS/MND Text	DCC Comments and Recommendations
					In addition, sources that are project-related studies could be made available via weblink or as attachments to the IS/MND.

## Conclusion

DCC appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 247-1659 or via e-mail at [Kevin.Ponce@cannabis.ca.gov](mailto:Kevin.Ponce@cannabis.ca.gov).

Sincerely,

**Rains, Lindsay@Cannabis** Digitally signed by Rains, Lindsay@Cannabis  
Date: 2023.06.05 07:16:47 -07'00'

Lindsay Rains  
Licensing Program Manager



## COUNTY OF LAKE

Health Services Department  
Environmental Health Division  
922 Bevins Court  
Lakeport, California 95453-9739  
Telephone 707/263-1164  
FAX 707/263-1681

Jonathan Portney  
Health Services Director

Jennifer Baker  
Deputy Health Services Director

Erik McLaughlin, MD, MPH  
Public Health Officer

Craig Wetherbee  
Environmental Health Director

### MEMORANDUM

DATE: May 11, 2022  
TO: Mary Claybon, Assistance Planner  
FROM: Tina Dawn-Rubin, Environmental Health Aide  
RE: UP 20-40 Major Use Permit, IS 20-50  
Commercial Cannabis  
APN: 008-026-07 3545 Finley East Rd, Kelseyville

Lake County Division of Environmental Health (EH) has on file for the subject parcel:

**APN: 008-026-07** – a 2021 site evaluation report; a 2021 field clearance to locate existing septic system; a 2020 RFR for a major use permit UP 20-40 review. No original septic permit on file for existing system most likely due to age of system.

The applicant must meet the EH requirements regarding Onsite Wastewater Treatment System (OWTS) and potable water. EH may require a field clearance to validate septic or well locations prior to site plan approval.

For any proposed building permits or projects where the parcel is serviced by an OWTS or well, the applicant may need to demonstrate the location of any proposed or existing structures including residential or commercial dwellings, garages, driveways, shed, barns, green houses, non-perimeter fences, well houses, etc., *and* the location of the proposed project on a to-scale site plan prior to building permit issuance and/or project approval.

If the applicant is proposing a commercial cannabis operation and the operation will be constructing or utilizing an existing structure (i.e., processing facility) that will have plumbing for a restroom, sink, etc, that structure will be required to have its own OWTS, separate from any existing or new OWTS designed to service a residential structure.

If the applicant is proposing an OWTS, then applicant must apply for a site evaluation and, if the site is acceptable to support an OWTS, apply for a permit.

EH requires all applicants to provide a written declaration of the chemical names and quantities of any hazardous material to be used on site. As a general rule, if a material has a Safety Data Sheet, that material may be considered as part of the facilities hazardous materials declaration. ***This should be submitted separately from the Management Plan to Environmental Health for review.***

***Promoting an Optimal State of Wellness in Lake County***



## LAKE COUNTY SHERIFF'S DEPARTMENT

1220 Martin Street • Lakeport, California 95453

Administration  
(707) 262-4200

Central Dispatch  
(707) 263-2690

Coroner  
(707) 262-4215

Corrections  
(707) 262-4240

Patrol/Investigation  
(707) 262-4230

Substation  
(707) 994-6433

**Brian L. Martin**  
Sheriff / Coroner

Lake County Community Development

RE: MUP 20-40  
3545 Finely East Road  
Kelseyville, CA

In review of the Security Management Plan submitted for revised MUP 20-40 via the Lake County Community Development Department in April 2022. The Lake County Sheriff's Office has determined the submitted security plan meets the requirements of the County of Lake as set forth in Lake County Ordinance 3084 / 3073.

The Lake County Sheriff's Office's review of the Security Plan is not an endorsement or recommendation of the Security Plan. It is a determination the Security Plan meets the minimum requirements as outlined in Lake County Ordinance 3084 / 3073.

The original, official document is retained by the Lake County Community Development Department. All inquiries regarding the status of cannabis permits or the application process should be directed to the Community Development Department.

*L. Bingham*

Lieutenant Luke Bingham  
Lake County Sheriff's Office  
1220 Martin St.  
Lakeport, CA 95453  
707 262 4200

CALIFORNIA  
HISTORICAL  
RESOURCES  
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SYSTEM



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COLUSA  
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LAKE  
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NAPA  
SAN BENITO

SAN FRANCISCO  
SAN MATEO  
SANTA CLARA  
SANTA CRUZ  
SOLANO  
SONOMA  
YOLO

**Northwest Information Center**  
Sonoma State University  
1400 Valley House Drive, Suite 210  
Rohnert Park, California 94928-3609  
Tel: 707.588.8455  
nwic@sonoma.edu  
<https://nwic.sonoma.edu>

April 21, 2022

File No.: 21-1698

Mary Claybon, Assistant Planner  
Lake County  
Community Development Department  
255 N. Forbes Street  
Lakeport, CA. 95453

re: UP 20-40; IS 20-50 / APN 008-026-07 at 3545 Finely East Road, Kelseyville / John C. Oliver

Dear Mary Claybon,

Records at this office were reviewed to determine if this project could adversely affect cultural resources. **Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

**Project Description:**

The applicant requests approval of a Major Use Permit to allow the following: A-Type 2B mixed-light commercial cannabis cultivation for 22,000 sq. ft. canopy area in eight (8) 30'x96' greenhouses within 47,040 sq. ft. of cultivation area. Propagation of immature cannabis plants within two (2) 30'x96' greenhouses. Cannabis Processor License for processing (trimming, drying, curing, grading, packaging, or labeling) of cannabis. A-Type 6 Non-Volatile Cannabis Manufacturing License for the manufacturing of cannabis products using nonvolatile solvents, or no solvents. A-Type 13 Self-Distribution transportation of cannabis goods that the licensee has cultivated or manufactured to entities licensed pursuant to California Code. 9,560 sq. ft. 2-Story building (proposed 48'x100'; first floor 4,800 sq. ft. and second floor 4,760 sq. ft.) for onsite processing.

**Previous Studies:**

XX The below studies may include portions of the proposed project, see recommendations below:

Report No.	Author(s)	Year	Title
S-000478	Anne Bothwell, Vicki Griggs, Peter Shelton, and Mark Wieland	1976	Archaeological and Geological Investigations of Kelsey Creek Sites, Kelseyville, California
S-000803	Ronald F. King and Gary Berg	1973	The Mostin Site: A Preliminary Report on Lake County Salvage Operations.
S-002345	Michael H. Townsend	1974	Cabrillo College Special Studies Project: Research in Archaeological Techniques and Field Work, CA-LAK-381.

S-002725	John Parker and Laurel James	1981	Osteoanalysis of Human Remains Recovered from Archaeological Sites CA-LAK-28 and CA-LAK-380, Lake County, California
S-006627	John Parker	1984	Archaeological Evaluation of 56 Acres of the Holdenreid Property, Lake County, California

#### **Archaeological and Native American Resources Recommendations:**

XX The proposed project area contains a recorded Native American archaeological site: The Mostin Site, P-17-000392 (CA-LAK-380). It is recommended that a qualified professional archaeologist update the conditions of these sites on Office of Historic Preservation's DPR 523 resource recordation forms, assess potential impacts of the proposed project activities on these resources, and provide project-specific recommendations as warranted.

XX The proposed project area has the possibility of containing unrecorded archaeological sites. Due to the passage of time since the previous surveys, combined with lack of coverage on this proposed project and the changes in archaeological theory and method since that time, we recommend a qualified archaeologist conduct further archival and field study for the entire project area to identify any unrecorded archaeological resources, including a good faith effort to identify archaeological deposits that may show no indications on the surface.

XX We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at 916/373-3710.

#### **Built Environment Recommendations:**

XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Lake County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.



April 22, 2022

Mary Claybon  
County of Lake  
255 N Forbes Street  
Lakeport, CA 95453

Re: UP 20-40 Higher Ground Farms  
3545 Finley East Road, Lakeport, CA

Dear Mary Claybon,

Thank you for providing PG&E the opportunity to review your proposed plans for UP 20-40 Higher Ground Farms dated April 8, 2022. Our review indicates your proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

If you require PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at (877) 259-8314 or [pgeplanreview@pge.com](mailto:pgeplanreview@pge.com).

Sincerely,

PG&E Plan Review Team  
Land Management

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## Eric Porter

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**From:** Jamie Henry  
**Sent:** Tuesday, May 30, 2023 9:11 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Oppose UP 20-40-50 Higher Ground

**From:** Amaia Hammack <Amaia.Hammack@lakecountyca.gov>  
**Sent:** Tuesday, May 30, 2023 8:15 AM  
**To:** Jamie Henry <Jamie.Henry@lakecountyca.gov>  
**Subject:** FW: [EXTERNAL] Oppose UP 20-40-50 Higher Ground

**From:** Donna Mackiewicz <[donnamackiewicz@gmail.com](mailto:donnamackiewicz@gmail.com)>  
**Sent:** Saturday, May 27, 2023 9:32 AM  
**To:** Lake County Community Development <[mbx.CommunityDevelopment@lakecountyca.gov](mailto:mbx.CommunityDevelopment@lakecountyca.gov)>  
**Subject:** [EXTERNAL] Oppose UP 20-40-50 Higher Ground

Dear Community Development and County of Lake Officials,

Please oppose UP 20-4- and 50 on the grounds the Initial study is grossly incomplete and misleadingly flawed and will negatively affect the historical area. Look at the IS page 20 and even shows in bold ERROR Reference not found. It does not mention there are endangered Hitch in the creek and immediate flooded areas - even today they are there and have been spotted even farther up the creek.

In a critical time to be saving the Hitch development that will negatively impact the future of the entire species should be seriously looked at.

There are great places in Lake County for cannabis farming and next to the creek is definitely not one of them.

Thank you for considering my comments in your decision.

Donna Mackiewicz  
576 Surf Lane, Clearlake Oaks CA 95423

## Eric Porter

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**From:** Lori Baca  
**Sent:** Monday, April 11, 2022 12:47 PM  
**To:** Lake County Cannabis Agency Review  
**Subject:** RE: Request for Review for Sufficiency

Good Afternoon,

Parcel 008-026-07 is outside of any Special Districts service area, no impact.

Just an FYI, although no public water or sewer is available to this property there is a 10" water mainline that runs along Finely East Road all the way to our KCWWD#3 treatment facility. If the Developer will be doing any digging outside of the property lines please have them call our office for more information and marking services.

Have a great day!

Lori A. Baca

Customer Service Supervisor

[Lori.Baca@lakecountyca.gov](mailto:Lori.Baca@lakecountyca.gov)

Office Number (707) 263-0119

Fax (707) 263-3836



---

**From:** Lake County Cannabis Agency Review [mailto:CannabisAgencyReview@lakecountyca.gov]

**Sent:** Friday, April 8, 2022 4:44 PM

**To:** Katherine Vanderwall <Katherine.Vanderwall@lakecountyca.gov>; Doug Gearhart <dougg@lcaqmd.net>; Jessica Pyska <Jessica.Pyska@lakecountyca.gov>; Elizabeth Knight <elizabethk@lcaqmd.net>; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Richard Ford <Richard.Ford@lakecountyca.gov>; bill.collins@lakecountyca.gov; Mary Darby <Mary.Darby@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Cara Salmon <cara.salmon@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; pbleuss@kelseyvillefire.com; mike.wink@fire.ca.gov; PGEPlanReview@pge.com; kyle.stoner@wildlife.ca.gov; james.shupe@dot.ca.gov; jesse.robertson@dot.ca.gov; jacob.rightnar@dot.ca.gov; centralvalleysac@waterboards.ca.gov; nwic@sonoma.edu; sham@blm.gov

**Subject:** Request for Review for Sufficiency

Hello Fellow Agencies,

This email is a request for review for a commercial cannabis cultivation project as referenced above. Due to the size of the attachments I have utilized this file share system and the attachments will be located below for download.

Please advise the Planning Division if additional information is needed, which permits are required from your agency, your environmental concerns, and whether you recommend that a Negative Declaration or an

## Eric Porter

---

**From:** Cara Salmon  
**Sent:** Tuesday, April 12, 2022 11:19 AM  
**To:** Lake County Cannabis Agency Review  
**Subject:** RE: Request for Review for Sufficiency

Hi Mary,

This property does not have a RS on file. The applicant needs to be able to prove that setbacks are met in the field.

---

**From:** Lake County Cannabis Agency Review [mailto:CannabisAgencyReview@lakecountyca.gov]  
**Sent:** Friday, April 8, 2022 4:44 PM  
**To:** Katherine Vanderwall <Katherine.Vanderwall@lakecountyca.gov>; Doug Gearhart <dougg@lcaqmd.net>; Jessica Pyska <Jessica.Pyska@lakecountyca.gov>; Elizabeth Knight <elizabethk@lcaqmd.net>; Ryan Lewelling <Ryan.Lewelling@lakecountyca.gov>; Richard Ford <Richard.Ford@lakecountyca.gov>; bill.collins@lakecountyca.gov; Mary Darby <Mary.Darby@lakecountyca.gov>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Lucas Bingham <Lucas.Bingham@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; Cara Salmon <cara.salmon@lakecountyca.gov>; Greg Peters <Greg.Peters@lakecountyca.gov>; Scott DeLeon <Scott.DeLeon@lakecountyca.gov>; Yuliya Osetrova <Yuliya.Osetrova@lakecountyca.gov>; pbleuss@kelseyvillefire.com; mike.wink@fire.ca.gov; PGEPlanReview@pge.com; kyle.stoner@wildlife.ca.gov; james.shupe@dot.ca.gov; jesse.robertson@dot.ca.gov; jacob.rightnar@dot.ca.gov; centralvalleysac@waterboards.ca.gov; nwic@sonoma.edu; sham@blm.gov  
**Subject:** Request for Review for Sufficiency

Hello Fellow Agencies,

This email is a request for review for a commercial cannabis cultivation project as referenced above. Due to the size of the attachments I have utilized this file share system and the attachments will be located below for download.

Please advise the Planning Division if additional information is needed, which permits are required from your agency, your environmental concerns, and whether you recommend that a Negative Declaration or an Environmental Impact Report be prepared. Additionally, please advise if your agency recommends any modifications to the project that would reduce potential environmental impacts. Due to the provisions of state law, it is essential that we receive your comments within 14 days of this notice. Please email your comments to a [CannabisAgencyReview@lakecountyca.gov](mailto:CannabisAgencyReview@lakecountyca.gov) or mail them to the address listed in the letterhead above.

Thank you,

Mary Claybon  
Assistant Planner

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## Files attached to this message

Filename	Size	Checksum (SHA256)
5_Bio and Botany Higher Ground Farms.pdf	2.81 MB	44362cedc82111cabaaa06fb383e1cccd727090b30e026116a6cc1c32a103ad7d

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## Central Valley Regional Water Quality Control Board

7 June 2023

Eric Porter  
Lake County Planning Department  
255 North Forbes Street  
Lakeport, CA 95453  
[eric.porter@lakecountycalifornia.gov](mailto:eric.porter@lakecountycalifornia.gov)

### **COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, HIGHER GROUND FARMS, UP 20-40 PROJECT, SCH#2023050164, LAKE COUNTY**

Pursuant to the State Clearinghouse's 8 May 2023 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Higher Ground Farms, UP 20-40 Project, located in Lake County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

#### **I. Regulatory Setting**

##### **Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of

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MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/)

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/sacsjr\\_2018\\_05.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Cannabis General Order**

Cannabis cultivation operations are required to obtain coverage under the State Water Resources Control Board's *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities Order No. WQ 2017-0023-DWQ* (the Cannabis General Order). Cultivators that divert and store surface water (stream, lake, subterranean stream, etc.) to irrigate cannabis also need a valid water right.

The Water Boards Cannabis Cultivation Programs offer an easy-to-use online Portal for cultivators to apply for both Cannabis General Order coverage and a Cannabis Small Irrigation Use Registration (SIUR) water right, if needed. Visit the Water Boards Cannabis Cultivation Programs Portal at:

<https://public2.waterboards.ca.gov/CGO>

Additional information about the Cannabis General Order, Cannabis SIUR Program, and Portal can be found at: [www.waterboards.ca.gov/cannabis](http://www.waterboards.ca.gov/cannabis)

For questions about the Cannabis General Order, please contact the Central Valley Water Board's Cannabis Permitting and Compliance Unit at: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov) or (916) 464-3291. For questions about Water Rights (Cannabis SIUR), please contact the State Water Board's Division of Water Rights at: [CannabisReg@waterboards.ca.gov](mailto:CannabisReg@waterboards.ca.gov) or (916) 319-9427.

**Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

**Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/water\\_issues/water\\_quality/certification/](https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/)



**Waste Discharge Requirements – Discharges to Waters of the State**

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: [https://www.waterboards.ca.gov/centralvalley/water issues/waste to surface water/](https://www.waterboards.ca.gov/centralvalley/water%20issues/waste%20to%20surface%20water/)

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

[https://www.waterboards.ca.gov/board decisions/adopted orders/water quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board%20decisions/adopted%20orders/water%20quality/2004/wqo/wqo2004-0004.pdf)

**Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board decisions/adopted orders/water quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board%20decisions/adopted%20orders/water%20quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board decisions/adopted orders/waivers/r5-2018-0085.pdf](https://www.waterboards.ca.gov/centralvalley/board%20decisions/adopted%20orders/waivers/r5-2018-0085.pdf)

**Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat*

*Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2016-0076-01.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf)

**NPDES Permit**

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

*Peter Minkel*

Peter Minkel  
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,  
Sacramento





**HABEMATOLEL POMO  
CULTURAL RESOURCES**

May 16, 2022

Lake County Dept. of Community Development

Attn: Mary Claybon, Assistant Planner  
255 N. Forbes Street  
Lakeport, CA 95453

RE: John C. Oliver Cannabis Project, HP-20220503-01

Dear Ms. Mary Claybon:

Thank you for your project notification letter dated, May 3, 2022, regarding cultural information on or near the proposed 3545 Finely East Road, Kelseyville, Lake County. We appreciate your effort to contact us.

The Cultural Resources THPO Department has reviewed the project and concluded that it is not within the Aboriginal territories of the Habematolel Pomo of Upper Lake. Therefore, we respectfully decline any comment on this project. However, based on the information provided, please defer correspondence to the following:

Ron Montez Sr, Tribal Historic Preservation Officer  
Big Valley Band of Pomo Indians  
2726 Mission Rancheria Rd.  
Lakeport, CA 95453  
Email: [thpo@big-valley.net](mailto:thpo@big-valley.net)

Please refer to identification number HP – 20220503-01 in any future correspondence with Habematolel Pomo of Upper Lake concerning this project.

Thank you for providing us with this notice and the opportunity to comment.

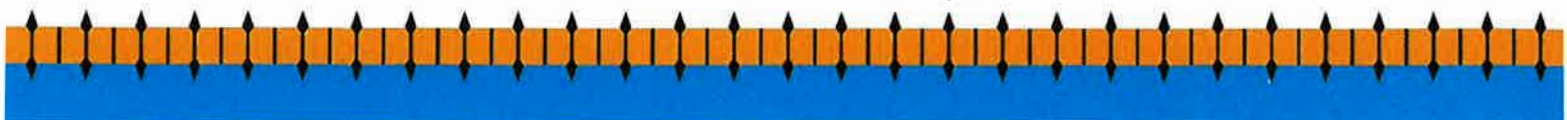
Sincerely,

A handwritten signature in black ink, appearing to read "Robert Geary". The signature is fluid and cursive, with a large loop at the end.

Robert Geary  
Cultural Resources Director/Tribal Historic Preservation Officer

HABEMATOLEL POMO OF UPPER LAKE

P: 707.900.6923 F: 707.275.0757 P.O. Box 516 Upper Lake, CA 95485





YOCHA DEHE  
CULTURAL RESOURCES

April 26, 2022

County of Lake  
Attn: Mary Claybon, Assistant Planner  
255 N. Forbes Street  
Lakeport, CA 95453

RE: 3545 Finely Rd Kelseyville Cannabis Project YD-04082022-01

Dear Ms. Claybon:

Thank you for your project notification letter dated, April 8, 2022, regarding cultural information on or near the proposed 3545 Finely Rd Kelseyville Cannabis Project. We appreciate your effort to contact us.

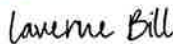
The Cultural Resources Department has reviewed the project and concluded that it is not within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we respectfully decline any comment on this project. However, based on the information provided, please defer correspondence to the following:

Middletown Rancheria  
Attn: Michael Riviera  
PO Box 1035  
Middletown, CA 95461

Please refer to identification number YD - 04082022-01 in any future correspondence with Yocha Dehe Wintun Nation concerning this project.

Thank you for providing us with this notice and the opportunity to comment.

Sincerely,

DocuSigned by:  
  
F5E6AC2FFD52434...

Laverne Bill  
Director of Cultural Resources

cc: Middletown Rancheria



Lucerne Area Revitalization Association - P.O. Box 1792 Lucerne, CA 95458 [www.lucerneara.org](http://www.lucerneara.org)

Wednesday, Jan. 3, 2024

Director Mireya Turner  
Community Development Department

Eric Porter  
Associate Planner

RE: High Ground Farms

Dear Director Turner and Mr. Porter,

The Lucerne Area Revitalization Association requests that the hearing for the Higher Ground Farm major use permit, scheduled for the Lake County Planning Commission on Thursday, Jan. 11, be postponed until we receive the latest information about the project and have a chance to discuss with you our unaddressed concerns about this project.

The association, or LARA, stewards the Kelsey Creek Schoolhouse, located on property owned by the Kelseyville Unified School District, next door to the project. Both LARA and the school district have voiced our opposition and our concerns about having a project like this next to a school and a school-owned property, which clearly violates state law despite your arguments to the contrary.

Over the summer, we and dozens of Lake County residents wrote letters to your department raising concerns about this project. You did not acknowledge, or respond to, these concerns.

However, at that time, Mr. Porter admitted that he had no idea the historic schoolhouse was next door to the Higher Ground project.

We expected some kind of discussion or work to mitigate our concerns. Instead, we have had silence from you.

Since the summer, we've received numerous questions from opponents of the Higher Ground project about what the county was doing about their concerns. We told them we didn't know, because you hadn't answered us, either.

This is all the more alarming considering that this project will have numerous destructive and irreversible consequences for our community.

For one, it will be the first example of the county working to actively destroy a historic site, in this case, the Kelsey Creek Schoolhouse. You have failed to record the building in your planning documents or to even consider the damage of having a cannabis project next to a site intended to welcome families and school children.

It's also setting a terrible precedent not just for locating such projects next to schools and other locations which serve children, but for pitting neighbors against each other. Every time we have had any contact with the owner or his tenant, they have attempted to mislead us, giving us false information and hiding their true intent. We have raised this issue with you. You have not responded to that concern, either.

Days before Christmas, your department dropped the legal for this hearing in our lap. We asked for the staff report in order to be able to get some kind of idea of what was going on, and if the county is anywhere addressing our concerns. We were told the report wasn't finished, and then the county shut down for the holidays.

Then, Director Turner, you told us that this has been a "normal" process. We can assure you, there is nothing even remotely "normal" about pitting neighbors against each other, keeping people in the dark about serious environmental and land planning concerns, and trying to actively destroy a historic site. There is nothing normal about any of that at all, and we refuse to accept that.

The Community Development Department's actions so far have been to ensure that the Higher Ground project will be a failure, and an expensive one. The best way to mitigate that is to talk with those of us who have concerns and find a way to work together. This is not a zero sum game.

We asked for that before and also were ignored. So we are asking again.

Please postpone this hearing so that we may have a conversation about the future of the historic schoolhouse site and how to meaningfully protect it in the midst of other development in the area.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Jensen', with a stylized, flowing script.

John Jensen  
LARA President, co-founder

A handwritten signature in blue ink, appearing to read 'Elizabeth Larson', with a stylized, flowing script.

Elizabeth Larson  
LARA Secretary, co-founder



## Eric Porter

---

**From:** Lake County CannabisCEQA  
**Sent:** Friday, June 2, 2023 10:41 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Mitigated Negative Declaration - Public Comment - Higher Grounds Farms  
**Attachments:** Lake County Planning Department Letter.pdf; Kelsey Creek School House Property Use Agreement.pdf

---

**From:** Erica Anderson <eanderson@sclscal.org>  
**Sent:** Thursday, June 1, 2023 11:53 AM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
**Subject:** [EXTERNAL] Mitigated Negative Declaration - Public Comment - Higher Grounds Farms

Good Morning:

Please see attached from Attorney Loren W. Soukup regarding Kelseyville Unified School District's written opposition to the Mitigated Negative Declaration for the Higher Grounds Farms project.

Thank you,  
Erica

Erica W. Anderson, Legal Office Manager  
School and College Legal Services of California  
5350 Skylane Boulevard  
Santa Rosa, CA 95403  
Phone (707) 524-2690  
Fax (707) 578-0517  
[eanderson@sclscal.org](mailto:eanderson@sclscal.org)  
Pronouns: she/her/hers



**SCHOOL & COLLEGE LEGAL SERVICES**  
**OF CALIFORNIA**

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# SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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Leah M. Smith  
Loren W. Soukup  
Frank Zotter, Jr.

*Of Counsel*  
Nicollette M. Alvarado  
Robert J. Henry  
Laura J. O'Neill

June 1, 2023

Sent Via E-Mail Only  
[CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

Community Development Department, Planning Division  
County of Lake  
255 N. Forbes Street  
Lakeport, CA 95433

Re: Mitigated Negative Declaration – Public Comment  
Higher Grounds Farms  
3545 Finley East Road, Kelseyville  
APN: 008-026-07

To Whom It May Concern:

On behalf of the Kelseyville Unified School District (“District”), this letter shall serve as the District’s written opposition to the Mitigated Negative Declaration for the above referenced project.

The District is the owner of the real property located at 3510 East Finley Road, Kelseyville, which is partially used by the Lucerne Area Revitalization Association (“LARA”) under the enclosed Property Use Agreement. LARA is the owner of the schoolhouse located on the property but the District retains ownership of the real property. As part of the Property Use Agreement, the District retains the right to use the property not being used by LARA for any District purposes including, but not limited to, school functions and District-related events.

Further, pursuant to its obligations under the Civic Center Act (Education Code sections 38130 et seq.), LARA only pays \$1/year for use of the property and all additional costs are paid for by the District. The District’s property is maintained and operated by public funds.

In light of the above, the District’s property should have been considered in the Mitigated Negative Declaration and an analysis of the 1,000 foot setback requirements should have been provided. The District intends to continue to use its property for school and District-related purposes and the approval of this project will violate the 1,000-foot setback requirement.

The District respectfully requests that the Planning Division consider these factors as a part of the Mitigated Negative Declaration and in its consideration of the project.

Sincerely,

Loren W. Soukup, Senior Associate General Counsel  
School & College Legal Services of California

Cc: Dr. Dave McQueen, District Superintendent





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Leah M. Smith  
Loren W. Soukup  
Frank Zotter, Jr.

*Of Counsel*  
Nicollette M. Alvarado  
Robert J. Henry  
Laura J. O'Neill

June 7, 2023

Sent Via E-Mail Only  
eric.porter@lakecountycal.gov

Eric Porter  
Community Development Department, Planning Division  
County of Lake  
255 N. Forbes Street  
Lakeport, CA 95433

Re: Major Use Permit UP-40  
Mitigated Negative Declaration – Public Comment Follow-Up  
Higher Grounds Farms  
3545 Finley East Road, Kelseyville  
APN: 008-026-07

Dear Mr. Porter:

The Kelseyville Unified School District ("District") submitted a written opposition to the Mitigated Negative Declaration for the above referenced project on June 1, 2023. As indicated in the letter, the District is the owner of real property located within 1,000 feet of the proposed cannabis cultivation facility and the District intends to use its property for District purposes.

Specifically, once the historic schoolhouse has been restored, the District will be using the property for field trips and community youth events. In addition, the District and the Lucerne Area Revitalization Association will continue its partnership through its hosting of fundraisers and local events at the site, which will include the attendance of students and community youth.

The District is happy to provide you with a calendar of events once the schoolhouse has been restored and the specific dates have been set.

Sincerely,

Loren W. Soukup, Senior Associate General Counsel  
School & College Legal Services of California

Cc: Dr. Dave McQueen, District Superintendent



## **PROPERTY USE AGREEMENT**

This Property Use Agreement ("Agreement") made this 13<sup>th</sup> day of October, 2021, by and between Kelseyville Unified School District (hereinafter called "District") and Lucerne Area Revitalization Association (hereinafter called "Buyer").

### **RECITALS**

- A. District is the owner of real property situated at 3510 East Finley Road, Lakeport, California ("Property").
- B. Buyer has purchased from the District the Kelsey Creek School House ("School House") which is located on the Property.
- C. District and Buyer desire to have Buyer keep the School House on the Property while the District owns the Property and to maintain the School House.

In consideration of the terms and conditions set forth below, and in accordance with the Civic Center Act (Education Code sections 38130 et. seq.), the parties agree as follows:

### **1. PROPERTY USE.**

- 1.1 Buyer shall keep the School House on the Property where it is currently located and use the Property to access the School House.
- 1.2 A use permit need be obtained by Buyer only if required by law and at the sole expense of Buyer. No use is permitted that is contrary to the applicable zoning or to the laws or regulations applicable to the subject property.
- 1.3 The Agreement excludes use by the Buyer of any other portion of the Property except for where the School House is located and ingress and egress over the Property to the School House. District shall have the right to use or lease any of the Property not being used by Buyer pursuant to this Agreement.

### **2. TERM.**

#### **2.1 Term.**

The term of this Agreement shall commence on November 1, 2021 (the "Commencement Date") and shall end on November 1, 2071 unless earlier terminated per the terms of this Agreement. This Agreement may be renewed annually upon written mutual agreement of the parties.

#### **2.2. Termination.**

Either party may terminate this Agreement in the event that the other party materially breaches this Agreement, provided that the non-breaching party provides the other party with written notice of the non-breaching party's intent to terminate and the other party is unable to cure the material breach within thirty (30) days receipt of the non-breaching party's written notice. In the event of termination, Buyer

shall remove all of Buyer's personal property from the Property and shall immediately transfer ownership of the School House back to the District for \$1.00. The School House shall not be removed from the Property.

Upon termination of this Agreement, Buyer shall return the Property and School House to the District in the same condition as on the commencement of the Term, normal wear and tear and District-approved improvements, alterations or additions excepted. However, prior to the termination of this Agreement, the District may require that any District-approved improvements, alterations or additions made in or upon the Property and/or School House be removed by Buyer at the termination of this Agreement. In that event, Buyer shall remove at Buyer's sole expense and shall restore the Property and/or School House to the condition in which they were before such improvements, alterations or additions were made, reasonable wear and tear excepted.

### **3. USE OF PROPERTY.**

Buyer shall use and occupy the Property solely for the use and maintenance of the School House in accordance with this Agreement, and any reasonably related lawful purposes.

### **4. MAINTENANCE.**

Buyer, at its sole expense, shall provide all maintenance and custodial services to maintain the School House and the Property in the same condition it was provided to Buyer at the time of Buyer's occupancy.

### **5. UTILITIES.**

Buyer shall be responsible for the payment of all utilities to the School House.

### **6. ALTERATIONS AND IMPROVEMENTS.**

During the term of this Agreement, Buyer shall make no alterations, installations, additions, or improvements to the Property without prior written approval by the District. Improvements made by Buyer at any time to the Property during the terms of this Agreement shall be and remain the property of District. Buyer shall be responsible for and shall pay for any repairs or replacements which are occasioned or made necessary by reason of the negligence or misuse of the Property by Buyer. District shall not be responsible to Buyer for any damage or injury to persons or property which may occur as a result of the failure of Buyer to make repairs.

### **7. INSURANCE.**

Buyer shall maintain insurance as described below:

- a) Worker's compensation insurance, if otherwise required by law, with the statutory limits required by the Labor Code of the State of California.
- b) Commercial or Comprehensive General Liability insurance covering bodily injury and property

damage utilizing an occurrence policy form in an amount no less than One Million Dollars (\$1,000,000) per occurrence, Two Million Dollars (\$2,000,000) aggregate.

- c) Excess Liability Insurance (umbrella) shall be no less than \$2,000,000 over primary insurance.
- d) Each comprehensive or commercial general liability and automobile liability insurance policy shall be endorsed with the following specific language:
  - 1) District, its officers and employees, are named as additional insureds for all liability arising out of the operations by or on behalf of the named insured in the performance of this Agreement.
  - 2) The inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, and the coverage afforded shall apply as though separate policies had been issued to each insured, but the inclusion of more than one insured shall not operate to increase the limits of the Buyer's liability.
  - 3) The insurance provided herein is primary coverage to District with respect to any insurance or self-insurance programs maintained by District and no insurance held or owned by District shall be called upon to contribute to a loss.
  - 4) This policy shall not be canceled or materially changed without first giving thirty (30) days prior written notice to District.
- e) Documentation: The following documentation shall be submitted to the District:
  - 1) Properly executed Certificates of Insurance clearly evidencing all coverages, limits, and endorsements required above. Said certificates shall be submitted prior to the execution of this Agreement.
  - 2) Signed copies of the specified endorsements for each policy. Said endorsement copies shall be submitted within thirty (30) days of execution of this Agreement.
  - 3) Upon District's written request, certified copies of insurance policies. Said policy copies shall be submitted within thirty (30) days of District's request.
- (f) Policy Obligations: Buyer's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

## **8. INDEMNITY**

Buyer shall hold harmless, defend and indemnify District, its officers, agents and employees, from and against any liability, claim, action, cost, damage or loss, including reasonable costs and attorneys' fees, for injury, including death, to any person or damage to any property arising out of Buyer's activities under this Agreement, but excluding liability due to the sole negligence or willful misconduct of District. This

obligation shall continue beyond the term of this Agreement as to any act or omission which occurred during or under this Agreement. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Buyer or its employees or agents under workers' compensation acts, disability benefit acts, or other employee benefit acts.

#### **9. ASSIGNMENT.**

This Agreement or any interest of Buyer therein, shall not be assignable by Buyer or by operation of law without the written consent of District. Any attempt to so assign without first obtaining such written consent shall be null and void. In the event such written consent should be given by District, said consent shall not constitute a waiver of this provision, which shall remain in effect with respect to any and all subsequent attempts to assign.

#### **10. WAIVER.**

The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition herein contained.

#### **11. SURRENDER.**

Buyer covenants that on the last day of the term or on the last day of a renewal or extension of this Agreement, it will peaceably and quietly leave and surrender the Property in as good condition as they now are, ordinary wear and tear excepted.

#### **12. HOLDING OVER.**

Any holding over by Buyer shall not be construed as a renewal of the term of this Agreement but shall constitute a month-to-month use which may be terminated by either party upon thirty (30) days prior written notice, and shall otherwise be on the same terms and conditions herein set forth and at the use fees applicable to the last month of the Agreement term.

#### **13. TRANSFER OF BUYER'S INTEREST.**

Buyer shall not at any time assign or otherwise transfer all or any part of Buyer's interest in this Agreement without the express written consent of District.

#### **14. COMPLIANCE WITH LAW.**

Buyer shall not use the Property or permit anything to be done in or about the Property which will in any way conflict with any law, statute, ordinance or governmental rule or regulation now in force or which may hereafter be enacted or promulgated. Buyer shall, at its sole cost and expense, promptly comply with all laws, statutes, ordinances and governmental rules, regulations or requirements now in force or which may hereafter be in forced, and with the requirements of any board of fire insurance underwriters or other similar bodies now or hereafter constituted, relating to, or affecting the condition, use or

occupancy of the Property, excluding structural changes not related to or affected by Buyer's improvements or acts.

**15. SEVERABILITY.**

The invalidity or illegality of any provision shall not affect the remainder of the Agreement.

**16. MISCELLANEOUS.**

**16.1. Binding on Successors.** This Agreement and all of the covenants, agreements, conditions and undertakings contained herein, shall be binding upon and inure to the benefit of the respective heirs, legal representatives, successors and assigns of the parties hereto.

**16.2. Headings.**

The headings of the Articles and Sections hereof are for convenience only and shall not affect or be deemed to affect the meaning of any provisions hereof.

**16.3. Entire Agreement.**

This Agreement, including all exhibits, contains all of the terms, covenants, conditions and agreements between District and Buyer relating in any manner to the use and occupancy of the Property. No prior agreement or understanding pertaining to the same shall be valid or of any force or effect, and the terms, covenants, conditions and provisions of this Agreement cannot be altered, changed, modified or added to, except in writing and signed by District and Buyer. All references herein, directly or indirectly, to the term of this Agreement shall also be deemed to include any extensions or renewals thereof provided Buyer herein, unless expressly provided to the contrary.

**16.4. Governing Law.**

This Agreement shall be governed exclusively by its express provisions and by the laws of the State of California, and any action to enforce the terms of the Agreement or breach thereof shall be brought in Lake County, California, and no other place.

**16.5. Force Majeure.**

No party shall be in default on account of any failure of performance which is caused by circumstances beyond the reasonable control of such party, including strikes, lockouts, fires, floods, acts of God, war, civil disorder or government regulations. This provision shall not excuse a delay in performance in excess of the actual delay so occasioned.

**16.6. No Joint Venture.**

Nothing herein contained shall be deemed in any way or have any purpose whatsoever to constitute District or Buyer a partner of the other in its business or otherwise, or a joint venturer or a member of a joint enterprise with the other.

**16.7. Invalidity.**

If any term or provision of this Agreement, or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

**16.8. Construction of Agreement.**

This Agreement shall be strictly construed neither against District nor Buyer, but shall be construed according to the fair meaning of its terms. No remedy or election given by any provision in this Agreement shall be deemed exclusive unless so indicated, but each shall, wherever possible, be cumulative with all other remedies in law or equity as otherwise specifically provided.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

DISTRICT:

By: 

David McQueen

Kelseyville USD Superintendent

BUYER:

By: 

Elizabeth R. Larson

Lucerne Area Revitalization Association



Lucerne Area Revitalization Association - P.O. Box 1792 Lucerne, CA 95458 [www.lucernearea.org](http://www.lucernearea.org)

Tuesday, June 6, 2023

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [Mireya.Turner@lakecountyca.gov](mailto:Mireya.Turner@lakecountyca.gov)

Associate Planner Eric Porter  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and Mr. Porter,

The Lucerne Area Revitalization Association strenuously objects to your proposal to adopt a mitigated negative declaration for the initial study and major use permit for the Higher Ground Farm commercial cannabis project at 3545 Finley Road East in Kelseyville.

This project and the initial study that describes it are both poorly thought out and deeply flawed, with the due diligence both incomplete and faulty, and its conclusions demonstrably false.

The fatal flaw for both is that neither takes into account the historic Kelsey Creek Schoolhouse that sits next door. The association — hereinafter referred to as "LARA" — is leading the renovation of this building, which sits on property owned by the Kelseyville Unified School District.

As we will show in the concerns detailed below, Lake County Community Development staff, in proposing this project for a mitigated negative declaration that ignores the Kelsey Creek Schoolhouse, is violating both the Kelseyville Area Plan and the Lake County General Plan. Both of those county-produced documents speak to the preservation of unique historic sites and protection of community resources.

Not only that, but the Lake County General Plan says the county "shall" encourage, promote and preserve historic buildings, work with groups on preservation efforts, and ensure that new development respects Lake County's heritage by requiring that it respond to context and be compatible with community character and traditions. It isn't a suggestion. It's a requirement.

In short, this initial study document is insurmountably deficient and cannot possibly qualify for a mitigated negative declaration in its current form. The fact that you're even suggesting that it be passed through is immensely troubling.

It violates the Kelseyville Area Plan. It violates the general plan. It throws true economic development out the window. It offers no compromises, no discussions, no mitigations about its impact on a unique and fragile historic site.

We want to emphasize here that our concern is not about this being a cannabis project; any project this badly planned — whether it's cannabis, strawberries or housing — would cause us alarm.

Rather, here, it is about the fact that the project study documents are vastly deficient in offering a meaningful analysis of what this project will do to a neighboring historic site.

If you have your way in rubber stamping this project and report through a mitigated negative declaration, you will have accomplished what no one else has managed to do in 152 years — destroy the Kelsey Creek Schoolhouse, now the last one room schoolhouse in Lake County.

Beyond a tiny dot on a map on page 4 — in which it is referred to as the “Hell’s Bend School House,” another name by which it’s been known — the Kelsey Creek Schoolhouse is nowhere to be found in this report. It is simply absent. Or, more accurately, it is excised from the record with surgical precision.

We don’t think this is an accident. If it is, it shows incredible incompetence on your department’s part. We find it hard to believe that you don’t know about the schoolhouse restoration project, since we personally have told both of you about it **numerous times going back four years this month**, along with the fact that it has received news coverage.

We believe that, based on Community Development’s record of pushing through bad projects in order to collect tax money for the local government, that it has refused to include the schoolhouse because the impacts of the monstrous Higher Ground project are simply too great and cannot be mitigated. So, the goal then was to sneak this project through without our notice.

That moves to our second complaint, that we were not given notice of this project by your department. We received the notice, secondhand, from the Kelseyville Unified School District, days after it was issued. Again, we’re curious how it raised no alarm bells for you that you had the school district as a neighboring property owner for a commercial cannabis project?

Nor has Higher Ground Farms and those connected with it acted in good faith in this process, making it clear they did not want us to know about their project until it was too late for us to raise the alarm.

John Jensen, LARA’s co-founder, was at the schoolhouse property on Tuesday, May 9, when the lead paint remediation project was beginning on the building. A man who identified himself as “Leo” was at the Higher Ground property. Based on his comments, Jensen took him to be a property owner and/or manager.



When Jensen asked him, directly, what he was planning to do with his property, Leo said, "I don't know what will be done with the property." That's an odd — and misleading — thing to say the day after the county issued a notice of intent to grant a mitigated negative declaration on his project.

Leo clearly knew of the schoolhouse, because during the conversation he made a comment that he had wanted to buy the building. We had heard nothing whatsoever about that before that day.

He also bragged about digging three and a half feet into the ground to lay the foundation for a structure which, again, he plans to locate next to the schoolhouse with us having received no notice of it. We were told by a Big Valley Pomo tribal representative that they wanted a tribal monitor on the schoolhouse site if we dug a trench for a foundation. So we're curious if he notified you of his plans to dig down into the earth, if the tribe was notified and if a tribal monitor was on site for that?

Third, all along this project has been intended for community and school use, in partnership with the Kelseyville Unified School District, which owns the land. How can Community Development approve a mitigated negative declaration for this project without a 1,000-foot setback with respect to school-owned and used property? In a separate letter to you, the school district's legal counsel has made clear that, despite your attempt to split hairs, the project remains very much connected to the district and educational uses, and so requires that setback.

Had Community Development and Higher Ground spoken to LARA, you would have found us wanting to find ways to work together. There can be fixes to this mess, such as, on a 23-acre property, not putting this eyesore of a project within a few hundred feet of the schoolhouse, where events and gatherings involving children are intended and where people love to come and take pictures of the schoolhouse with the vista of Mount Konocti behind it. Locate it as far away from the schoolhouse as possible. That's how you prevent serious planning and land use conflicts.

Our fourth key concern, and by no means the least important in our view, is that the initial study document nowhere mentions the emergency the Board of Supervisors declared in February 2023 regarding the Clear Lake hitch. That is of special concern because of this project's immediate proximity to Kelsey Creek, one of the most important spawning grounds for the hitch.

While the hitch are mentioned, they are not carefully considered, nor is this project being held to the same level of scrutiny for water use as other agricultural operations are in light of the hitch emergency.

Below is LARA's point-by-point analysis of this project's deeply flawed initial study, pointing out its mischaracterizations, falsehoods and flaws, in alphabetical order.

## **Air quality**

On page 12, regarding air quality impacts, it is stated that there will be “less than significant with mitigation measures” regarding exposure of “sensitive receptors to substantial pollutant concentrations.”

The California Air Quality Resources Board defines “sensitive receptors” as children, elderly, asthmatics and others “who are at a heightened risk of negative health outcomes due to exposure to air pollution.” That definition is found here:

<https://ww2.arb.ca.gov/capp-resource-center/community-assessment/sensitive-receptor-assessment>.

The initial study states, “The locations where these sensitive receptors congregate are considered sensitive receptor locations. Sensitive Receptor locations may include hospitals, schools, and day care centers, and such other locations as the air district board or California Air Resources Board may determine (California Health and Safety Code § 42705.5(a)(5)).”

LARA and Kelseyville Unified have been clear, all along, in our intention to use this site for school-related events that would draw children and families. However, since the schoolhouse has not been considered in this study, the mitigations cannot be considered realistic, accurate or sufficient.

Additionally, the report mentions nothing about the smell from cannabis grows, which is acknowledged to be a huge problem for neighborhoods — residences and businesses alike.

The carbon air filtration system that the initial study says will be required for greenhouses might not be sufficient, especially when considering activities like outdoor loading for transportation.

## **Chemical storage: More information needed**

The initial study states that “chemicals, fuel and fertilizer to be stored” on-site next to a property that expects to draw children and families and a short distance from an earthquake fault zone.

Community Development should require a list of items to be stored to review for the potential impact, including explosive and contamination potential, which is critical for public safety.

## **Cultural resources**

The report falsely states that there will be “less than significant with mitigation measures” when it comes to substantial adverse changes or impacts to historical resources.

The schoolhouse is nowhere mentioned in the discussion of cultural or historical resources. The considerations are limited to tribal and archaeological resources.

California Code Section 15064.5, "Determining the Significance of Impacts to Archaeological and Historical Resources," states the following:

*(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.*

*(1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.*

*(2) The significance of an historical resource is materially impaired when a project:*

*(A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources ..."*

The Kelsey Creek Schoolhouse is eligible for state listing and LARA is pursuing that designation.

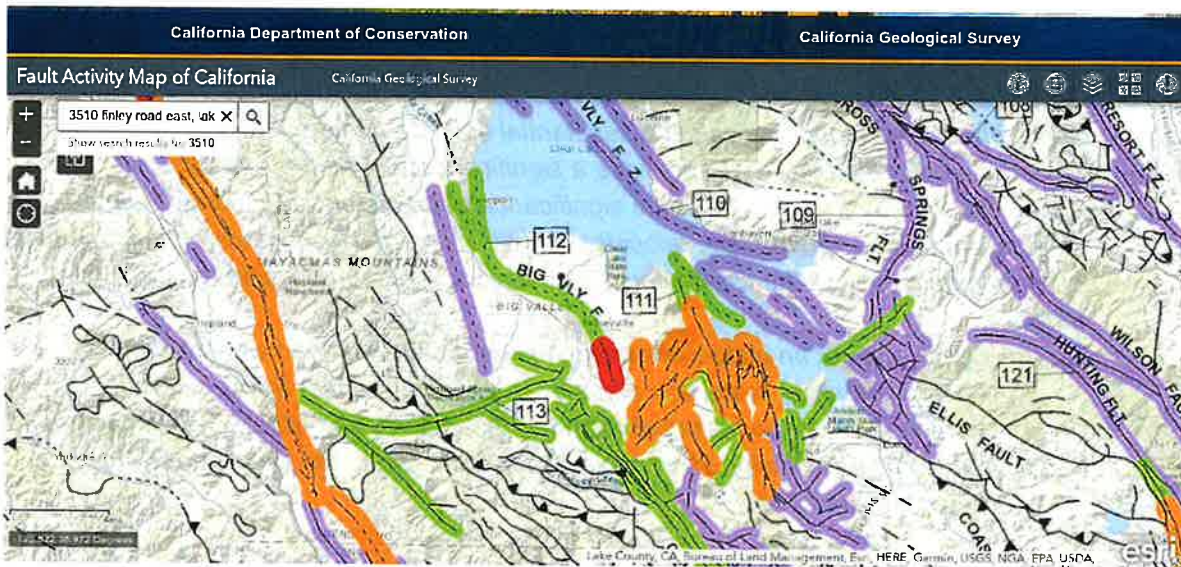
It's clear that this project will have the kinds of material impacts cited in state code, specifically through "alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired."

**Description of project: Inaccurate and inconsistent**

In the description of the project on page 2, it says that "Processing to occur in an existing 48' x 100' two-story building."

No such building exists, and that conflicts with what is stated on page 3 under "existing conditions," which makes no mention of this two-story structure.

The map on page 4 also does not include that processing facility under "existing buildings on site" and instead refers to its building footprint, which we believe is a reference to the large foundation pad that was placed next to the schoolhouse with no notice to LARA or the school district.



**The California Fault Activity Map shows numerous fault zones within a four-mile radius of the Higher Ground Farms commercial cannabis project, which is in the area of the dot above the “V” in the Big Valley Fault line, shown in green in the center of the image.**

**Source:** <https://maps.conservation.ca.gov/cgs/fam/>.

### **Earthquake fault zones: They do exist**

The report gives conflicting and inaccurate information on the presence of earthquake fault zones near the project site.

On page 1, it states, “None mapped,” in reference to faults.

On page 25, it states, “According to the USGS Earthquake Faults map available on the Lake County GIS Portal, there are no mapped earthquake faults within two 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.”

Again on page 31, the report states, “According to Lake County GIS Portal data and the Project is not located in or near an identified earthquake fault zone.”

All of that leads to the conclusion, on page 24, that there would be a “less than significant impact” if there was a rupture of an earthquake fault.

The report relies on the AlquistPriolo Earthquake Fault Zoning Map. The online version of that map, if it's to be believed, shows essentially no faults in Lake County — and few in the entire state of California, for that matter, which begs belief.

Contrast that with the California Fault Activity Map created by the California Geological Survey, <https://maps.conservation.ca.gov/cgs/fam/>.

The Fault Activity Map shows numerous mapped faults within the area, particularly the Big Valley Fault, which is about half a mile from the Higher Ground project.

Within a four-mile radius there also are the Konocti Bay, West Margin, Adobe Creek and Clover Valley fault zones.

**Environmental factors potentially affected: Inaccurate conclusions, lack of consideration**

The list of potential impacts on page 7 leaves out land use/planning, recreation, wildfire and mandatory findings of significance.

LARA and the school district's uses include, but aren't limited to, education, events, school-related functions and recreational activities.

Again, because the schoolhouse has been ignored and/or removed from this initial study, the impacts of this project on those various uses is not included, and therefore the project report is inaccurate and incomplete.

Community Development's CEQA checklist also failed to list the following environmental factors potentially affected:

- a) Hazards and hazardous materials: Storage of chemicals, fuel and fertilizer; exposure of people to lead-contaminated soil.
- b) Hydrology/water quality: There is the potential to negatively impact the Big Valley Groundwater Basin, including leaching chemicals. None of that is considered.
- c) Land use/planning: The Kelseyville Unified School District owns adjacent property and potentially could develop a future school facility there regardless of agriculture zoning).
- d) Population/housing: There is no farmworker housing available, particularly for seasonal workers.

**Farmworker housing: Nearly nonexistent**

The initial study claims it will offer new jobs and the applicant proposes using up to 16 seasonal workers.

However, the initial study doesn't address how or where these 16 seasonal workers will be housed.

This is a critical oversight as farmworker housing is **extremely** limited in Lake County. All housing is limited here, as is well known.

So where would these seasonal workers find a safe place to live? Community Development should be asking that in order to avoid an influx of homeless and transient workers living in cars or camping on private or public property, as has been seen happening across Lake County.

#### **Fire danger**

One of the only accurate statements in the initial study is that, "The Project site is not located within a mapped fire hazard severity zone."

However, that's hardly comforting when confronted with the potential of having a 152-year-old wooden structure within a few hundred feet of buildings filled with hazardous and combustible materials, the specifics of which have not been revealed to the public. That's right in the blast zone.

You don't need a fire hazard severity zone to destroy buildings and lives. Such a project has no business being next door to a historic site that is intended to draw visitors.

#### **Ingress/egress and traffic impacts: Mischaracterized and not properly planned**

On page 10, the initial study states, "The project site parcels are located on a private driveway that is served by Finley East Road, a paved, non-scenic County maintained road."

The driveway mentioned here is a basic gravel driveway that is in disrepair and will require significant grading and paving to be passable to multiple vehicles. It is located directly next to the school's property line and immediately next to the area where LARA has planned to have vehicle access to the schoolhouse site.

Additionally, the "internal driveway" mentioned in the study's page 45 is not even as well developed as the driveway off of Finley Road East, and it begs belief that they are compliant with commercial driveway standards. They are farming dirt tracks, not commercial driveways.

In order to make all of these driveways usable and passable for the kind of commercial cannabis operation being proposed here, they will require major improvements, leading to grading and dust, and possible air quality impacts from lead in the soils.

The initial study does not address those necessary improvements and even, on page 18, contends that only "minimal grading" will be required. That, again, does not seem based in reality.

There are only references to a grading plan, which is not provided as part of this study. However, if the grading plan is as insufficient as this initial study, there will certainly be problems.

### **Land use planning inconsistencies**

On page 35, under the "Land Use Planning" section, the study states, "The proposed Project is consistent with the Lake County General Plan and Kelseyville Area Plan, and would create future employment opportunities for several local residents."

This statement is both far-fetched and wildly inaccurate.

For one, it will lead to damage and the potential loss of a historic site, which will be subjected to impacts that the county is refusing to either consider or mitigate.

As one example, the Kelseyville Area Plan has as an objective the following, on page 36: "To protect and preserve the Kelseyville area's archaeological and historical resources for the long-term benefit of residents, tourists, scientists, and future generations."

As such, it implements these policies:

***The County shall assist in efforts to identify and protect historic structures and sites by:***

***a. Designating selected structures and sites in the Kelseyville Planning Area as historic preservation sites, and adopting Historic Preservation combining zoning where appropriate.***

***b. Working with economic development interests, citizens' groups, the Heritage Committee, archaeologists, and other researchers in preparing plans and grant applications for the protection of historic buildings.***

***c. Certified Local Government status shall be pursued through the State Office of Historic Preservation for the purpose of identifying, preserving, and marking significant historic, architectural, and archaeological resources.***

Cannabis, by the way, is nowhere mentioned in the Kelseyville Area Plan.

This statement about plan consistency in the initial study also conflicts with the land use element goals outlined on page 48 of the Lake County General Plan. They include:

### **Policy LU-7.1 Adaptive Reuse**

The County shall encourage and promote the adaptive reuse of all historic structures in order to preserve the historic resources that are a part of Lake County's heritage.



### **Policy LU-7.2 Historic Buildings and Areas**

The County shall preserve buildings and areas with special and recognized historic, architectural, or aesthetic value. New development should respect architecturally and historically significant buildings and areas.

### **Policy LU-7.3 Historic Preservation**

The County shall work with local preservation groups and community property owners to improve building facades and exteriors consistent with the historic and visual character of each area.

### **Policy LU-7.4 Contextual and Compatible Design**

The County shall ensure that new development respects Lake County's heritage by requiring that development respond to its context, be compatible with the traditions and character of each community, and develop in an orderly fashion which is compatible with the scale of surrounding structures.

The county has failed to meet all of those requirements in its consideration of this project.

### **Lead testing**

Lead in soil is common in county agriculture areas as it can be the result of historic agricultural uses.

It also is notable that the previous property owner had a large amount of surplus military equipment stored and in use on the property, and such equipment has been known historically to contain lead and other hazardous chemicals, such as asbestos.

As such, testing for those chemicals in the soil should be a requirement outlined in this report.

Yet, lead testing or remediations are nowhere mentioned in the initial study.

Lead can be a huge health risk both to workers who are exposed to it and members of the community who may be at a nearby school property enjoying an event.

### **Lighting**

Lake County is seeking a Dark Skies Initiative listing which requires great care be taken in allowing for additional outdoor lighting.



On page 10, this mitigation is stated: “AES-3: All exterior lighting shall be downcast and shall not be directly visible from public roads or neighboring lots. All lighting shall comply with fixture recommendations found in darksky.org.”

Based on where the project is located, right off of Finley Road East and immediately next door to the Kelsey Creek Schoolhouse, mitigation that “it shall not be directly visible from public roads or neighboring lots” is **physically impossible**.

Therefore, you cannot argue that there will be “Less than Significant Impact with Mitigation Measure AES-1 through AES-3 incorporated.” It’s simply not possible nor accurate.

On page 11, the study acknowledges, “The project has potential to create additional light or glare due to the proposed greenhouses and hoop house buildings proposed. Mitigation measures AES-1 through AES-3 will help to reduce potential light-related impacts to ‘less than significant’ levels.”

Once more, it is not possible to make those light- and glare-related impacts “less than significant” due to the immediate proximity of the project both to the roadway and the school-owned property.

#### **Mischaracterization of surrounding land uses and setting**

On page 5 of the initial study, it mentions properties to the north, south, east and west, largely characterizing them as agricultural uses with dwellings.

Regarding the properties to the north, where the schoolhouse is, it mentions sizes ranging from 0.95 acres to ±10 acres in size, adding, “Most of the neighboring northern lots are developed with dwellings and agricultural uses.”

Here again, there appears to be an attempt to ignore the presence of the schoolhouse. It simply is not mentioned or considered, and the neighborhood character is therefore not accurately portrayed.

#### **Noise**

The initial study significantly downplays the amount of noise the project will produce both during construction and long term, concluding that it’s less than significant with mitigation measures in place or that it will have a less-than-significant impact.

We cannot see how any of that can possibly be true on such a massive operation.

On page 37, the initial study makes an egregiously false statement: “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.”

As we’ve stated, there will be sensitive noise receptors, i.e., a school and community facility at the Kelsey Creek Schoolhouse, as LARA and the Kelseyville Unified School District have planned all along.

In addition to the noise of the daily operation, which again will directly impact the schoolhouse with no proposed mitigations, there is the potential for security system noise.

Such noise can impact the neighborhood around the clock. No mitigations are offered.

#### **Planting practices: Resource intensive**

The initial study does not explain whether the cannabis plants proposed for above-ground potting beds would be totally indoors or not.

If the plants are slated to be indoors only, it should be recognized that proposed artificial light operations outside of normal daylight hours would have a huge area impact on energy resources.

That impact would be multiplied by the fact that the initial study says cultivation is proposed as “year-round.”

#### **Presence of a school**

On page 14, the report acknowledges that “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.”

The report then states: “There are no schools, park (sic), childcare centers, convalescent homes, or retirement homes located in proximity to the Project site. The nearest off-site residence is located about 450 feet west of the cultivation 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.”

***This paragraph above includes patently false information.*** There **is a school** right next door, and it also is a site that will have a park use.

The close proximity of the project to the schoolhouse will make it **physically impossible** to prevent pesticide drift from impacting the schoolhouse site.

On page 16, the report states, "The Project Property is located in an agricultural area of Lake County, where the majority of development is single family residential dwellings with agricultural uses in the vicinity. The potential impacts to air quality are dust and odor both of which have been addressed in the preceding mitigation measures."

Again, the schoolhouse's presence is not considered and therefore the mitigation measures are not sufficient.

On page 18, the report states, "The Project is consistent with the historic land use of the region and property." Again, this is false. There has been a school and meeting site next door for nearly a century and a half.

#### **Public safety: Ignored and downplayed**

The potential public safety impacts of this project are many, and cannot simply be ignored by the county or mitigated by a security system. Cannabis grows and processing operations have long been a draw for serious criminal acts, from burglary to robbery, human trafficking to murder, in Lake County and beyond.

However, public safety is not addressed, and in the "public services" section of the initial study on page 39, the initial study states only that, "Construction and operation of the proposed project may result in accidents or crime emergency incidents that would require police services. Construction activities would be temporary and limited in scope. Accidents or crime emergency incidents during operation are expected to be infrequent and minor in nature. 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."

There is no mention of the potential for more serious crimes and so we believe that potential has not been considered nor adequately mitigated.

This is a serious problem considering its location next to a school-owned property that is intended for community use involving children and families.

#### **Runoff: Better mitigations required due to equipment**

Servicing of equipment is proposed on-site on an impermeable surface. As such, an oil runoff/catchment system with off-site disposal should be required, which is similar to maintenance yards.

The aquifer — including nearby Kelsey Creek, with its critical spawning grounds for the threatened Clear Lake hitch — could be severely impacted by leaching oils and chemicals in uncontrolled runoff.



#### **Scenic resources: Permanent and irreparable damage**

The initial study's claim that it is compatible with the area and general plans is again disproven when considering the "scenic resources" component of the Kelseyville Area Plan.

On page 29, the Kelseyville Area Plan states: "One objective of the general plan is to protect and enhance Lake County's scenic highways and resources. The major purpose of this objective is to assist the County's recreation-based economy and provide a high level of scenic quality to residents of the County. The Kelseyville area contains many panoramic views and scenic highway viewsheds, including mountainous and hillside landscapes, agricultural and pastoral settings, and riparian and natural resource areas. ... Important mountain viewsheds include those of Mt. Konocti and Mount Hannah."

Mount Konocti provides a beautiful backdrop for the schoolhouse. This project will permanently obliterate the picturesque schoolhouse's viewshed.

#### **Water demand, supply and appropriate study**

Based on the statement from the applicant's hired consultant, "daily water demand per plant was 6 gallons per day, which is consistent with industry standards. The projected water demand for this project is 690,000 gallons of water per year over a 365 day year (about 2.1 acre-feet). Included in this projected use is water use by employees and for irrigation. Total on-site water storage is 10,000 gallons."

While this may be the "industry standard," Lake County is in the midst of an emergency proclaimed by the Board of Supervisors in February relating to the crashing population of the Clear Lake hitch, a native fish that's a critical part of Pomo culture. The fish's decline has been linked to stressors including reduced water supply and quality. As such, there should be additional study of how this project will impact the hitch.

The only mitigations offered are boilerplate and don't speak to the hitch's specific situation. During the Board of Supervisors' hearings on the hitch emergency, it was suggested that farmers should be willing to put water back into creeks to support hitch spawning. We see no evidence that this project is being held to that standard.

Kelsey Creek is vital for hitch spawning and any nearby water uses would impact flow. And yet, this document does not speak to any appropriate mitigations for that fact, despite the fact that Kelsey Creek flows through the subject property.

Because of the project's immediate proximity to Kelsey Creek, an engineer with Lake County Water Resources should be reviewing this and other projects that will impact water supply. It's our understanding that no such engineer is currently available, and so this project must be put on hold until that kind of additional in-depth review is possible.

This project also is in the Big Valley Groundwater basin which is subject to different well permit rules. We have been unable to ascertain whether the Big Valley Groundwater Sustainability Plan Advisory Committee, which would need to approve this project's water permits, is aware of the project or has reviewed it as of the June 7 public comment deadline on the mitigated negative declaration.

### **Conclusion**

Community Development should be endeavoring to prevent bad projects from harming Lake County's unique communities and neighborhoods. Instead, it is everyday creating serious and insurmountable conflicts between neighbors and properties. And creating conflicts is not something this community needs its government to be doing.

The county has failed miserably in this initial study and proposed mitigated negative declaration. Planning staff have entirely and utterly abandoned their responsibilities to the community across the board — for safety, quality of life, economic development and protection of one-of-a-kind cultural assets.

Community Development has failed to even acknowledge the Kelsey Creek Schoolhouse building exists, much less has attempted to require any mitigations. The director and the associate planner have rejected site context, history and important community assets as they've attempted to explain away the dramatic shortcomings of their report.

The county has offered no compromises or alternatives. It has not even reached the lowest bar of responsibility in planning or determining appropriate land use.

Community Development has a duty to adhere to state law, and it hasn't even done that. Its head planners have glazed over the most basic standard of review. It is truly astonishing.

The Higher Ground Farms commercial cannabis project requires further study. When held up to the California Environmental Quality Act's "fair argument" test regarding the project's potential impact on the environment, the Community Development Department must require an environmental impact report to be completed, because it is clear that the impact will be significant and cannot be as easily mitigated as the initial study mistakenly suggests.

Robert Frost wrote, "Good fences make good neighbors," but there is no amount of fencing that will make a good neighbor out of someone who doesn't even acknowledge your existence or respect you enough to be honest with you.

Worse still, there is no amount of fencing or shielding to protect the community from the bad practices of the Lake County Community Development Department and its haphazard, subjective decisions.

This is how history is lost.

Sincerely,



John Jensen  
President/Co-founder  
Lucerne Area Revitalization Association



Elizabeth Larson  
Secretary/Cofounder

## Eric Porter

---

**From:** Lake County CannabisCEQA  
**Sent:** Wednesday, June 7, 2023 11:12 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)



**Mary Claybon**  
**Assistant Planner II**  
Community Development Department  
255 N. Forbes St.  
Lakeport, CA 95453  
Phone: (707) 263-2221  
Fax: (707) 263-2225  
Email: [mary.claybon@lakecountyca.gov](mailto:mary.claybon@lakecountyca.gov)

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**From:** Donna Harris <donna1harris51@yahoo.com>  
**Sent:** Tuesday, June 6, 2023 9:56 AM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
**Subject:** [EXTERNAL] RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)

Dear Ms. Turner,

I am writing regarding the Lake County Community Development Department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

I'm dismayed and alarmed — shocked, really — that your department is proposing to approve a vast commercial cannabis project like this based on a very flawed initial study document.

The initial study downplays numerous serious impacts — such as the destruction of the viewshed, increased traffic on the roadways, effects on the environment and the neighborhood, how cultural resources might be harmed, the draw on water supply and how it might affect the Clear Lake hitch in nearby Kelsey Creek.

But most egregious is that the picture the initial study paints of this project is one that entirely removes a significant Lake County historic site — the Kelsey Creek Schoolhouse.

How is that possible? How can you just ignore that schoolhouse? Did you not know it was there? How is it possible that county planners can't know that?

As a result, the initial study doesn't consider what mitigations would be necessary not to damage the schoolhouse site, which is owned by the Kelseyville Unified School District.

It is my understanding that a cannabis project must have a 1,000-foot setback from a school property. If that's true, how is it possible that this project can be allowed at a distance of within a few hundred feet of this schoolhouse?

Oh, that's right — the initial study leaves the schoolhouse out. And now, you're proposing to simply push this very flawed study through the process with a mitigated negative declaration. That is wrong, and an incredible disservice to our community.

Please deny this mitigated negative declaration, and require both your planning staff and Higher Ground Farms to do a better job of truthfully representing the impacts that this enormous project will have on neighboring properties, particularly the Kelsey Creek Schoolhouse.

As an historian it is my deep concern that, after a century and a half, the Kelsey Creek Schoolhouse should not face destruction due to a project that is being capriciously approved without the serious study that state law requires.

Sincerely,

Donna Harris

6690 Kelsey Creek Dr  
Kelseyville, 95451



## Eric Porter

---

**From:** Lake County CannabisCEQA  
**Sent:** Wednesday, June 7, 2023 11:13 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Kelsey Creek School House Museum

Mary Claybon  
Assistant Planner II  
Community Development Department  
255 N. Forbes St.  
Lakeport, CA 95453  
Phone: (707) 263-2221  
Fax: (707) 263-2225  
Email: mary.claybon@lakecountyca.gov

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### -----Original Message-----

**From:** Darlene Hecomovich <dheco@me.com>  
**Sent:** Wednesday, June 7, 2023 11:15 AM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
**Subject:** [EXTERNAL] Kelsey Creek School House Museum

June 5, 2023

**TO:** Lake County Community Development Department ~

**FROM:** Darlene Hecomovich

I am writing to you today to express my concern about the apparent lack of consideration you have devoted to the impact that the proposed approval of a mitigated negative declaration for the Higher Ground Farms 22,000 square-foot cannabis project would have on the Kelsey Creek School House located adjacent to that property .

It is not only the impact the extensive greenhouse space would have but all the attendant structures such as the water tanks and storage facilities as well as the impact from pesticide use, diminishing air quality, and the sounds emitted from an industrial site. None of this is conducive to maintaining the current ambiance of the Kelsey Creek School House. It is MORE than the tiny dot you allow it on your map.

I am an 88-year-old life-long resident of Lake County, and I can recall as a child how charmed I was by this tiny School House. Thus, I wish to see it preserved for future generations to enjoy as I did. Under the current circumstances, I am against going ahead with the project until more study can be directed to the long-term impact this would have on the Kelsey Creek School House and its visitors.

Darlene Hecomovich  
Cobb, CA

## Eric Porter

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**From:** Lake County CannabisCEQA  
**Sent:** Friday, June 2, 2023 10:43 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Cannabis grown near our old school. Please give serious consideration to allowing this. Do we need more cannabis?

---

**From:** Austin Ison <austinison006@gmail.com>  
**Sent:** Sunday, May 28, 2023 2:12 PM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
**Subject:** [EXTERNAL] Cannabis grown near our old school. Please give serious consideration to allowing this. Do we need more cannabis?

## Eric Porter

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**From:** Lake County CannabisCEQA  
**Sent:** Friday, June 2, 2023 10:42 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Mitigated negative declaration lol

-----Original Message-----

From: Michelle Gonzalez <mgmlp.ma@icloud.com>  
Sent: Monday, May 29, 2023 2:28 PM  
To: Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
Subject: [EXTERNAL] Mitigated negative declaration lol

Sirs... I am alarmed and very Disappointed that you are even considering approval of this request from 'higher ground cannabis ". Mitigated negative implies no/some or little environmental impact. First, there are earthquake faults in Lake County; secondly, apparently the approvers of the plan have not had the extremely unpleasant experience of cannabis being processed (seriously offensive and contrary to our pride in the reputation for some of the cleanest air in California); thirdly, we are one of the few states that grows "legalized cannabis" ... I envision a significant number of persons coming to Lake County from states where cannabis is illegal to do business (which until a few years ago was illegal here), lastly post drought, the lake filled up helping to restore water activities and hopefully tourism to help our local economy... due to some historic agreements with neighboring counties, in the last weeks the lake level has dropped from the optimum height of 7.65 Rumsey to 7.14!

We need to look to past errors and move forward healthily.

I hope you will require serious EIR on this and all projects that come before you!

Most respectfully,  
Michelle Gonzalez

Sent from my iPhone

## Eric Porter

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**From:** Marilyn Guenther <californiamonarch1969@gmail.com>  
**Sent:** Friday, June 2, 2023 7:43 PM  
**To:** Lake County CannabisCEQA  
**Subject:** [EXTERNAL] Which is more important - Saving a piece of history or cannabis tax money?

To Whom it May Concern -

I am of the understanding that the initial study for a large cannabis growing and processing facility next door to the historic Kelsey Creek schoolhouse (which is currently under a restoration process by the LARA) has been presented to the Lake County Community Development Department. I am also aware of the plans to adopt a mitigated negative declaration of this initial study at your next meeting.

My biggest issue with this whole thought is no one seems to be concerned about the effects the Higher Ground Farms' project will have on the environment. What detrimental impacts will the project have on groundwater resources? Will the current natural beauty of the area and views of Konocti be lost? Why is the historical value of the land and the Kelsey Creek schoolhouse not being considered? It seems that the key thought here is what tax resources will this project generate for the county?

Please reconsider your thoughts about adopting this mitigated negative declaration. A vote of "NO" would be appreciated. Also, you might consider possible ways to help the Lucerne Area Revitalization Association (LARA) restore the historic Kelsey Creek school house for use in future school and community events. This, I feel, would be in the best interest of everyone involved.

Thank you,

Marilyn Guenther

## Eric Porter

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**From:** Lake County CannabisCEQA  
**Sent:** Friday, June 2, 2023 10:44 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Major use permit UP 20-40  
**Attachments:** LARA Schoolhouse Cannabis permit.docx

**From:** Martha Mincer <mmincer@ptd.net>  
**Sent:** Friday, May 26, 2023 4:45 PM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
**Subject:** [EXTERNAL] Major use permit UP 20-40

Hi Mireya

I was asked to add my voice to a concern....and have done so in attached letter

Hope all is well

Martha

**Martha Mincer**  
**Stonehill**  
[martha.mincer@stonehill-inc.com](mailto:martha.mincer@stonehill-inc.com)  
**570 903 5011**

May 25 2022

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountycalifornia.gov](mailto:CannabisCEQA@lakecountycalifornia.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

I was asked to reach out to you regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.


Though I believe cannabis should be allowed and, if possible, bring revenue to the county it seems the locations could be more removed from/shielded from sites that are causing distress to adjacent properties like the Kelsey Creek Schoolhouse and other locations I have seen/heard about around the county. Cannabis is not without "smell, lighting, security and large grow buildings" issues unlike other agriculture ventures that are less polarizing.

You also know I am a part of the group looking to make Lake County an "arts" destination – if it becomes visibly a *major* cannabis growing area it could perhaps depress the tourism dollars and other benefits that art destinations bring e.g., sale and value of real estate, relocation of families and seniors.

Is it possible to deny this specific mitigated negative declaration until a more thorough study of this project in light of the presence next door of a significant cultural site while perhaps, looking to create a county-wide plan (i.e. locations/mitigation of down-sides for "grows") that might support both sides of the issue?

Sincerely,  
Martha Mincer

**SIGNATURE**

A handwritten signature in dark ink, appearing to be 'M' followed by a long horizontal stroke, likely representing Martha Mincer.

**Kelly F. Cox**  
**1785 Eastlake Drive**  
**Kelseyville, CA. 95451**  
**Email: kellyfcox@gmail.com**

May 29, 2023

Eric Porter  
Associate Planner  
Lake County Community Development Department  
255 N. Forbes St.  
Lakeport, CA. 95453

**RE: Higher Grounds Farms; Major Use Permit (UP 20-40) & Initial Study IS 20-50**

Dear Mr. Porter:

I am writing regarding the Community Development Department's notice of intent to approve a mitigated negative declaration for the Higher Grounds Farms project at 3545 Finley Road East, Kelseyville.

It is my recommendation that further study be conducted relative to the likely impact this project would have on the Kelsey Creek Schoolhouse, which is immediately adjacent to this property. The Schoolhouse property is owned by the Kelseyville Unified School District and the historic building is currently under a long-term lease to the Lucerne Area Revitalization Association (LARA). LARA has recently began the first phase of renovations to the Schoolhouse and plans to restore it for future public and community use. The building is a rare and treasured historic asset and its preservation is dependent upon the viability of its future use for community purposes. There is serious concern the proposed Higher Grounds project will have a significant negative impact on the Schoolhouse's future viability as a community facility where children and adults alike will be able to congregate.

I ask that you conduct further review and study of the proposed Higher Grounds Project to specifically address its impact on the neighboring Kelsey Creek Schoolhouse and determine if any mitigation measures can be developed to address and mitigate that impact.

Thank you for your consideration.

Sincerely,



Kelly F. Cox



## Eric Porter

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**From:** Nancy Brier <nancy@nancybrier.com>  
**Sent:** Friday, June 2, 2023 9:54 PM  
**To:** Lake County CannabisCEQA  
**Subject:** [EXTERNAL] Kelsey Creek Schoolhouse

Lake County offers unspoiled rural beauty that has been squandered in many parts of our state, and those magical spaces can never come back.

The Kelsey Creek Schoolhouse is a 140-year old treasure that belongs to all of us. Higher Ground Farms has lots of choices as to where to locate their development. Why would we, as a community, agree to place it where it will damage our heritage and which future generations will regret.

Please say no to this short term thinking. Do the right thing and protect our County's culture, history, and rural character.

Sincerely

Nancy Brier  
Upper Lake  
707-245-5147

## Eric Porter

---

**From:** Lianne Campodonico <liannecampodonico@gmail.com>  
**Sent:** Sunday, June 4, 2023 2:58 PM  
**To:** Lake County CannabisCEQA  
**Subject:** [EXTERNAL] RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)

June 3, 2023

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountycalifornia.gov](mailto:CannabisCEQA@lakecountycalifornia.gov)

### **RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

I am writing regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley East Road, Kelseyville.

At this point in time, it is inappropriate to adopt a mitigated negative declaration for this project without a more thorough study that would take into account the possible detrimental impacts on an important historical site next door, namely the 150 year-old schoolhouse at 3510 Finley East Road, the last remaining one-room schoolhouse in Lake County.

Neither the project description submitted by Higher Grounds Farms or the MND document acknowledges Kelsey Creek Schoolhouse's existence beyond a small square on the map or the impacts that the project would have on this historic site and its future visitors.

The Lucerne Area Revitalization Association (LARA), which has a county-wide vision for community improvement, has been working on a project to restore, maintain and preserve this schoolhouse since at least 2019. And in that time LARA's leaders have been in ongoing discussions with CDD about the project. The Kelseyville School District donated the schoolhouse to LARA under an agreement signed in 2021. LARA has already received a \$5,000 grant from a national nonprofit for lead paint remediation, which was completed last month. The group is now getting ready to paint and make needed repairs, including putting in a new foundation.

There is obviously a public funding aspect to this project given the donation of the schoolhouse building to LARA by the school district, which retains ownership of the real property on which it sits.

I would argue that there is enough public interest and public funding for this project via this donation to qualify as a publicly funded project requiring at the very least a 1000-foot setback.

Please deny this mitigated negative declaration until a more thorough study is made of the Higher Ground Farms project in light of the presence next door of a significant historic site and until a more appropriate location can be found for the cannabis operation on the 3545 Finley East Road property in relation to the Kelsey Creek Schoolhouse.

Sincerely,

Lianne Campodonico

Lianne Campodonico  
Campodonico Olive Farm  
Lakeport CA 95453  
[campodonico-olives.com](http://campodonico-olives.com)



Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

5/28/23

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and Department Staff,

I am writing to express my concerns about your department's recent notice of intent to approve a mitigated negative declaration for the *Higher Ground Farms* project at 3545 Finley Road East, Kelseyville. The property in question sits right next to the Kelsey Creek School House which has been located at this site since 1880s.

The study seems incomplete and I should think it prudent for your department to do more investigation into the impact this project will have on the surrounding properties including the historic school house which is currently under restoration.

Our pieces of local history are important. To put the planned facilities next to the school and in between it, the creek and the view of another important landmark, Mt. Konocti, is ill conceived. More study needs to occur and more citizen input should be sought.

Please do not prematurely approve the mitigated negative declaration. Please examine the project and its impact in this location with the greatest of care and concern for a historical landmark.

Sincerely,

*Dave and Mary Borjon*

Dave and Mary Borjon  
Kelseyville

6/7/2023

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

It has been brought to my attention that the Lake County Community Development Department is considering the approval of the Higher Ground Cannabis Farm project at 3545 Finley East Road, Kelseyville. I would like to state that I am opposed to this project for just a few of the following reasons.

First and foremost is the close proximity to the Kelsey Creek School Hell's Bend Community Center which is on Kelseyville Unified School District property. The Initial study does not acknowledge that the proposed project is next door to school district-owned property.

This Historic building's site can be found in the upper left corner of Figure 2 – Proposed Site Plan on page 4 of the California Environmental Quality Act Environmental Checklist Form Initial Study (UP 20-40, IS 20-50)

The building itself is one hundred fifty two years old and has been at its current location since 1882. It is picturesque in its setting which would be abhorrently impacted by greenhouses, water tanks and other proposed additions suggested by the Higher Ground Project.

The current stewards of the historic Kelsey Creek Schoolhouse, the Lucerne Area Revitalization Association (LARA) has been actively working on the building in order to extend its purpose as a community center. As the current President of the Lake County Genealogical Society, I hope to utilize the building in the near future for genealogical related meetings and gatherings. I would be most disappointed to have the scenic view surrounding the schoolhouse marred by greenhouses.

Please take in consideration my concerns and well as those others who may have contacted you regarding their opposition to the Higher Ground Cannabis Farm project.

Kindest regards,

Rose Davidson

President, Lake County Genealogical Society, PO Box 1323, Lakeport, CA 95453

June 02, 2023

Director Mireya Turner

Lake County Community Development Department

Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)

Dear Ms. Turner and staff:

Good day. I am concerned about LCCDD's apparent notice of intent to approve a mitigated ND for the Higher Ground Cannabis Farm project at 3545 Finley Road East, Kelseyville, and am writing oppose the MND being considered for this application.

There are several glaring oversights in the application and in my opinion it should not be granted. There are a number of issues with the application and how the information was presented – and omitted.

It is completely inappropriate to adopt an MND for this project without more thorough study using more complete information that provides a truer picture of the impact of this project on neighboring parcels and the community at large.

The most glaring omission is that the document does not even acknowledge that it sits next door to a significant local historic site – the Kelsey Creek Schoolhouse, the last one-room schoolhouse in Lake County.

Since the schoolhouse is omitted from the study, there are no mitigations with regard to it suggested for this project.

The Lucerne Area Revitalization Association has been working on its plans for renovating and reusing the 152-year-old schoolhouse for a community event center for far longer than Higher Ground has been working on this proposal.

If it gets its way, with no serious study of the impacts, Higher Ground's project could destroy the plans for the schoolhouse to be meaningfully reused and enjoyed by the community. That would be a huge loss.

The initial study does not look at the long-term impacts on the schoolhouse and the neighborhood at large, including – but not limited to – noise, air quality and the permanent damage to the viewshed which includes Mount Konocti.

Additionally, this area is in an active earthquake zone, and information on safety concerns for earthquakes and fires, to say the least, is lacking. One would presume the applicant will be using various agricultural chemicals including herbicides, pesticides and fertilizers. This is a bad mix right out of the gate. As such, how can such a faulty initial study qualify for a mitigated negative declaration?

Please deny this mitigated negative declaration and more thoroughly study this project in light of the presence next door of a significant Lake County historical and cultural site.

Sincerely,

John Moorhead

Red Heart Ranch

PO Box 212

Finley, CA 95435-0212

DATE:

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

I am writing regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

It is completely inappropriate to adopt an MND for this project without more thorough study.

**EXAMPLES OF CONCERNS:**

*The MND document fails to mention — much less study — the impacts that the project would have on the Kelsey Creek Schoolhouse which sits next door.*

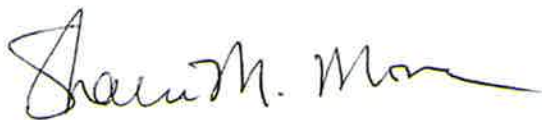
*It mischaracterizes the neighborhood, doesn't look seriously at noise and air quality impacts, and downplays irreversible damage to the viewshed.*

Please deny this mitigated negative declaration and more thoroughly study this project in light of the presence next door of a **significant cultural site**.

Sincerely,

Sharri M Moore  
9575 Glenhaven Drive  
Glenhaven, Ca 95443

**SIGNATURE**

A handwritten signature in black ink, appearing to read "Sharri M. Moore", written in a cursive style.



DATE:

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

I am writing regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

It is completely inappropriate to adopt an MND for this project without more thorough study.

**EXAMPLES OF CONCERNS:**

*The MND document fails to mention — much less study — the impacts that the project would have on the Kelsey Creek Schoolhouse which sits next door.*

*It mischaracterizes the neighborhood, doesn't look seriously at noise and air quality impacts, and downplays irreversible damage to the viewshed.*

Please deny this mitigated negative declaration and more thoroughly study this project in light of the presence next door of a **significant cultural site**.

Sincerely,

Michael T Moore  
9575 Glenhaven Drive  
Glenhaven, Ca 95443

**SIGNATURE**

A handwritten signature in black ink, appearing to read "Michael T Moore", written over the printed name.

**Eric Porter**

---

**From:** Tammy Myers <waysgma@icloud.com>  
**Sent:** Tuesday, June 6, 2023 5:03 AM  
**To:** Lake County CannabisCEQA  
**Subject:** [EXTERNAL] Higher Ground Farms

Tuesday, June 6, 2023

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

I am writing regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at [3545 Finley Road](#) East, Kelseyville.

This project should not get a pass with a mitigated negative declaration. Rather, it must undergo more thorough study for a variety of reasons, including historical and environmental ones.

One of my main questions regarding the initial study is this: Can you or your staff explain just why it is that the report doesn't even mention the fact that it sits next door to a historic site — the Kelsey Creek Schoolhouse?

Since the school site isn't mentioned, the initial study doesn't even attempt to consider the incredibly damaging impacts the project will have on the 152 year old schoolhouse.

How, particularly, can you justify allowing a massive commercial cannabis project next to a property owned by the Kelseyville Unified School District, which both the district and the Lucerne Area Revitalization Association — which is leading the schoolhouse renovations — have said repeatedly that they intend to use for school and community events?

Along with not mentioning the schoolhouse, the initial study mischaracterizes the neighborhood. It claims the project is "consistent with the historic land use of the region and property." No, it isn't. The property previously was used mostly for pear production and the region includes a school and meeting space — which, as I've said before, this report fails to mention.

Next, considering that we are in the midst of an emergency regarding the Clear Lake hitch, I was surprised that the initial study gave the hitch only brief mention and with boilerplate mitigations that didn't address the issue of water supply which the county itself has acknowledged impacts the hitch.

Our community is being overrun by these projects. We deserve better from Community Development than just rubber stamping projects that will do real harm to residents, damage historical sites and set up serious conflicts that won't be easily resolved.

Please send Higher Ground Farms back to the drawing board and deny this mitigated negative declaration. More serious and thorough study is needed before you can allow this project to move forward and potentially destroy years of work to save the Kelsey Creek Schoolhouse and impact the already fragile Clear Lake hitch.

## Eric Porter

---

**From:** Lake County CannabisCEQA  
**Sent:** Friday, June 2, 2023 10:44 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] opposition to Major Use Permit

**From:** Valerie Nixon <4val944@gmail.com>  
**Sent:** Friday, May 26, 2023 3:26 PM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
**Subject:** [EXTERNAL] opposition to Major Use Permit

May 26, 2023

Director Mireya Turner  
Lake County Community  
Development Department

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

I am writing because I am opposed to the possibility of the approval of a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

I believe it is inappropriate to adopt an MND for this project without a more thorough study.

The MND document does not mention the impacts that the project would have on the Kelsey Creek Schoolhouse which sits next door.

It should look more seriously at the neighborhood, and the inevitable noise and air quality impacts, and the irreversible damage to the viewshed from this historic site

Please deny this mitigated negative declaration.

With much appreciation,

Valerie GM Nixon

DATE:

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

I am writing regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

It is completely inappropriate to adopt an MND for this project without more thorough study.

**EXAMPLES OF CONCERNS:**

***The MND document fails to mention — much less study — the impacts that the project would have on the Kelsey Creek Schoolhouse which sits next door.***

***It mischaracterizes the neighborhood, doesn't look seriously at noise and air quality impacts, and downplays irreversible damage to the viewshed.***

Please deny this mitigated negative declaration and more thoroughly study this project in light of the presence next door of a significant cultural site.

Sincerely,

**SIGNATURE**

*Deborah Hablutz*

DATE: May 26, 2023

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

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Please deny this mitigated negative declaration and more thoroughly study this project in light of the presence next door of a significant cultural site.

Sincerely,



**SIGNATURE**



RECEIVED

DATE:

JUN 06 2023

LAKE COUNTY COMMUNITY  
DEVELOPMENT DEPT.

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

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Please deny this mitigated negative declaration and more thoroughly study this project in light of the presence next door of a significant cultural site.

Sincerely,

Marie C. Otto June 6, 2023  
SIGNATURE

*My grandmother, Isabel O'Brien, taught school at the Kelsey Creek Schoolhouse. My grandfather, James O'Brien, played poker there on Sundays with the old-timers! I am sure they would like it to remain a tranquil place!*



**Lucerne Area Revitalization Association**

**Proposal for restoration, maintenance and preservation of Kelsey Creek Schoolhouse**

**Submitted Tuesday, July 30, 2019**

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## **INTRODUCTION**

### **The organization: The Lucerne Area Revitalization Association**

The Lucerne Area Revitalization Association, or LARA, is a nonprofit incorporated in California 2018, with final IRS nonprofit status conferred in 2019. Its purpose includes community building and revitalization, economic development, and creating relationships and collaborations across organizations.

While based on the Northshore, the association has a countywide vision for community improvement, preservation of important sites, development of collaborative public spaces and problem solving.

In 2018, LARA was one of two organizations that submitted an extensive plan for reuse and economic redevelopment of the Lucerne Hotel.

Also in 2018, LARA submitted an expression of interest to the US Department of Agriculture to relocate its Economic Research Service and National Institute of Food and Agriculture to Lake County. LARA's proposal received letters of support from organizations and local governments including the Clearlake City Council, Lakeport City Council, Lake County Economic Development Corp. and the Lake County Winegrape Commission, from Congressman John Garamendi, State Sen. Mike McGuire and Assemblywoman Cecilia Aguiar-Curry.

Through LARA's efforts, Lake County was included in a list of 136 locations nationwide that were considered, although the county was not selected.

Separately, as part of our proposal, LARA has provided to Superintendent Dave McQueen proof of incorporation and insurance.

### **Summary of the proposal and proposed use of the building**

LARA is submitting this proposal in response to the Kelseyville Unified School District Board of Trustees' decision on April 16 to accept proposals from nonprofit groups to receive the building as a donation, and the subsequent vote on May 16 to set in motion a request for proposals process.

LARA's proposal, which will be explained in detail in this document, is to seek donation of the schoolhouse from the school district, to keep it in place at the location on Finley Road East – where it has been situated without interruption since 1882 – to renovate and preserve it to

modern code standards while not destroying its historic construction, to seek State Historic Register status, and to operate it as a local historic and collaborative community event site, available for weddings and family reunions, small festivals, field trips and open houses, with special events planned during the height of the county's tourist season.

If selected, LARA proposes to negotiate an agreement with the school district for the ongoing use of the one-acre site where the schoolhouse is located, with a view to eventually seeking an outright purchase of the site.

### **Proposed compensation**

Our proposal is for a \$1 a year rental cost to the district for the land, with LARA taking on all maintenance and improvement responsibilities for the property in addition to the building renovation and preservation.

## **THE PROJECT**

### **Property preservation**

As the last remaining one-room schoolhouse in Lake County to remain intact and in its location, LARA believes keeping the Kelsey Creek Schoolhouse in Finley is critical to preserve and protect its historical significance.

LARA seeks to preserve the schoolhouse in situ, where it has been located for 137 years, at 3505 Finley Road East, to seek historic listing status, to make the building and property available at a reasonable rent for events – weddings, reunions, meetings, festivals, arts and culture fairs, etc. – and additionally to make it available to the school district to utilize it for field trips, and teaching events and meetings, among other uses.

The intent also is to partner with other community groups to create a collaborative community space that celebrates and commemorates Lake County's unique history. The hope is that 4-H and FFA meetings could take place there, that students could grow and maintain a garden or even set up a teaching farm, and that young people will be able to invest their ideas and efforts into the preservation of a local historical monument which speaks to our area's history.

In creating this plan, we have consulted with historical and archaeological experts. They uniformly agree that the schoolhouse is a significant historical site for Lake County because it remains intact and still sits where it has been since the late 19th century. The site itself also is

an archaeological resource. In short the building is tied to the land by its archaeology and historical uses.

Keeping it in place not only satisfies the school board's desire to keep it within district boundaries, but offers the opportunity for state and national historic designations. Such listings would be a boon to Kelseyville and Lake County as a whole. If it's moved, the potential for such listings is lost forever.

Our plan includes an archaeological survey, proposed to be conducted by Dr. Douglas Prather and his students, to fully understand the property and its historic uses.

As part of LARA's project, we will film a documentary about the building and the effort to save it, which also will be used as the basis of a fundraising campaign.



***The Kelsey Creek School and its students in 1900. The school remains at its same location today as when this picture was taken. Image courtesy of the Lake County Museum.***

If the building remains in situ, it become eligible for state and national historic monument status and attendant grants. There is historical preservation funding LARA is now researching and pursuing – thanks to the help of an experienced grant writer.

Moving it ends the possibility permanently of accessing such funding, which would severely limit resources available for restoration and ongoing maintenance in the years to come, which in turn poses a danger to preserving the structure.

### **Preservation and economic benefits**

According to the State Office of Historic Preservation, Lake County has only eight listed California Historic Landmarks. Only one of them is in Kelseyville, and it is an infamous one – the site of the Stone and Kelsey home at the intersection of Main St and Bell Hill Rd, Kelseyville.

Source: [http://ohp.parks.ca.gov/?page\\_id=21425](http://ohp.parks.ca.gov/?page_id=21425) .

In addition, the county has seven listings on the National Register of Historic Places, none in Kelseyville. The closest are the old Lake County Courthouse in Lakeport and Lakeport's Carnegie Library, according to the National Park Service.

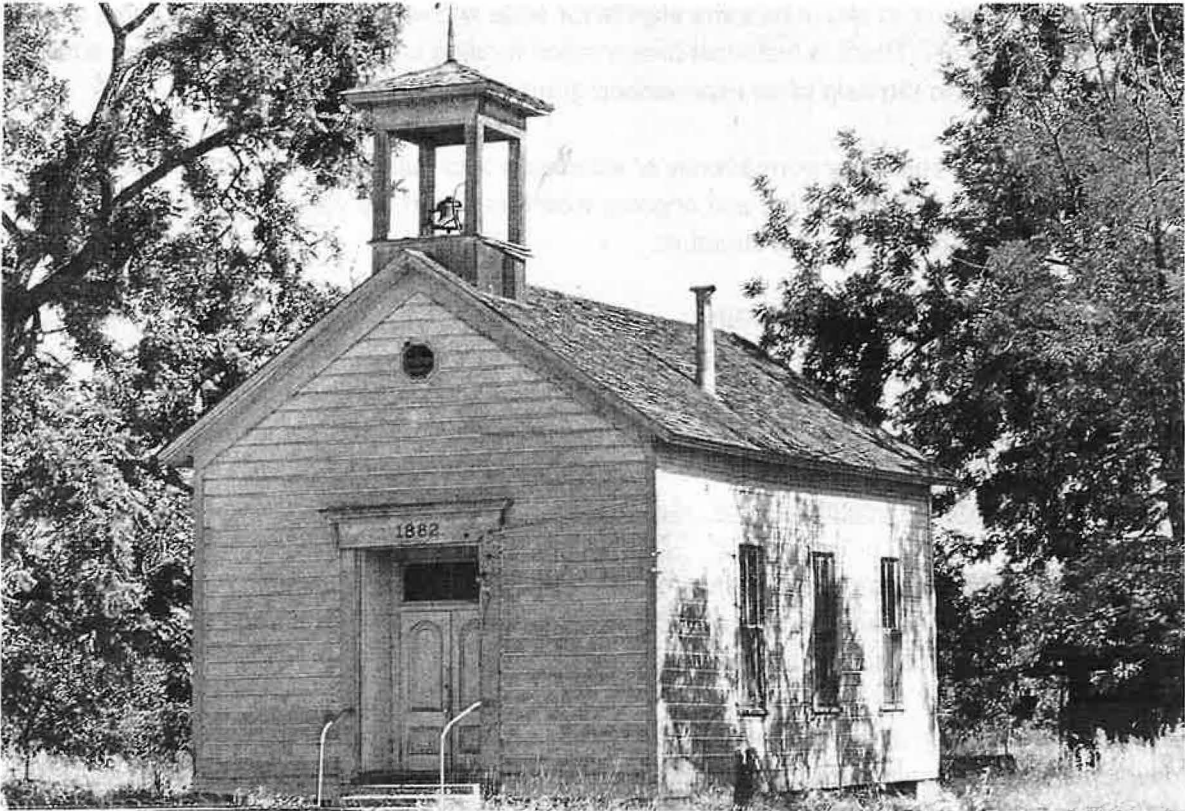
A historic designation at the state and federal levels provides additional tourism and economic development opportunities for the immediate Kelseyville community and the larger region. LARA plans to create a Lake County historic site promotion as part of promoting economic opportunities.

The schoolhouse would be promoted not just as a historic site but as a cultural heritage tourism location. Research shows that communities that are home to historic sites can reap multiple benefits from their preservation and listing.

A 2012 report, "The Economic Impact of Historic Resource Preservation," written by Mimi Morris, executive officer of the California Cultural and Historical Endowment, explains the benefits of this kind of site listing and preservation. The report is available here: [http://resources.ca.gov/docs/cche/EconomicImpact\\_of\\_HistoricResourcePreservation.pdf](http://resources.ca.gov/docs/cche/EconomicImpact_of_HistoricResourcePreservation.pdf) .

In her report, Morris notes that property values and job creation "are both significantly impacted by historic preservation," but "both are eclipsed by the enormous economic impact of historic preservation on heritage tourism."





***The Kelsey Creek Schoolhouse in an untimed photo. The numbers above the door represented the year when it was moved from its original location to its current location on Finley Road East. Photo courtesy of the Lake County Museum.***

The report continues: "Cultural heritage tourism, an expanding niche of the tourism market, is of clear benefit to communities. In a recent report on cultural heritage tourism over state-specific reports attest to the positive economic impact of cultural heritage tourism. Though there is no report from California, the other reports include significant economic impacts of preservation-related tourism activities.

"A cultural heritage preservation program benefits all the current and future citizens of a state. It gives the public an understanding of the values of the people of the past. It fuels the aspirations of the people of tomorrow. It also is a magnet for cultural heritage tourists," she stated.

In the report are cited several examples of how states have applied these efforts.

She writes, "Arizona's report offers many descriptions of how Arizona's rich array of cultural heritage attractions brings the state's residents and visitors qualitative benefits. In-state cultural heritage visitors brought the state \$6 million and out-of-state cultural heritage travelers brought it \$2 billion. Further, the Arizona report states that, ***"Perhaps the biggest benefit of cultural heritage tourism is that opportunities increase for diversified economies, ways to prosper economically while holding on to the characteristics that make communities special."*** (Emphasis added.)

Morris' report sums up its conclusions by noting, "The studies reviewed in this report cite multiple economic benefits, but in this report we focused on the three benefits which we consider to be most common and most significant: job creation, property value stabilization and growth, and cultural tourism growth. All three of these areas demonstrate a strong return on the investment in historic property restorations, while also furthering many policy objectives like environmental sustainability and smart growth."

Once LARA is selected to receive the Kelsey Creek Schoolhouse, the organization plans to immediately begin the process for state historic listing, which has as a crucial component the agreement of the property's owner. As such, LARA intends to discuss this with the district leadership in order to be of one accord while the one-acre of land remains in the district's legal possession.

LARA estimates that the listing process could take as long as two to three years, and intends to have it in place in time for the schoolhouse's formal reopening as a community event center and historic site.

### **Fundraising**

LARA has already begun applying for grants and approaching potential donors to support the goals of this project. In addition, we are working with one of Northern California's most talented and successful grant writers to pursue historic preservation grants and funding, and plan to produce a documentary as part of our fundraising campaign.

### **Renovation, restoration, exploration and site expansion**

In its ongoing assessment of the schoolhouse site, LARA has determined several priorities for preservation, including immediate paint and board repair, securing and replacing broken windows, and establishing increased site security, including securing a caretaker and installing security cameras and new locks.

Should the association's proposal be accepted, we intend to move quickly to keep the site secure and protect against further water damage due to winter rains.

We also plan to have a local archaeologist conduct a site survey of the property with his students in the spring. The goal is to better understand the historic traffic and use on the site, with a view to guiding us to protect those areas as we design landscaping and new amenities for the property, which would be discussed further with the district as plans are developed. We've informed a Big Valley tribal representative of this survey plan and they have asked that the tribe be invited to be present, which we intend to do.

### **STATEMENT OF QUALIFICATIONS**

The following individuals are part of our core team, from principals of LARA to the many advisors whose expertise and knowledge have been indispensable to creating this plan, and who will be key to our future planning and project execution thanks to their experience and qualifications.

#### **The Team: Principals and Advisors**

##### **Julie Berry**

Julie Berry has decades of business and nonprofit management experience. Her qualifications include property management, renovation and improvement; retail development and management; nonprofit leadership; program development; fundraising and grant writing; and community outreach, among other skill sets. She currently holds a key operational role in Kelseyville Presbyterian Church, which offers numerous community programs, including a food pantry. She also is treasurer of the Lucerne Area Revitalization Association.

##### **Linda Hedstrom**

Linda Hedstrom has decades of experience in grant writing, planning and visioning, and has extensive experience working with nonprofits. She is one of the most successful grant writers in Lake County, having secured millions for a wide variety of projects, including housing. She has a bachelor's degree in architecture from the University of California, Berkeley, and a Master's of Business Administration from University of Phoenix. She worked as a Lake County planner for 15 years before becoming the housing programs manager in the Community Development Department. Her extensive professional experience also includes serving as housing and economic development manager for the California Human Development Corp. Her



understanding of the grant landscape and available funds for historic preservation has been a key guiding force in the creation of our plan.

### **John Jensen**

John Jensen is co-founder and president of the Lucerne Area Revitalization Association. He also is an entrepreneur who has started and managed several successful businesses, from tech to hospitality. He is co-publisher of Lake County News, founder of Ambient Technologies and now owns and operates the Konocti Bait Shack. His employment experience includes executive management experience in multiple industries including CATV franchise auditing, hospitality, technology, news production and marketing. He has extensive experience in property management and renovation, and has led community benefit projects, such as overseeing numerous facility improvements at First Lutheran Church in Lucerne. He holds a bachelor's degree from California State University, Sonoma, in communications studies with an emphasis on broadcast media and information technology.

### **Elizabeth Larson**

Elizabeth Larson is editor and publisher of Lake County News, founded in 2006. She has worked as a journalist for 23 years, including book and magazine publishing, weekly and daily newspapers, and now specializing in online news. She has experience in project management, plan development and research. She has firsthand experience with property management and renovation thanks to having been raised on a farm; she also worked on her grandfather's 5,000-acre ranch in northeastern Oregon, where he conserved the historic Lost Prairie School, similar to the Kelsey Creek School, on his property. Larson is a trained historian; she graduated with a degree in history from the University of Montana, Missoula, summa cum laude, in 1993 and received a master's of philosophy degree in classics from the University of Cambridge, United Kingdom, in 1994. She has a passion for history and historical sites. In 2018, she authored an extensive plan to save and preserve the historic Lucerne Hotel. She is secretary and co-founder of the Lucerne Area Revitalization Association.

### **Antone Pierucci**

Antone Pierucci holds degrees in classical civilizations and history from Gonzaga University and art history, archaeology and museum studies from the University of Missouri at Columbia. From July 2013 to August 2013, he was the assistant collections manager for Harvard University's archaeological exploration of Sardis, Turkey, taking over as collections manager the following year. He was a research assistant at the University of Missouri from August 2012 to June 2014. He then became assistant curator of the Museums of Lake County, later taking over as curator.

Today, he is curator of history at the Riverside County Park and Open Space District. He has written articles for such magazines as Archaeology and Wild West, and served as a history columnist for Lake County News. In 2016 he published his first book, "Lake County Schoolhouses," as part of Arcadia Publishing's "Images of America" series. He said one of the reasons for writing the book was to get people interested again in the Lower Lake Schoolhouse as well as the Kelsey Creek Schoolhouse. His understanding of historic site preservation and management has been a key component of our planning for this project.

### **Professor Douglas Prather**

Professor Douglas Prather is a Lake County native who has a special place in his heart for the Kelsey Creek Schoolhouse. Prather holds a Bachelor of Arts degree in anthropology and a Master of Arts degree in interdisciplinary studies (history and archaeology), both from California State University, Chico. He worked as an archaeologist for the Lassen National Forest for more than a decade, carrying out excavations and field surveys. He now teaches at both Mendocino College and at Woodland Community College's Lake County Campus on topics including cultural and physical anthropology, and archaeology. Prather has taken part in excavation projects at a medieval castle in Ireland, worked on Incan and Cangahuan fortresses in Ecuador, and participated in many projects across the United States.

### **Gail Salituri**

Gail Salituri is an accomplished artist whose work has sold worldwide. She is a talented landscape designer, writer and planner, and has been a driving force behind efforts on the local level to assist nonprofits in fundraising and planning. In addition to spending countless hours organizing events such as Wine and Chocolate, she has painted and donated numerous works of art to help raise funds for local causes, including assistance for domestic violence victims. Salituri was a board member for the Lake Family Resource Center for three years, and served as treasurer. In that capacity, she oversaw finances, events, many of the organization's key social programs and took part in key hiring decisions. She also owned and operated a successful Lakeport business for 15 years and continues to own and operate a successful online art business.

## **TIMELINE**

### **Influencing factors and circumstances beyond association control**

Because of factors that cannot be predicted and are not under our control, including the market demand for contractors and equipment currently determined by preparations for public safety

power shutoffs and rebuilding from wildland fires around Northern California, the following timeline is based on extremely conservative estimates.

### **Anticipated time for property negotiations**

Should the association's proposal be accepted, it's anticipated to take a median time frame of 60 days to finalize negotiations with the district to take possession of the property. The following timeline is built on that assumption of time, and begins upon LARA's taking ownership of the structure and reaching agreement with the district for use of the land.

Our team also has concerns that the disposition of a historical building such as the Kelsey Creek Schoolhouse requires specific review under the Subdivision Map Act and, in turn, the California Environmental Quality Act. We are unclear on whether or not the district has taken that into account. That will need to be discussed during proposal selection and property negotiations in order for us to have a clear idea on how realistic our timeline is.

As other information about the building is revealed, LARA reserves the right to update, alter or significantly rewrite this timeline.

### **Work under way**

Several actions already are under way, including discussing permitting and renovation requirements for renovations with the Community Development Department, seeking and applying for grant funding, receiving bids from local contractors, and making outreach to neighbors, tribes and community groups.

### **Pending test results for lead and asbestos**

A late development is the district's agreement to conduct testing for asbestos and lead materials, which can have significant impact on the project timeline and cost. Those results were not available before the submission of this plan, so they must be worked into a modified timeline to be presented during discussions with the district.

### **Immediate term: First two months**

- Securing of property, including new locks and signage.
- Weatherizing to protect against winter weather damage.
- Landscaping and site cleanup (interior and exterior).
- Continuing discussions with neighbors about land use.

- Receive results of asbestos and lead paint testing.

#### **Short-term: Within six months**

- Meet with tribes to discuss project concerns and tribal monitoring requirements; open discussion on tribal monitoring contract.
- Creation of plot plan.
- Examination of electrical connections, undergrounding and rewiring of building.
- Confirm restrictions for restoration under state and national historic register guidelines.
- Begin pulling permits for renovations with the Community Development Department.
- Repair of dry rot and termite damage, as well as repair of broken siding boards.
- Roof inspection.
- Evaluation of bathroom facility.
- Begin working with State Office of Historic Preservation on application for state historic listing.
- Additional security measures, including security cameras and lighting.
- Finalizing discussions with adjacent property owners for how property can best be used without interfering with their land uses.
- Begin planning for remediation should any asbestos or lead be detected during testing.

#### **Short-term: Six months to one year**

- Archaeological site survey; tribes to be invited.
- Determination on electrical wiring needs.
- Exploration of Internet installation.
- Determination on upgrades needed to foundation.
- Repair of school bell.

#### **Midterm: One to three years**

- Finalize tribal monitoring agreement.
- Full window restoration.
- Interior repairs, primarily to flooring and walls.
- Removal of fencing, design and installation of new parking
- Hiring of part-time caretaker.
- Planning for any necessary improvements to foundation.
- Beginning of foundation upgrades/repairs.
- If district desires a specific nonprofit be formed to hold the schoolhouse, the goal would be to have that new nonprofit join the project within three years.

- Renovation of bathroom and pump house facility.
- Installation of new lighting and ceiling fans.

#### **Midterm: Three to five years**

- Full opening as event center by five-year anniversary.

#### **Long-term: Five to 10 years**

- Work with district to explore LARA (and/or specifically formed nonprofit) purchasing entire property.
- Small solar installation.

### **PROPOSED BUDGET – ESTIMATES**

#### **Disclaimer on estimate amounts**

These estimates are based on the information we had available to us as of Wednesday, July 31, 2019.

Any estimates, projections or forward-looking statements are subject to change as we receive more information.

#### **Ongoing maintenance estimate**

During renovation and construction of property improvements, we anticipate low monthly maintenance costs separate from the costs of the projects, which are priced out separately below. At that point, LARA volunteers will do security and mowing.

Monthly ongoing maintenance of about \$500 is anticipated once the center opens. This covers mowing and weedeating, basic power use and security cameras, and will vary due to the amount of event-related usage.

#### **Renovations and restoration**

LARA has solicited bids from several contractors for various aspects of the restoration and renovation work.

We have received some basic bids for aspects of this project. However, we have had challenges in getting all the bids we had hoped to receive by the date of the proposal submission due to a variety of issues: a very short project due diligence timelines; this being the height of a construction season that got started late due to rain; the scope of the rebuilding going on around Lake County, the North Coast and Northern California in the wake of numerous seasons of destructive wildland fires; the recent concerns over the possibility of public safety power shutoffs by Pacific Gas and Electric and the need for electricians and contractors to work on infrastructure upgrades to allow for generator use; and a general shortage of contractors.

In some cases, we have had contractors not respond or altogether turn down our request for a bid due to their workload.

In speaking with local agencies and officials, they are having the same challenges with getting bids from contractors as we have experienced.

Our efforts to get bids for the project's various aspects is ongoing and we anticipate having more ballpark estimates as the summer continues.

Below are the bids we have received. Should your proposal be received, we anticipate further refining cost estimates by seeking multiple bids for every specific aspect of the project, as laid out generally in the project timeline.

At this time, based on very conservative overall estimates, we are anticipating renovations and property improvements ranging between \$187,000 and \$335,000.

#### **PROPOSED BUDGET - RENOVATION AND CONSTRUCTION DETAILS**

We have sought initial bids from contractors and are continuing to work to refine estimates. In most cases, we have only been able to secure single-source bids for the projects outlined below.

##### **Asbestos and lead removal/encapsulation**

Costs so far unknown. Tests for materials are pending by district.

##### **Bathrooms**

Alan Pre-Fab Building Corp. of Gardena, Calif.

\$23,616 for 8 x 8 single-use unisex restroom, with delivery  
\$39,146 for 8 x 16 dual-use unisex restroom, with delivery

### **Bell repair**

Bids pending inspection of bell and bell tower, which could not be completed during the due diligence period.

### **Engineering**

Cliff Ruzicka of Ruzicka Engineering said that the construction of a new foundation system for the building is one of the most important elements for restoring the schoolhouse. He proposed the following work, for a cost of \$8,000.

1. Perform a field inspection, prepare as-built drawings, take measurements and determine the size of the existing floor system members.
2. Perform design and calculations and prepare construction plans and specifications for:
  - a. A new reinforced concrete perimeter foundation system.
  - b. Interior piers and concrete footings to support floor beams.
  - c. Connections of the floor system to the new perimeter foundation.
  - d. Connections of the floor system to the new interior piers.
  - e. Building tie-downs at each corner of the building consisting of a steel tie rod connected to the top wall plate and the new perimeter foundation.
  - f. Repair of the floor system including floor sheeting, floor joists and floor beams.
  - g. Obtain a building permit for the new foundation system.

### **Flooring**

Supply and installation of 850 square feet of rigid core luxury vinyl plank laminate flooring w/commercial rating, including tax and shipping.

Estimated cost: \$8,300

### **Painting**

Exterior/Interior: \$25,000.

### **Septic tank**

Inspection: \$125

Pumping: \$480

Replacement: \$10,000 and \$15,000 for standard system. The necessity of replacement or repair will need to be determined by inspection. We anticipate the need to replace it due to age; although little used, materials, soil acidity and groundwater levels could have caused deterioration.

## **Windows**

### Reproduction windows. built to order

All are redwood preprimed oil based. Tempered safety glass single glazed. Complete units ready to be installed by others.

One 55 x 18 transom window: \$495

Six 33.750 x 80 double hungs: \$975 each

Total cost: \$6,345

### Window installation

Estimated cost: \$4,200

## **Permitting**

These costs are largely to be determined, as they will be based on valuations, according to the Lake County Community Development Department.

There also are aspects of the project that need information from CDD and, so far, we have not been able to get some firm information due to that agency being overtaxed currently with construction permits and cannabis plans.

However, we were informed that a major use permit would be necessary to allow for events at the site. The total cost of that permit process could range as high as \$4,100, if the California Environmental Quality Act process is triggered.



## **Tribal monitoring**

We have made initial outreach to Big Valley Rancheria, which has indicated that tribal monitoring will be requested for work including septic tank replacement, a new foundation and any other ground work. We will be following up with them as well as with the Mishewal Wappo of Alexander Valley, to arrive at a clear idea of what will be required and potential costs.



*The Milky Way and the Kelsey Creek Schoolhouse, photographed on Friday, July 5, 2019. Photo by Elizabeth Larson.*

## **PROPOSED PROPERTY USE AGREEMENT**

### **Draft proposed property use agreement**

LARA is offering this adjusted property use agreement, based on a template provided by the district at its May 21 meeting. It is understood that all proposed hours and maintenance responsibilities, as well as the term outlined here must be finalized in negotiations with the district, with updated information to be inserted in the draft at that time.

Compensation, as proposed above, is recommended at \$1 a year to the district, with LARA assuming maintenance and improvement costs. Should, in the future, an unforeseen circumstance occur that requires termination of said agreements, and district disposes of the real property under the building, all improvements made at LARA's expense will be expected to be fully reimbursed from sale proceeds.

### **PROPERTY USE AGREEMENT**

This Property Use Agreement ("Agreement") made this \_\_\_ day of \_\_\_\_\_, 2019, by and between Kelseyville Unified School District (hereinafter called "District") and the Lucerne Area Revitalization Association (hereinafter called "Buyer").

### **RECITALS**

A. District is the owner of real property situated at 3510 East Finley Road, Kelseyville, California ("Property").

B. Buyer has purchased from the District the Kelsey Creek School House ("School House") which is located on the Property.

C. District and Buyer desire to have Buyer keep the School House on the Property while the District owns the Property and to maintain the School House.

In consideration of the terms and conditions set forth below, and in accordance with the Civic Center Act (Education Code sections 38130 et. seq.), the parties agree as follows:

#### **1. PROPERTY USE.**

1.1 District hereby permits Buyer to keep the School House on the Property where it is currently located and use the Property to access the School House.

1.2 Hours and days of use of the Property by Buyer shall be limited to 7 a.m. to 10 p.m. A use permit need be obtained only if required by law and at the sole expense of Buyer. No use is permitted that is contrary to the applicable zoning or to the laws or regulations applicable to the subject property.

1.3 The Agreement excludes use by the Buyer of any other portion of the Property except for where the School House is located and ingress and egress over the Property to the School

House. District shall have the right to use or lease any of the Property not being used by Buyer pursuant to this Agreement.

## **2. TERM.**

### **2.1 Term.**

The term of this Agreement shall commence on [REDACTED], 2019 (the "Commencement Date") and shall end on [REDACTED], 20\_\_ unless earlier terminated per the terms of this Agreement. This Agreement may be renewed annually upon written mutual agreement of the parties.

### **2.2. Termination.**

Either party may terminate this Agreement with or without cause upon sixty (60) days prior written notice to the other party. Prior to the termination date, Buyer shall remove the School House from the Property, including the disconnection and stubbing of all utilities connected to the School House.

Removal of the School House shall be completed by a licensed building removal company. Buyer shall require the selected removal company to obtain public liability and workers compensation insurance equal to the insurance limits set forth in the Agreement.

Removal of the School House under this Agreement with work containing asbestos shall be executed by the Buyer and the removal company at their risk and at their discretion with full knowledge of the currently accepted standards, hazards, risks and liabilities associated with asbestos work and asbestos containing products. By execution of this Agreement the Buyer acknowledges the above and agrees to hold harmless the District, its employees, agents and assigns for all asbestos liability which may be associated with this work and agrees to instruct its employees and/or agents with respect to the above mentioned standards, hazards, risks and liabilities.

Buyer shall indemnify, hold harmless and defend District and its Board of Trustees, officers, agents and employees from and against all claims, damages, losses and expenses, including reasonable costs and attorneys' fees, arising out of or resulting from Buyer's removal of the School House, excepting only such injury of harm as may be caused solely and exclusively by District's fault or negligence. Additionally, Buyer shall require removal company to indemnify, hold harmless and defend District and its Board of Trustees, officers, agents and employees from and against all claims, damages, losses and expenses, including reasonable costs and attorneys' fees, arising out of or resulting from Buyer's removal of the School House, excepting

only such injury of harm as may be caused solely and exclusively by District's fault or negligence.

Except as stated herein, Buyer and/or removal company shall repair any damage to the Property, including any damage to the District's asphalt, which resulted from the removal of the School House and shall restore the Property to its original condition.

### **3. USE OF PROPERTY.**

Buyer shall use and occupy the Property solely for the use and maintenance of the School in accordance with this Agreement, and any reasonably related lawful purposes.

### **4. MAINTENANCE.**

Except as otherwise provided in this Agreement, Buyer, at its sole expense, shall provide the following maintenance:

**[Insert refined and finalized maintenance scope of work based on proposal above]**

### **5. UTILITIES.**

Buyer shall be responsible for the payment of all utilities to the School House.

### **6. ALTERATIONS AND IMPROVEMENTS.**

During the term of this Agreement, Buyer shall make no alterations, installations, additions, or improvements to the Property without prior written approval by the District. Improvements made by Buyer at any time to the Property during the terms of this Agreement shall be and remain the property of District. Buyer shall be responsible for and shall pay for any repairs or replacements which are occasioned or made necessary by reason of the negligence or misuse of the Property by Buyer. District shall not be responsible to Buyer for any damage or injury to persons or property which may occur as a result of the failure of Buyer to make repairs.

### **7. INSURANCE.**

Buyer shall maintain insurance as described below:

a) Worker's compensation insurance, if otherwise required by law, with the statutory limits required by the Labor Code of the State of California.

b) Commercial or Comprehensive General Liability insurance covering bodily injury and property damage utilizing an occurrence policy form in an amount no less than One Million Dollars (\$1,000,000) per occurrence, Two Million Dollars (\$2,000,000) aggregate.

c) Excess Liability Insurance (umbrella) shall be no less than \$2,000,000 over primary insurance.

d) Each comprehensive or commercial general liability and automobile liability insurance policy shall be endorsed with the following specific language:

1) District, its officers and employees, are named as additional insureds for all liability arising out of the operations by or on behalf of the named insured in the performance of this Agreement.

2) The inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, and the coverage afforded shall apply as though separate policies had been issued to each insured, but the inclusion of more than one insured shall not operate to increase the limits of the Buyer's liability.

3) The insurance provided herein is primary coverage to District with respect to any insurance or self-insurance programs maintained by District and no insurance held or owned by District shall be called upon to contribute to a loss.

4) This policy shall not be canceled or materially changed without first giving thirty (30) days prior written notice to District.

e) Documentation: The following documentation shall be submitted to the District:

1) Properly executed Certificates of Insurance clearly evidencing all coverages, limits, and endorsements required above. Said certificates shall be submitted prior to the execution of this Agreement.

2) Signed copies of the specified endorsements for each policy. Said endorsement copies shall be submitted within thirty (30) days of execution of this Agreement.

3) Upon District's written request, certified copies of insurance policies. Said policy copies shall be submitted within thirty (30) days of District's request.

(f) Policy Obligations: Buyer's indemnity and other obligations shall not be limited by the foregoing insurance requirements.

## **8. INDEMNITY**

Buyer shall hold harmless, defend and indemnify District, its officers, agents and employees, from and against any liability, claim, action, cost, damage or loss, including reasonable costs and attorneys' fees, for injury, including death, to any person or damage to any property arising out of Buyer's activities under this Agreement, but excluding liability due to the sole negligence or willful misconduct of District. This obligation shall continue beyond the term of this Agreement as to any act or omission which occurred during or under this Agreement. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Buyer or its employees or agents under workers' compensation acts, disability benefit acts, or other employee benefit acts.

## **9. ASSIGNMENT.**

This Agreement or any interest of Buyer therein, shall not be assignable by Buyer or by operation of law without the written consent of District. Any attempt to so assign without first obtaining such written consent shall be null and void. In the event such written consent should be given by District, said consent shall not constitute a waiver of this provision, which shall remain in effect with respect to any and all subsequent attempts to assign.

## **10. WAIVER.**

The waiver by either party of any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition herein contained.

## **11. SURRENDER.**

Buyer covenants that on the last day of the term or on the last day of a renewal or extension of this Agreement, it will peaceably and quietly leave and surrender the Property in as good condition as they now are, ordinary wear and tear excepted.

## **12. HOLDING OVER.**

Any holding over by Buyer shall not be construed as a renewal of the term of this Agreement but shall constitute a month-to-month use which may be terminated by either party upon thirty (30)



days prior written notice, and shall otherwise be on the same terms and conditions herein set forth and at the use fees applicable to the last month of the Agreement term.

### **13. TRANSFER OF BUYER'S INTEREST.**

Buyer shall not at any time assign or otherwise transfer all or any part of Buyer's interest in this Agreement without the express written consent of District.

### **14. COMPLIANCE WITH LAW.**

Buyer shall not use the Property or permit anything to be done in or about the Property which will in any way conflict with any law, statute, ordinance or governmental rule or regulation now in force or which may hereafter be enacted or promulgated. Buyer shall, at its sole cost and expense, promptly comply with all laws, statutes, ordinances and governmental rules, regulations or requirements now in force or which may hereafter be in forced, and with the requirements of any board of fire insurance underwriters or other similar bodies now or hereafter constituted, relating to, or affecting the condition, use or occupancy of the Property, excluding structural changes not related to or affected by Buyer's improvements or acts.

### **15. SEVERABILITY.**

The invalidity or illegality of any provision shall not affect the remainder of the Agreement.

### **16. MISCELLANEOUS.**

#### **16.1. Binding on Successors.**

This Agreement and all of the covenants, agreements, conditions and undertakings contained herein, shall be binding upon and inure to the benefit of the respective heirs, legal representatives, successors and assigns of the parties hereto.

#### **16.2. Headings.**

The headings of the Articles and Sections hereof are for convenience only and shall not affect or be deemed to affect the meaning of any provisions hereof.

#### **16.3. Entire Agreement.**

This Agreement, including all exhibits, contains all of the terms, covenants, conditions and agreements between District and Buyer relating in any manner to the use and occupancy of the Property. No prior agreement or understanding pertaining to the same shall be valid or of any force or effect, and the terms, covenants, conditions and provisions of this Agreement cannot be altered, changed, modified or added to, except in writing and signed by District and Buyer. All references herein, directly or indirectly, to the term of this Agreement shall also be deemed to include any extensions or renewals thereof provided Buyer herein, unless expressly provided to the contrary.

#### **16.4. Governing Law.**

This Agreement shall be governed exclusively by its express provisions and by the laws of the State of California, and any action to enforce the terms of the Agreement or breach thereof shall be brought in Lake County, California, and no other place.

#### **16.5. Force Majeure.**

No party shall be in default on account of any failure of performance which is caused by circumstances beyond the reasonable control of such party, including strikes, lockouts, fires, floods, acts of God, war, civil disorder or government regulations. This provision shall not excuse a delay in performance in excess of the actual delay so occasioned.

#### **16.6. No Joint Venture.**

Nothing herein contained shall be deemed in any way or have any purpose whatsoever to constitute District or Buyer a partner of the other in its business or otherwise, or a joint venturer or a member of a joint enterprise with the other.

#### **16.7. Invalidity.**

If any term or provision of this Agreement, or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

#### **16.8. Construction of Agreement.**



This Agreement shall be strictly construed neither against District nor Buyer, but shall be construed according to the fair meaning of its terms. No remedy or election given by any provision in this Agreement shall be deemed exclusive unless so indicated, but each shall, wherever possible, be cumulative with all other remedies in law or equity as otherwise specifically provided.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

DISTRICT: By: \_\_\_\_\_

BUYER: By: \_\_\_\_\_

#### **PROPOSED BILL OF SALE AND TRANSFER OF OWNERSHIP**

LARA is offering this proposed bill of sale and transfer of ownership based on a template provided by the district at its May 21 meeting. It is understood that date of transfer and execution of the agreement must be finalized in negotiations with the district.

#### **BILL OF SALE AND TRANSFER OF OWNERSHIP (No Removal)**

The Kelseyville Unified School District (the "District"), 4410 Konocti Road, Kelseyville, CA, grants to [Name], [Address] (the "Buyer"), in consideration of Buyer's agreement to maintain the personal property described in Exhibit A, attached hereto and made a part hereof by reference (the "Personal Property").

The District covenants that it is the lawful owner of the Personal Property and that the Personal Property is free from all encumbrances. The District further covenants that it has the right to dispose of the Personal Property.

#### **DISCLAIMER OF WARRANTY**

#### **BUYER IS AWARE AND HEREBY ACKNOWLEDGES THAT THE PERSONAL**

**PROPERTY MAY CONTAIN ASBESTOS. THERE ARE NO WARRANTIES  
WHICH EXTEND BEYOND THE DESCRIPTION ON THE FACE HEREOF. THE  
SCHOOL DISTRICT DISCLAIMS ANY IMPLIED WARRANTY OF  
MERCHANTABILITY OF THE PERSONAL PROPERTY OR OF THE FITNESS  
OF THE PERSONAL PROPERTY FOR ANY PURPOSE, AND BUYER AGREES  
THAT THE PERSONAL PROPERTY IS SOLD "AS IS."**

This bill of sale and transfer of ownership shall be effective as to the transfer of the Personal Property as of \_\_\_\_\_, 2019.

Buyer shall obtain public liability and workers compensation insurance in the following amounts with a company or companies licensed to do business in the State of California and acceptable to District. Buyer shall provide District with a certificate of insurance naming District as additional insured.

- **Public Liability Insurance:** Personal injury and replacement value property damage insurance for all activities of the Buyer arising out of or in connection with this Agreement, written on a comprehensive general liability form, in an amount no less than \$1,000,000 combined single limit personal injury and property damage for each occurrence, and a general aggregate limit which applies either separately or specifically to this agreement and is twice the required occurrence limit, i.e., \$2,000,000.
- **Workers' Compensation Insurance:** Workers' Compensation insurance and employer's liability with limits of at least \$1,000,000 with an insurance carrier satisfactory to the District for all persons whom the Buyer and/or removal company may employ in carrying out the work contemplated under this agreement in accordance with the Workers' Compensation Insurance and Safety Act.

Buyer shall indemnify, hold harmless and defend District and its Board of Trustees, officers, agents and employees from and against all claims, damages, losses and expenses, including reasonable costs and attorneys' fees, arising out of or resulting from this Agreement, excepting only such injury of harm as may be caused solely and exclusively by District's fault or negligence.

Except as stated herein, Buyer shall repair any damage to the District's premises or property, which resulted from this Agreement and shall restore the premises and property to their original Condition.

Bill of sale and transfer of ownership executed at \_\_\_\_\_, California on \_\_\_\_\_,  
2019.

\_\_\_\_\_  
Dave McQueen, Superintendent

## **ACCEPTANCE**

Pursuant to the terms of this Agreement the Personal Property is accepted by

\_\_\_\_\_  
John Jensen  
Lucerne Area Revitalization Association

\_\_\_\_\_  
Date

## Eric Porter

---

**From:** Lake County CannabisCEQA  
**Sent:** Friday, June 2, 2023 10:42 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Higher Ground Farms Proposal

---

**From:** James Rexrode <jfrexrode11@gmail.com>  
**Sent:** Tuesday, May 30, 2023 1:45 PM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountycalifornia.gov>  
**Subject:** [EXTERNAL] Higher Ground Farms Proposal

May 30, 2023

Greetings, I am writing in regards to the proposal by Higher Ground Farms to develop a facility in Kelseyville. Specifically, I have concerns due to it's location next to the Kelsey Creek schoolhouse.

The schoolhouse is currently under renovation. It is an important historic location in Lake County. It is the last remaining original schoolhouse in the entire county. It has been in this location since 1882.

Once the renovations are complete it will become a museum type facility drawing many residents, and specifically schoolchildren from all over the county and further.

If you haven't been to the location yourself, you should visit. It is an amazing place. How fortunate we are to have such a location still remaining. It's much more than just the schoolhouse building itself. The entire area paints a picture of a bygone era that never could be recreated. It demonstrates as a whole how life used to be, it's setting does more to teach us about history than any number of written words ever could.

I think we have to take every opportunity to protect the character of this valued location.

That doesn't mean all rights should be removed from adjacent landowners.

But any and all development should proceed with a specific focus on the historic nature of the area, and how it would and could fit in without taking away from the overall nature, feel, view and character of the historic schoolhouse site we must protect.

We have an absolute treasure in our midst. And it is the last remaining of its kind in the entire county.

After so many years, funds and appropriate stewardship are finally in place to proceed with the renovations. They have already begun. This isn't something that might or could happen sometime in the future, this is something that is happening right now.

The schoolhouse site and it's importance might not be on everyone's radar, because until now the project to save it wasn't really in place. It might not be widely known the county. For many it's an undiscovered jewel so far. That will be changing very soon.

Up until now it's been mostly just a picturesque place. That's because it hadn't been restored and opened to the public. Fortunately that activity is now underway. In the very near future this site will be a significant destination to learn about our area's history.

There is literally no other location like it. This is a one of one location.

I urge you to keep the importance of this area in mind, and not allow any development that will change the overall character at all. And again, I urge you to visit to see it for yourself, to fully appreciate it, and to see what must be saved

Thanks for helping to preserve our history, heritage and this irreplaceable location.

Jim Rexrode  
Konocti Bay, Kelseyville

May 25 2022

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

**RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)**

Dear Ms. Turner and staff,

I was asked to reach out to you regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

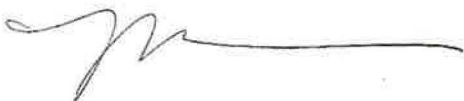
Though I believe cannabis should be allowed and, if possible, bring revenue to the county it seems the locations could be more removed from/shielded from sites that are causing distress to adjacent properties like the Kelsey Creek Schoolhouse and other locations I have seen/heard about around the county. Cannabis is not without "smell, lighting, security and large *grow* buildings" issues unlike other agriculture ventures that are less polarizing.

You also know I am a part of the group looking to make Lake County an "arts" destination – if it becomes visibly a *major* cannabis growing area it could perhaps depress the tourism dollars and other benefits that art destinations bring e.g., sale and value of real estate, relocation of families and seniors.

Is it possible to deny this specific mitigated negative declaration until a more thorough study of this project in light of the presence next door of a significant cultural site while perhaps, looking to create a county-wide plan (i.e. locations/mitigation of down-sides for "grows") that might support both sides of the issue?

Sincerely,  
Martha Mincer

**SIGNATURE**

A handwritten signature in black ink, appearing to be 'M' followed by a long horizontal stroke.



June 5, 2023

Dear Director Mireya Turner

Lake County Community

Development Department

Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study  
(IS 20-50)

Dear Ms. Turner and Staff;

I am writing regarding your department's notice of intent to approve a mitigated negative declaration for Higher Ground Farms project at 3545 Finely East Rd., Kelseyville, Ca.

It is my professional opinion, as a previous Lake County Deputy Sheriff, and Marijuana Enforcement Officer, that the approval for this business to operate should be more closely examined and studied much like The Department of Alcohol and Beverage Control does for Alcohol License.

I have personal knowledge of the negative impact a Commerical Marijuana Operation can have on the local neighborhood. I have one such operation less than ¼ mile from my house. The smell is overwhelming, the increased vehicle traffic on already poor maintained streets and roads is pitiful, the increase of commercial vehicles is dangerous to citizen foot traffic and bicycle traffic. Not to mention the

increased possibility of criminal activity. Most legal operations are also involved in Black Market Sales. There is no money in White Market Operations.

It is also my understanding that there is a School House right next door.

I ask you to please deny this mitigated negative declaration and more thoroughly investigate through a complete study and citizen input, taking also into consideration this proposed project is next door to a significant cultural site.

Sincerely,

Christopher P Rivera  
2185 Merritt Road  
Kelseyville, Ca. 95451  
707-239-6824



## Eric Porter

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**From:** Lake County CannabisCEQA  
**Sent:** Friday, June 2, 2023 10:42 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] High Grounds Farm ; Use permit

-----Original Message-----

**From:** JEANETTE ROHNER <jeanette.rohner@sbcglobal.net>  
**Sent:** Monday, May 29, 2023 2:24 PM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
**Subject:** [EXTERNAL] High Grounds Farm ; Use permit

To Whom It May Concern,

My extended family and I are in opposition to having the company, Higher Ground Farms put in a 22,000 square foot green house for commercial cannabis cultivation. The letter you sent gave us a very poor understanding of what this enterprise will actually bring to the area. We live in a rural area populated by families. We own the land and have homes and small farms along this road. Part of the permit is to allow cannabis transportation to and from the sight. What does that mean? How many vehicles will be on the roads each day? What will be the size of the vehicles and will they be on our roads all year long? We wouldn't want the extra traffic. Our roads are small as is and if kids are out on their bikes that would be dangerous. We also don't need more traffic all year long on roads that are already full of pot holes and don't seem to be kept up as is. Secondly, we are afraid that this business would bring in unwanted persons intent on breaking into the business. Because of what is being grown, there is probably going to be extra security which I have found to be unsightly. In another area of the county, they have erected huge guard towers and have flood lights left on all night long. This area of the county is serene and those of us living in the area want to keep it that way. The third reason we oppose this business is that there has been in the recent past, a water shortage. Cannabis takes a lot of water to grow so this must be taken into consideration. Lastly, the smell can be overwhelming. So please do not allow a license for 3545 East Finley Road, Kelseyville for Cannabis cultivation.

I am interested to know if there is going to be a public meeting to discuss this permit so that the public can attend and the business could answer questions asked by the public.

Thank you for your time and consideration,

Edwin Rohner

## Eric Porter

---

**From:** Lake County CannabisCEQA  
**Sent:** Friday, June 2, 2023 10:43 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Impact on historical school house

-----Original Message-----

**From:** Gail Salituri <gsalituri@sbcglobal.net>  
**Sent:** Monday, May 29, 2023 10:09 AM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountycalifornia.gov>  
**Subject:** [EXTERNAL] Impact on historical school house

This is to give you notification that the proposed cannabis grow would greatly impact the future of the revitalization of the historical school house project.

It is my hope you take into consideration that this chosen cannabis area has many negative aspects regarding future plans for the School House.

Thank you  
Gail Salituri

## Eric Porter

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**From:** Lake County CannabisCEQA  
**Sent:** Monday, June 12, 2023 3:31 PM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Higher Ground Farms; Major Use Permit (UP20-40);Initial Study IS 20-50)



**Mary Claybon**  
**Assistant Planner II**  
Community Development Department  
255 N. Forbes St.  
Lakeport, CA 95453  
Phone: (707) 263-2221  
Fax: (707) 263-2225  
Email: [mary.claybon@lakecountyca.gov](mailto:mary.claybon@lakecountyca.gov)

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**From:** Brown, Toni <[tbrown@kvusd.org](mailto:tbrown@kvusd.org)>  
**Sent:** Wednesday, June 7, 2023 11:24 AM  
**To:** Lake County CannabisCEQA <[CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)>  
**Subject:** [EXTERNAL] Higher Ground Farms; Major Use Permit (UP20-40);Initial Study IS 20-50)

June 7, 2023

Director Mireya Turner  
Community Development Department  
Planning Division  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

**RE: Higher Ground Farms; Major Use Permit (UP20-40);Initial Study IS 20-50)**

Dear Ms. Turner and Staff:

My name is Toni Brown. I am a fifth generation Big Valley native. I was born and raised in Big Valley in an agricultural family. I was a 4-H and FFA member, raising cattle, pigs, horses, and poultry. I moved away for a period to attend college and start my married life, then returned to Lake County to raise my children. My children carried on the agricultural way of life. I have a vested interest in Lake County. When I returned to Lake County I served the Kelseyville Unified School District as a teacher. After 36 years of teaching, I retired in 2022 to enjoy the beauty of the Big Valley area.

I am writing regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

It is completely inappropriate to adopt an MND for this project without more thorough study.

The report states that the project will not cause aquifer overdraft conditions, I disagree with this. For the 30 years that we have lived on our property our well supplied us with water for our home and ranch needs. Two years ago when we had cannabis crops growing on five of the bordering parcels, we had no water at times. Neighbors at parcel # 008-035-13 Big Valley Road would run water on their 80 plants day and night. Neighbors at parcel # 008-024-22 had to drop his well to continue his cannabis watering. I do believe the watering of an additional cannabis grown will put additional drain on our natural water resource.

It mischaracterizes the neighborhood, in which I live. It does not look seriously at noise and air quality impacts, and downplays irreversible damage to the watershed. It does not look at all into the damage it will add to the already horrible road conditions.

Please deny this mitigated negative declaration and more thoroughly study this project in light of the presence next door of a significant cultural site.

Sincerely,

Toni T. Brown

## Eric Porter

---

**From:** Lake County CannabisCEQA  
**Sent:** Wednesday, June 7, 2023 11:12 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Higher Ground Farms



**Mary Claybon**  
**Assistant Planner II**  
Community Development Department  
255 N. Forbes St.  
Lakeport, CA 95453  
Phone: (707) 263-2221  
Fax: (707) 263-2225  
Email: [mary.claybon@lakecountyca.gov](mailto:mary.claybon@lakecountyca.gov)

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**From:** Trena Pauly <pauly@pacific.net>  
**Sent:** Tuesday, June 6, 2023 3:34 PM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountyca.gov>  
**Subject:** [EXTERNAL] Higher Ground Farms

Tuesday, June 6, 2023

Director Mireya Turner  
Lake County Community  
Development Department  
Via email: [CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)

RE: Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)

Dear Ms. Turner,

I am writing regarding your department's notice of intent to approve a mitigated negative declaration for the Higher Ground Farms project at 3545 Finley Road East, Kelseyville.

I believe that more study is needed before adopting a mitigated negative declaration for this project.

Key concerns include:

- The MND document fails to mention — much less study — the impacts that the project would have on the Kelsey Creek Schoolhouse which sits next door. The cultural and historical resources portions of the report are incomplete and misleading. The plans for the schoolhouse include educational and community events. Lake County students would be able to experience a one room schoolhouse. How incredible is that!
- It mischaracterizes the neighborhood, doesn't look seriously at noise and air quality impacts, and downplays irreversible damage to the view shed.
- Due to the immediate proximity of Kelsey Creek, which is a key spawning ground for the Clear Lake hitch -- itself the focus of an emergency declared by the Board of Supervisors in February -- there needs to be additional study about the potential impact on the hitch. This report only gives mere mention to the fish with few meaningful mitigations.
- It does not seriously address air quality or the impact it will have on people who will be visiting the schoolhouse site.
- Runoff issues need to be more carefully addressed because of the sensitivity of the watershed.
- The proximity to a school is illegal. I feel this schoolhouse qualifies for the definition of a school, that is the intended use and Kelseyville Unified School owns the property.

Please consider the above concerns and deny the declaration.

Sincerely

Trena Moore Pauly

Lake County Resident – 37 Years

## Eric Porter

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**From:** Lake County CannabisCEQA  
**Sent:** Friday, June 2, 2023 10:44 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Higher Ground Cannabis

**From:** LORENandCLAIRE WRIGHT <lorenandclaire@gmail.com>  
**Sent:** Saturday, May 27, 2023 9:08 AM  
**To:** Lake County CannabisCEQA <CannabisCEQA@lakecountycalifornia.gov>  
**Subject:** [EXTERNAL] Higher Ground Cannabis

To whom it concerns:

It appears to us that there has not been adequate analysis for the Higher Ground Cannabis project for the following reasons.

1. What additional protection is being planned to mitigate for potential fire hazards, like roads, hydrants, etc.?
2. What is the EIR for all the water that will be used to grow this amount of cannabis? Especially in a drought climate situation, all of that water usage negatively impacts ground water levels all around the area.
3. Finally, the Kelsey Creek Schoolhouse sits adjacent and is not even being taken into consideration as an important historical building in the community.

We recommend further analysis and planning on this project before it possibly continues forward.

Sincerely, your concerned neighbors,

Loren and Claire Wright,  
2495 Lakeshore Blvd, Upper Lake/Nice

Sent from my iPhone



## Eric Porter

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**From:** Lake County CannabisCEQA  
**Sent:** Wednesday, June 7, 2023 11:12 AM  
**To:** Eric Porter  
**Subject:** FW: [EXTERNAL] Opposition to mitigated negative declaration for Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)  
**Attachments:** Lake County Planning Department Letter.pdf; Kelsey Creek School House Property Use Agreement.pdf; 060623 LARA letter in response to Higher Ground Farms MND notice - FINAL.pdf; 073019 FINAL - LARA - Kelsey Creek Schoolhouse preservation proposal.pdf



**Mary Claybon**  
**Assistant Planner II**  
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**From:** Elizabeth Larson <[elarson@lakeconews.com](mailto:elarson@lakeconews.com)>  
**Sent:** Tuesday, June 6, 2023 10:53 PM  
**To:** Lake County CannabisCEQA <[CannabisCEQA@lakecountyca.gov](mailto:CannabisCEQA@lakecountyca.gov)>; Eric Porter <[Eric.Porter@lakecountyca.gov](mailto:Eric.Porter@lakecountyca.gov)>; Mireya Turner <[Mireya.Turner@lakecountyca.gov](mailto:Mireya.Turner@lakecountyca.gov)>  
**Subject:** [EXTERNAL] Opposition to mitigated negative declaration for Higher Ground Farms; Major Use Permit (UP 20-40); Initial Study (IS 20-50)

Director Turner and Associate Planner Porter,

On behalf of the Lucerne Area Revitalization Association, please find attached our letter and accompanying documents regarding our opposition to the mitigated negative declaration for the Higher Ground Farms project.

Elizabeth Larson  
Editor and publisher  
Lake County News  
[www.lakeconews.com](http://www.lakeconews.com)  
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*"For all that is secret will eventually be brought into the open, and everything that is concealed will be brought to light and made known to all."* – **Luke 8:17**

*"Strength is for service, not status. – Romans 15:1, The Message*

*"The wicked flee when no man pursueth: but the righteous are bold as a lion."* – **Proverbs 28:1**

**From:** Bobby Dutcher <bobby.dutcher@yahoo.com>  
**Sent:** Wednesday, June 7, 2023 8:39 PM  
**To:** Eric Porter <Eric.Porter@lakecountyca.gov>  
**Subject:** Re: [EXTERNAL] Kelsey Creek Schoolhouse

Hi Eric,

When I run the AP# it shows no taxes being paid, normally associated with public property. Mailing address is the Kelseyville School. Since it is public property and plans are being made to have the public use this again I would think a 1,000 foot setback would be appropriate. I don't think this owner got very good advice when he bought it.

Bobby Dutcher, Broker/Associate  
Luxe Places International Realty  
2166 S Main  
Lakeport, CA 95453  
Lic #01370651  
(707)489-4414

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**From:** E Mc <ecmc54@gmail.com>  
**Sent:** Tuesday, January 2, 2024 8:09 AM  
**To:** Eric Porter <Eric.Porter@lakecountyca.gov>  
**Cc:** Eddie Crandell <Eddie.Crandell@lakecountyca.gov>  
**Subject:** [EXTERNAL] Higher Ground Pot Farm

Dear Mr. Porter, I am writing to express my opposition to the Higher Ground Pot Farm proposal in Kelseyville. Pears and walnut orchards that have been this county's mainstay for over a century, are being bulldozed to make way for a surplus of weed and wine crops. Soon our county will be known not only as the methamphetamine hub of Northern CA, but will be linked with our neighboring counties and tribal governments battling the insidious scourge of substance use disorder and economic depression. That area of Kelseyville is a historic site as the venue of a historic schoolhouse. We should not sully those historic grounds and our entire county with another malodorous and water sucking pot farm. Sincerely,  
Eileen C. McSorley Nice, CA