



## COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT  
 Planning Division  
 Courthouse - 255 N. Forbes Street  
 Lakeport, California 95453  
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~~November 29, 2023~~

Revised November 21, 2024

# CALIFORNIA ENVIRONMENTAL QUALITY ACT ENVIRONMENTAL CHECKLIST FORM INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION (UP 20-14; IS 20-16)

1. Project Title: Nina Star Farms
2. Permits: Major Use Permit (UP 20-14)  
Initial Study (IS 20-16)
3. Lead Agency Name and Address: County of Lake  
Community Development Department  
Courthouse, 3<sup>rd</sup> Floor 255 North Forbes Street  
Lakeport, California 95453
4. Contact Person/Phone Number: Mary Claybon – Assistant Planner II (707) 263-2221
5. Project Location: 23180 Shady Grove Road  
Middletown, CA 95461 (APN 014-006-16)
6. Project Sponsor's Name/Address: Nina Bogdonava  
23180 Shady Grove Road  
Middletown, CA 95461
7. General Plan Designation: Rural Lands (RL), Agriculture (A), Resource Conservation (RC)
8. Zoning: "RL/A-FF-FW-SC-WW"; Rural Lands - Agriculture - Floodway Fringe Combining - Floodway Combining - Scenic Combining - Waterway Combining
9. Supervisor District: District One (1)
10. Flood Zone: "AE" – Special Flood Hazard Area with a Base Flood Elevation of 1,190 feet and 1,200 feet (along the creek);  
"X": Area of Minimal Flood Hazard (rest of property)
11. Slope: Slopes in the cultivation area are less than 2%
12. Natural Hazards: California State Responsibility Area (CALFIRE):  
Moderate Risk; Very High Risk

13. Earthquake Fault Zone: None
14. Dam Failure Inundation Area: Not located within Dam Failure Inundation Area
15. Parcel Sizes: 47.36 acres

16. Description of Project:

The applicant, Nina Star, LLC, is requesting discretionary approval from the County of Lake for a Major Use Permit (UP 20-14), for commercial cannabis cultivation at 23180 Shady Grove Road Middletown, CA 95461 (APN 014-006-16), as described below:

(2) A-Type 3B: "mixed-light" licenses: Greenhouse cultivation for adult-use cannabis with the use of artificial lighting in the canopy area from 10,001 square feet to 22,000 square feet.

One (1) A-Type 13 Self-distribution License

The proposed Project will occur on Assessor Parcel Number APN 014-006-16. Cultivation activities are to occur on a relatively flat area of the parcel. The 37,446 sf of mixed-light canopy cultivation area would consist of eight (8) greenhouses. The greenhouses consist of the following: five (5) 90' x 60' greenhouses, one (1) 90'x104' greenhouse, and one (1) 30' x 104' greenhouse. Immature plant propagation will occur within one (1) 103'x30' greenhouse. The greenhouses will be constructed from galvanized steel frames with 6-millimeter polyethylene film coverings for black-out purposes. Artificial lighting for the mixed-light cultivation would occur at a rate of up to 25 watts per square foot (sf).

Immature plants would be either sourced from an off-site, permitted nursery or propagated on-site within the immature plant mixed-light greenhouse. The proposed greenhouses will be covered with a black plastic film to prevent light from escaping when artificial light is being used. Processing activities, such as drying, trimming, curing, and packaging, would occur in the proposed 5,400 sf processing building. Self-transport distribution activities would also operate out of these processing buildings and would include up to one (1) delivery/pickup per day. Cannabis cultivated on the Project Property would be dried, trimmed, graded, and packaged within the proposed Processing Facility, then transported and transferred to licensed distribution and manufacturing facilities throughout the State of California. All water for the proposed cultivation operation would come from an existing onsite groundwater well with a 16 gallon per minute (gpm) capacity. Drip irrigation is proposed to conserve water resources.

The Project proposes:

- 37,446sf of mixed-light canopy
- Five (5) 90'x 60' greenhouses
- One (1) 90'x103' greenhouse
- Two (2) 103'x30' greenhouses
- 5,400 square foot processing facility with ADA-compliant restroom
- One (1) 120 square foot storage shed
- 20-foot-wide access driveway from Shady Grove Road
- Four (4) employee parking spaces, including one (1) ADA-compliant parking space
- (3) 5,000-gallon water storage tanks equipped with standard 2.5" Fire Department Hose Connection

- (1) one steel/fiberglass 5,000-gallon water storage tank equipped with standard 2.5" Fire Department Hose Connection dedicated to fire suppression
- Perimeter fence and security cameras

Existing facilities include:

- Use of an existing on-site well for water use
- Residence and accessory structure not included within the project scope

Figure 1. Vicinity Map

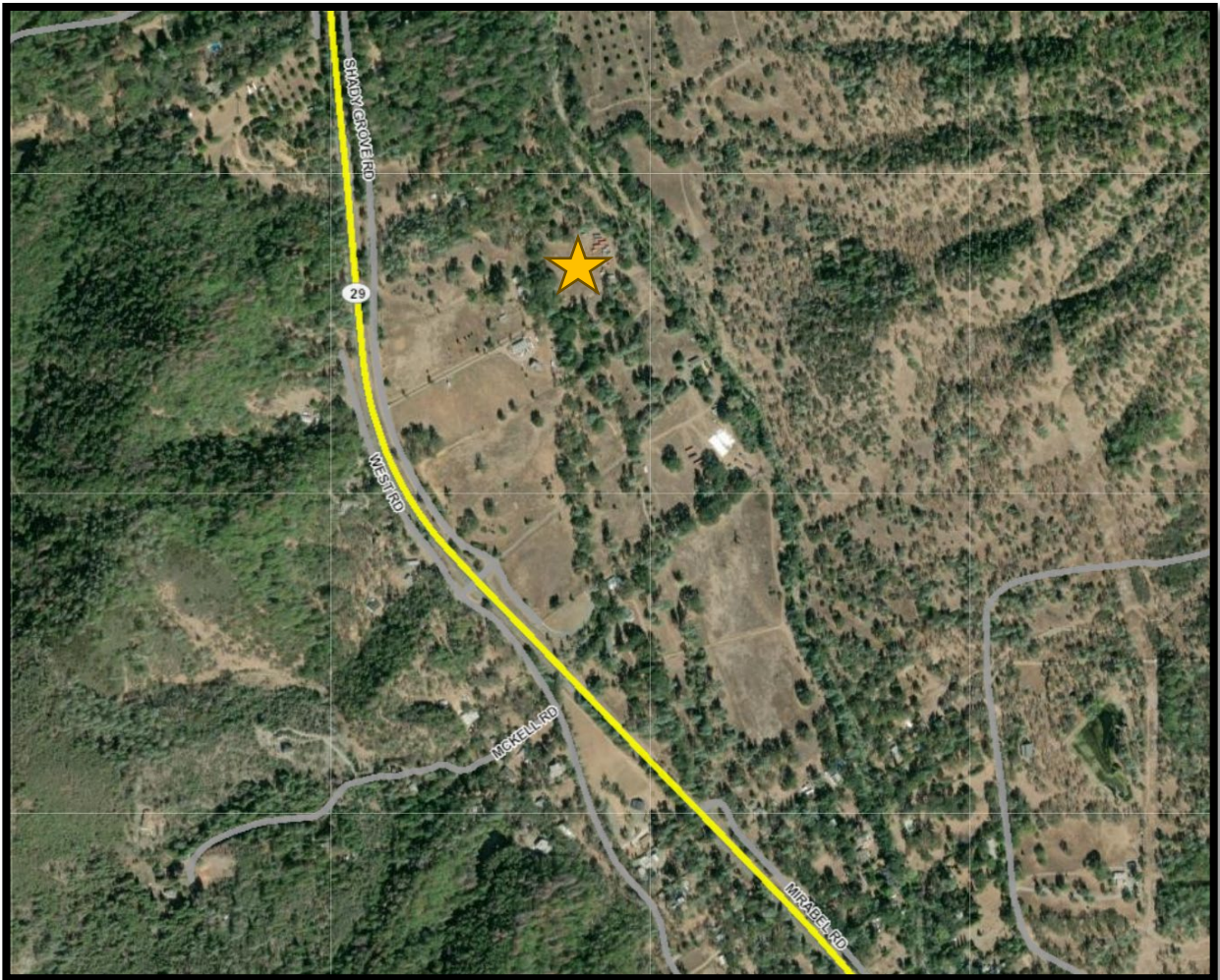
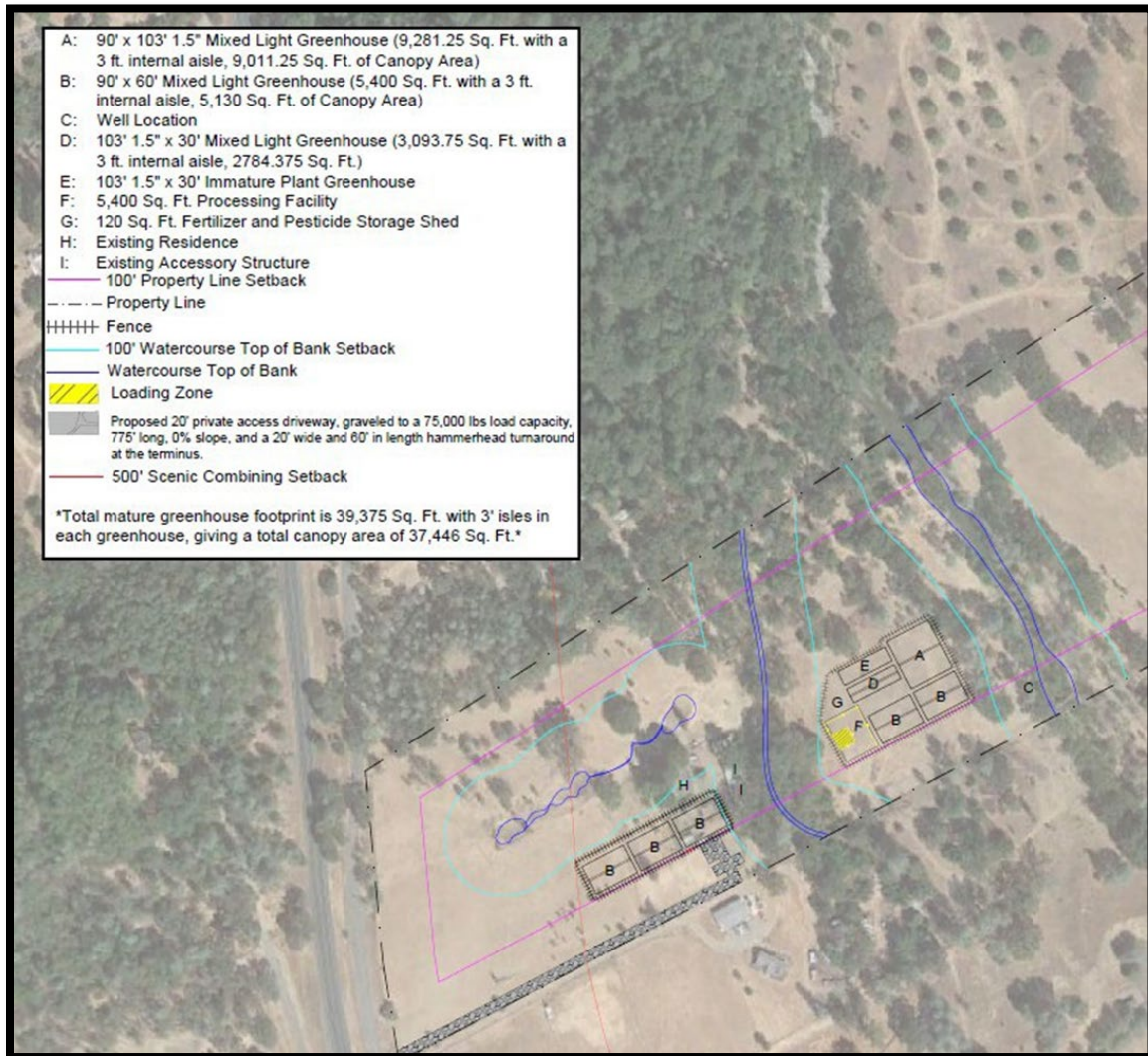


Figure 2. Proposed Project Site Plan



Source: Nina Star Site Plan

### Site Description

The property is developed with a permitted residence and septic system, residential accessory structures, and an existing well. The proposed project area is within the Saint Helena Creek Watershed (HUC-12180201620301), which is in the Upper Putah Creek Watershed. Several watercourses traverse the site, including Saint Helena Creek, a Class I, perennial watercourse; one (1) Class II watercourse; and several Class III watercourses. Saint Helena Creek (Class I) and the Class II watercourse both flows north through the center of the property, while the Class III watercourses flow west from the center of the property.

The portion of the property along the Class I and Class II watercourses is designated as a Special Flood Hazard Area with a Base Flood Elevation of 1,190 feet and 1,200 feet. The Special Flood Hazard Area is defined as the area that will be inundated by the flood event having a 1-percent chance of being equal or exceeded in any given year, also referred to as the base flood or 100-year flood. All watercourses are over 100 feet from the proposed

cultivation areas. There are also two (2) agricultural ponds and two (2) existing stream crossings on-site. One stream crossing is a metal span bridge across Saint Helena Creek and the other is a triple-barrel corrugated metal culvert crossing for the Class II watercourse that appears stable but likely does not meet current design specifications for withstanding 100-year floods and will need to be replaced. While a bridge crossing on Saint Helena Creek provides access to the eastern side of the parcel, the project will be accessed via Shady Grove Road and not accessed by the bridge.

**Access**

The proposed cannabis project is located at 23180 Shady Grove Road, Middletown, CA, approximately 3 miles southeast of the intersection of Highway 29 and Highway 175 in Middletown. The property is accessed from an existing driveway off Shady Grove Road, a county-maintained road, adjacent to Highway 29. Access is controlled by a locking metal gate at the front of the parcel.

**Water Usage**

Water for the proposed project would be sourced from the existing on-site well (lat/long 38.718582, -122.6131146) located near the eastern property boundary. The well is approximately 43 feet in depth. Jak Drilling and Pump filed a Well Completion Report on March 12, 2020, which notes the well yield at 16 gallons per minute (gpm). Water would be pumped from the well and gravity-fed to the cultivation area through underground water lines and delivered to the plants utilizing drip irrigation techniques to conserve water usage.

According to the applicant’s Hydrological Assessment by Vanderwall Engineering dated September 6, 2021, the proposed project water usage for 37,446 sf of canopy (.86 acres), a two-bedroom dwelling unit, and four regular employees included a conservative estimate of water use. The estimate assumes a canopy size of one-acre rather than the actual proposed canopy of .86 acre. The water use for cultivation activities is estimated at 540,875 gal/year or 1.65 acre-feet/year. The domestic use of the well estimates approximately 97,455 gal/year. According to the assessment, Calculation of Aquifer Recharge is based on the tributary area to the radius of influence of the well. The total recharge area is 277,989 sf. The cultivation and domestic use combined equate to approximately 638,330 gal/year or 1.95 acre-feet/year.

According to the Water Use Management section of the Property Management Plan provided by the applicant, the estimated projected water use for the proposed canopy area (37,446 sf) was estimated to be 746,740 gallons or 2.1 acre-feet annually.

Figure 3: Proposed Monthly Water Use Table

Monthly Water Use Estimates											
Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
62,228	62,228	62,228	62,228	62,228	62,228	62,228	62,228	62,228	62,228	62,228	62,228
.19	.19	.19	.19	.19	.19	.19	.19	.19	.19	.19	.19

Source: Nina Star Property Management Plan

**Energy Use**

The project is proposing mixed light cultivation which can include artificial lighting of up to 25 watts per square foot of canopy area. The Electrical Load Calculations prepared by DTN Engineering, dated August 3, 2023, identifies the project would utilize 3,300 amps. All electricity

needed for the project will be supplied from the existing PG&E connection. According to the Property Management Plan, Nina Star Farms will require an electrical upgrade on the property. The electrical upgrade is to be applied for along with building permits for the processing facility and greenhouses after approval of the major use permit. The project is proposing a backup generator to be used in emergency situations when electricity cannot be supplied by PG&E. The proposed use would not include wasteful, inefficient, or unnecessary consumption of energy resources during Project development or operation. All energy usage shall adhere to all Federal, State, and local agency requirements regarding energy use.

### **Operations**

It is anticipated that four (4) employees would be required per shift during planting and harvest, with up to eight (8) employees during the peak season. Four (4) parking spots, including one (1) ADA-compliant space, would be made available to employees. The project's core business hours of operation would take place between 8:00am to 7:00pm with deliveries and pickups restricted to the hours of 9:00am to 7:00pm Monday through Saturday and Sunday from 12:00pm to 5:00pm

The cultivation season for the Proposed Project would begin to utilize both the auto-flower and full-term crops. The proposed mixed-light greenhouses will function year-round and will use supplemental lighting. The growing medium of the proposed cultivation areas would be mixed with composted soil and other vegetation waste compost generated on site and added to the soil as an amendment. Soil would be imported as needed to supplement the existing soil mix after each growing season. The proposed cultivation operation would utilize micro-drip irrigation systems to conserve water resources. Water would be pumped from the existing well to three water storage tanks located next to the cultivation areas via PVC irrigation lines. Straw wattles are proposed around the cultivation areas to filter sediment from stormwater as it moves off the property. The natural existing vegetated buffer will be maintained as needed between all project areas and waterways on the Property. The Project components would meet the required setbacks from the top of bank of all waterways.

### **Pesticides and Fertilizers**

Nina Star, LLC plans to supplement their cultivation with both dry and liquid fertilizers. All fertilizers and pesticides used with this project will be from the approved list through the California Department of Food and Agriculture (CDFA) before use. All the fertilizers, nutrients, and pesticides will only be purchased and delivered to the property as needed. They will be stored separately in the processing facility, in their original containers, and used as directed by the manufacturer. All pesticides/fertilizers will be mixed/prepared on an impermeable surface with secondary containment, at least 100 feet from surface water bodies. Empty containers will be triple rinsed and disposed of according to the county guidelines. At no time will fertilizers/nutrients be applied at a rate greater than 319 pounds of nitrogen per acre per year in accordance with requirement of the State Water Resource Control Board's Cannabis General Order.

Water-soluble fertilizers/nutrients will be delivered via the drip and micro-spray irrigation system(s) of the proposed cultivation operation to promote optimal plant growth and flower formation while using as little product as necessary. Petroleum products will be stored year-round in State of California-approved containers with secondary containment and separate from pesticides and fertilizers, within the storage shed. The pesticides and fertilizers storage shed, along with four (4) of the greenhouses, the immature plant greenhouse, and processing facility, will be located within the 100-year flood zone.

## **Waste Management**

No hazardous waste would be produced from this project. Organic waste, including stems, root balls, and leaves from the cannabis plants, would be placed in a designated composting area within the cultivation area (outside of stream buffers), to be composted and reused in the cultivation process. All non-organic solid waste would be stored in bins with securely fitted lids in the cultivation area until proper disposal at a Lake County Integrated Waste Management facility.

## **Security**

Security for the site would include an access gate, which would remain locked outside of business hours. The gate would be secured with a heavy-duty chain, commercial-grade padlock, and a Knox Box to allow 24/7 access to emergency service vehicles in the event of an emergency. Additionally, a six (6) foot-tall chain-link perimeter fence and privacy mesh screen would be constructed around the entire cultivation area and would be mounted with security cameras, per the Security Plan. An additional camera and security infrastructure would be located inside the proposed 5,400-square-foot processing facility for compliance with the regulations for distribution activities.

## **Construction**

Ground disturbance and construction from the proposed project are anticipated to take place over a 3–5 week period. Approximately 130 to 160 truck vehicle trips would be necessary for construction. Due to the flat topography, no grading is anticipated beyond that which is allowed under the building permits for the engineered greenhouses and processing facility. No tree removal is proposed. Water from the existing on-site well would be used to mitigate the generation of dust when needed during construction. Materials and equipment will only be staged on previously disturbed areas. Vegetative screening and landscaping will be added to the front of the property to further reduce the visibility of the proposed project.

## **Transportation**

Once operational, the Project is anticipated to require at least one delivery and one pick up of cannabis and related materials once every three (3) days, with a maximum of three (3) deliveries and five (5) pick-ups per week during the peak harvest time in early fall. The Project would utilize unmarked transport vehicles to transport product off premises and would be in compliance with all California Cannabis Track and Trace requirements throughout the distribution process. The facility would not be open to the public.

The cultivation site is located approximately 1.4 miles south of Middletown, the nearest population base and the likely residency of employees. Up to eight employees are likely during peak harvest times, with an average of four employees working during construction and normal operations. Assuming each employee drives 3 miles to and from work, a total of 12 vehicle miles per day would result during normal operations, and a total of 24 miles would result during the month of peak harvest season.

To date, the County of Lake has not yet formally adopted its transportation significance thresholds or its transportation impact analysis procedures. As a result, the project-related Vehicle Miles Traveled (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 potentially significant level of VMT. Impacts related to CEQA Guidelines section 15064.3. subdivision (b) would be less than significant.

### **Safety and Security**

All future employees would undergo a background check by the Lake County Sheriff's Department, be a United States citizen or eligible for employment within the US, before starting employment. The gate to the Project Site would be locked outside of core operating/business hours and whenever personnel are not present. The gate would be secured with a heavy-duty chain, commercial grade padlock, and a Knox Box to allow constant access for emergency services. Only approved managerial staff and emergency service providers would be able to unlock the gates on the Project Site. The fencing around the cultivation areas would include a 6-foot-tall chain link fence with privacy mesh screen and would be mounted with security cameras. A 100-foot defensible space of vegetation would be established around the proposed cultivation operation, including all structures, for fire protection and to provide clear visibility for security monitoring. A motion-sensing alarm would be installed at the main gate entrance to alert staff when someone/something has entered onto the premises. Motion-sensing security lights would be installed on all external corners of the property, and at the main entrance to the Project Site. All lighting would be fully shielded, downward casting and would not spill over onto other properties or the night sky. The Proposed Project would utilize a closed-circuit television (CCTV) system that feeds into a monitoring and recording station in a secured office located in a 120 sf security structure, where video from the CCTV system is digitally recorded. The security system would be relocated to the processing facility once constructed.

### **Required Permits and Licensing**

Implementation of the Proposed Project will require approvals from the County of Lake, including building permits, as well as a Use Permit. The County's issuance of the required permits triggers the need for compliance with the California Environmental Quality Act (CEQA). As previously mentioned, the Project requires building permits for the electrical upgrade, processing facility, and greenhouse structures. The applicant is required to obtain a cultivation license(s) from the Department of Cannabis Control.

## **17. Environmental Setting and Existing Conditions:**

The project site is located at 23180 Shady Grove Road in unincorporated Lake County, near the town of Middletown (Figure 1). The parcel is located in Section 15, Township 10 North, Range 7 West, on the USGS Detert Reservoir 7.5 minute quad (Figure 2). The approximate latitude and longitude of the centroid of the parcel is 38.717 (N), -122.614 (W).

The proposed project area is within the Saint Helena Creek Watershed (HUC-12180201620301), which is located in the Upper Putah Creek Watershed. Several watercourses traverse the site, including Saint Helena Creek, a Class I, perennial watercourse; one (1) Class II watercourse; and several Class III watercourses. Saint Helena Creek (Class I) and the Class II watercourse both flow north through the center of the property, while the Class III watercourses flow west from the center of the property. There were no locations onsite that appeared to be vernal pools or other temporary ponds in the grassland areas of the site,



thus these areas appear suitable for cultivation as long as appropriate setbacks are observed off of all watercourses and potential wetlands.

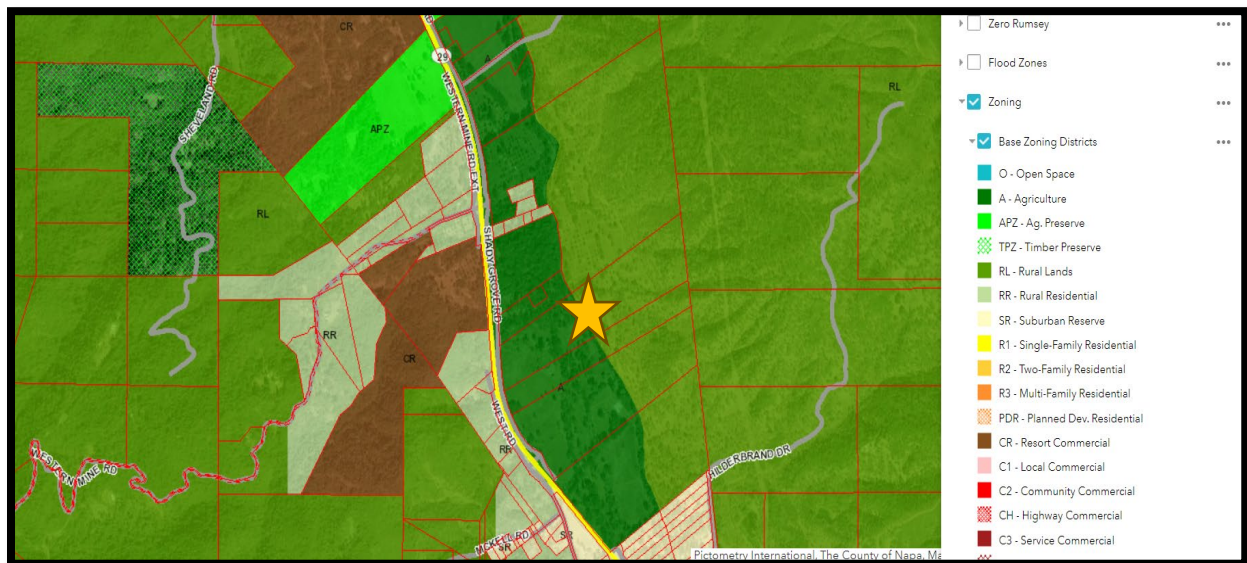
The maximum elevation of the parcels is 1,334 feet above sea level along the eastern parcel boundary, and the minimum elevation is 1,203 feet above sea level along the center of the northern property line where St. Helena Creek exits the parcel. The topography of the parcel is rolling, formerly heavily grazed grassland, with slopes between 2% and 10% in the west, steepening to between 10% and 20% in the east.

Activities are largely proposed to be limited to existing disturbed areas and will observe all required setbacks from jurisdictional watercourses. There are no vernal pools or serpentine outcrops that possess a high likelihood of containing special-status plant species in the proposed cultivation areas.

18. Surrounding Land Uses and Setting: Briefly describe the project’s surroundings:

- North: Parcels to the north are zoned RL (Rural Lands) and A (Agricultural) District. These parcels contain open lands and a residence.
- South: Parcels to the south are zoned RL (Rural Lands) and A (Agricultural) District. These parcels contain open lands and a residence.
- West: Parcels to the west are zoned RR (Rural Residential) District. These parcels are across State Hwy 29 and contain scattered rural residences and open lands.
- East: Parcels to the east are zoned RL District. These parcels are large open lands with large slopes.

Figure 4. Lake County Base Zoning Districts



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

- 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's Office
- Fire Protection District
- Department of Motor Vehicles
- Central Valley Regional Water Quality Control Board
- California Water Resources Control Board
- California Department of Food and Agricultural
- California Department of Pesticides Regulations
- California Department of Public Health
- California Department of Cannabis Control
- California Department of Consumer Affairs
- California Department of Fish & Wildlife (CDFW)
- California Department of Forestry & Fire Protection (CALFIRE)
- California Department of Transportation (CALTRANS)

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

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

A Cultural Resources Assessment was prepared Wolf Creek Archaeology for the proposed Project dated December 16, 2019. A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed on August 12, 2020, for the Project Property. Results of the SLF search were negative, but the NAHC recommended the lead agency contact local Native American tribes who may have knowledge of cultural resources in the Project area. Notification of the Project was sent to Big Valley Rancheria, Cortina Rancheria, Elem Colony, Koi Nation, Mishewal-Wappo, Middletown Rancheria, Redwood Valley Rancheria, Robinson Rancheria, Scotts Valley Band of Pomo Indians, Habematolel Pomo of Upper Lake Tribe, and Yocha Dehe Wintun Nation on February 18, 2020. On February 19, 2020, Middletown Rancheria responded stating the project is located within the aboriginal territory of Tribe. The Middletown Rancheria Tribal Historic Preservation Department stated they are, "okay with the project moving forward under the mutual understanding that the Tribe is contacted should there be any significant inadvertent discoveries." On August 10, 2022, Yocha Dehe Wintun Nation sent comment deferring to Middletown Rancheria.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this Project, involving at least one impact requiring mitigation to bring it to a less-than-significant level. A Mitigation Monitoring and Reporting Program ensures compliance with mitigation measures during project implementation.

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

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

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

Initial Study Prepared By: Lake County Planning Consultants

Reviewed by: Mary Claybon, Assistant Planner II

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

\_\_\_\_\_  
SIGNATURE

## 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, 6, 9
d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4, 5, 6, 9

## Discussion:

- a) The project site is accessed by a private driveway off of Shady Grove Road, which is immediately parallel to Highway 29. There is a scenic vista on or adjacent to the subject site designated by Highway 29. A portion of the project parcel has a Scenic Corridor (SC) combining zone designation, although the proposed project location is outside of the designated SC combining district, over 500 feet from Highway 29. However, the project proposes mitigation to landscape a vegetative buffer of native trees, plants, shrubs, etc. to visually protect the scenic vista near the subject property and maintain the rural character by matching the natural topography and surrounding vegetation. The applicant also intends to comply with the greenhouse renderings to protect scenic qualities. The proposed activities are agricultural and are consistent with the past use of the property as well as the surrounding existing uses. In addition, the applicant is proposing to enclose the cultivation area with a perimeter fence and mesh screening, per the Property Management Plan.

### **Less Than Significant with Mitigation Measure AES-1 Incorporated**

**AES-1: The cultivation area shall be screened from public view. Methods of screening may include, but are not limited to, topographic barriers, vegetation, or 6' tall solid (opaque) fences.**

- b) See Response I (a). The project parcel has a Scenic Corridor (SC) combining zone designation, although the project would occur outside of this area. Limited agricultural activities are permitted within the SC zone. The site is located near Highway 29; however, although eligible, Highway 29 is not an officially designated state scenic highway. Per Google Earth Street View and analysis of site topography, the project would not likely be visible from State Highway 29 with the vegetative buffer added (Figure 5). Therefore, a less than significant impact would occur.

### **Less Than Significant Impact**

- c) See Response I (a). The project has the potential to degrade the existing visual character and quality of public views of the site as the project property is located adjacent to the "Welcome to Lake County" signage. The subject property is also located within the County zoning designation for Scenic Corridor (SC), which does not allow some agricultural uses, and with a major use permit, greenhouses are limited to the use area of 5,000 square feet at the discretion of the deciding body. The proposed project's footprint is proposed outside of the SC combining district, which includes a 500-foot setback from Highway 29. The applicant proposes several measures to further lessen the aesthetics-related impact of the proposed project to protect public views, including making the three (3) greenhouses on the front half of the property look more aesthetically pleasing, including coloring the sides facing the roadway a dark red/mahogany to resemble a barn, wooden panel fencing, and native vegetation screening. These measures are included in Mitigation Measure AES-1. The rest of the project is located behind already existing natural vegetation which cannot be seen from any public access roadways.

### **Less Than Significant with Mitigation Measure AES-1 Incorporated**

- d) The project has some potential to create additional light and/or glare through the mixed-light cultivation and the exterior security lighting. The proposed use is a mixed-light cultivation

operation; however, all cultivation lighting would be concealed within the greenhouses. The following mitigation measures have been implemented that would reduce the impacts to less than significant:

**Less Than Significant with Mitigation Incorporated**

**AES-2: All outdoor lighting shall be shielded and downcast or otherwise positioned in a manner that would not broadcast light or glare beyond the boundaries of the subject property. All lighting equipment shall comply with the recommendations of www.darksky.org and provisions of Section 21.48 of the Zoning Ordinance.**

**AES-3: All greenhouses/structures incorporating artificial lighting shall be equipped with blackout film/material to be used at night for the maximum light blockage to lessen the impact on the surrounding parcels and the dark skies.**

II. AGRICULTURE FORESTRY RESOURCES	AND	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, 38	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 3, 4, 5, 7, 8, 11, 13	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 3, 4, 5, 7, 8, 11, 13	
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 3, 4, 5, 7, 8, 11, 13	

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

Discussion:

- a) The State of CA Farmland Mapping and Monitoring Program identifies soils qualifying for Prime Farmland and Farmland of Statewide Importance. The project location was designated as Farmland of Local Importance. Land of importance to local agricultural economy is determined by the Board of Supervisors. The areas in which the Board determined were Farmland of Local Importance were evaluated as the Farmland Protection Zone, also listed as a commercial cannabis exclusion zone (for outdoor cultivation). In these designated areas, commercial cannabis can only be grown indoors or in permanent greenhouse structures equipped with odor filtration systems. While this site is listed with the State of CA Farmland Mapping and Monitoring Program as local importance, it has not been designated as Farmland of Local Importance within Farmland Protection Zone by the County of Lake Board of Supervisors. Therefore, this proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to a non-agricultural use.

**Less Than Significant Impact**

- b) The property has a base zoning designation of Rural Lands (RL) and Agriculture (A). The Proposed Project is compatible with these land uses. The Project Site is not under a Williamson Act contract.

**No Impact**

- c) The property has a base zoning designation of Rural Lands (RL) and Agriculture (A) and does not contain forest land. Therefore, the proposed project would not conflict with existing zoning and/or cause the rezoning of forest land as defined by Public Resource Code section 4526, or of timberland as defined by Government Code section 51104(g).

**No Impact**

- d) The Proposed Project would not result in the loss or conversion of forest land to a non-forest use.

**No Impact**

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

**No Impact**



III. AIR QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4, 5, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4, 5, 21, 24, 31, 36

Discussion:

- a) The County of Lake is currently in attainment for all state and federal air quality standards. Consequently, there are no adopted air quality plans or thresholds for the County. However, the Proposed Project would be required to comply with all Lake County Air Quality Management District rules and regulations for construction.

The project site is located within the Lake County Air Basin, which is under the jurisdiction of the Lake County Air Quality Management District (LCAQMD). The LCAQMD applies air pollution regulations to all major stationary pollution sources and monitors air quality. The Lake County Air Basin is in attainment with both state and federal air quality standards. According to the USDA Soil Survey and the ultramafic, ultrabasic, serpentine rock, and soil map of Lake County, serpentine soils have not been found within the project area or project vicinity.

Since the Lake County Air Basin is in attainment for all air pollutants, air quality plans are not required in Lake County. Although the Lake County Air Basin is not required to have an air quality plan, the proposed project has the potential to result in short- and long-term air quality impacts from the construction and operation of the proposed project.

The applicant developed an Air Quality Management Plan to manage cannabis-related emissions and odors during the construction and operation of the proposed project. Construction impacts, which are limited to road improvements, building the processing building, preparing soils for planting, and running gasoline and diesel-powered equipment, would be temporary and would occur over about a 3-to-5-week period. Ongoing field management is considered an operational, not construction, activity.

According to the Air Quality Management Plan from Nina Star, operational impacts would include emissions from the gasoline-powered generator, which is proposed to be used only for emergencies, and from 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/construction. Odors generated by the plants, particularly during harvest season, would be mitigated through passive means (separation distance), maintenance of native vegetation, and through the ventilation system (carbon filters/air scrubbers) in the processing facility. 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. Dust and fumes may be released as a result of vehicular traffic, including small delivery vehicles.

#### **Less Than Significant with Mitigation Measure AQ-1 through AQ-6 Incorporated**

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

**AQ-2: All mobile diesel equipment used must comply 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 CI engines. Additionally, all engines must notify LCAQMD prior to beginning construction activities and prior to engine use.**

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

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

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

**AQ-6: All areas subject to infrequent use of driveways, overflow parking, etc., shall be surfaced with gravel. The applicant shall regularly use and/or maintain the graveled area to reduce fugitive dust generations.**

- b) The County of Lake is in the attainment of state and federal ambient air quality standards. Burning cannabis waste is prohibited within the commercial cannabis ordinance for Lake County, and the use of generators is only allowed during a power outage. On-site construction is likely to occur over a relatively short period (estimated 3 to 5 weeks) with minimal grading. The potential particulate matter could be generated during construction activities and build-out of the site; however, in general, construction activities that last for less than one year and use standard quantities and types of construction equipment, are not required to be quantified and are assumed to have a less than significant impact. It is unlikely that this use would generate enough particulates during and after construction to violate any air quality standards.

#### **Less Than Significant Impact**

- c) Land uses that are considered sensitive receptors typically include residences, schools, parks, childcare centers, hospitals, convalescent homes, and retirement homes. There are no schools, parks, childcare centers, convalescent homes, or retirement homes located near the project. Article 27 of the Lake County Zoning Ordinance requires that the minimum setback requirement for commercial cannabis cultivation be 200 feet from off-site residences. The nearest off-site residence appears to be located over 200 feet from the proposed cultivation area to the southeast. Pesticide application would be only organic, according to the Property Management Plan, and would only be applied during the growing months and applied carefully to individual plants. The cultivation area would be surrounded by a fence and mesh which would help prevent off-site drift of pesticides. As such, sensitive receptors would not likely be exposed to substantial pollutant concentrations from pesticides. Additionally, no demolition or renovation is proposed that could expose sensitive receptors to asbestos and no serpentine soils are mapped onsite.

#### **Less Than Significant Impact**

- d) Odors generated by the plants, particularly during harvest season, would be mitigated. The processing building would be equipped with carbon filters/air scrubbers, which would be installed to prevent odors from leaving the premises during all processing phases (see Mitigation Measure AQ-7). Additionally, odors would be mitigated through passive means of setbacks and maintenance of native vegetation surrounding the site (outside of the defensible space buffer). Implementation of mitigation measures would reduce air quality impacts to less than significant.

Lake County has adopted the Bay Area Air Quality Management District (BAAQMD) thresholds of significance as a basis for determining the significance of air quality and GHG impacts. 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 ozone or particulate matter and does not exceed the project-level thresholds established by BAAQMD.

The proposed cultivation would generate minimal amounts of emissions from the operation of small gasoline engines (tillers, weed eaters, lawnmowers, etc.) and vehicular traffic associated with staff communicating and delivery/pickups.

**AQ-7: Each greenhouse shall contain an air and odor filtration system. Method of filtration shall be provided to the Lake County Planning Department for review prior to any construction occurring on site.**

**AQ-8: The applicant shall apply water to the ground during any site preparation work that is required for the greenhouses and drying building, as well as during any interior driveway improvements to mitigate dust migration.**

**Less Than Significant Impact with Mitigation Measure AQ-7 and AQ-8 Incorporated**

IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2, 5, 11, 12, 13, 16, 24, 29, 30, 31, 32, 33, 34
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<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
c) Have a substantial adverse effect on state or federally protected wetlands (including, not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4, 5, 11, 12, 13, 16, 17, 21, 24, 29, 30, 31, 32, 33, 34
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4, 6, 8, 10, 11, 36, 37,

or migratory wildlife corridors, or impede the use of native wildlife nursery sites?					38, 39, 40, 41
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, 4, 5, 13

Discussion:

- a) A Biological Resource Assessment with Botanical Survey and Delineation of Waters of the U.S. (discussed further as “BA”) was prepared by Pinecrest Environmental Consulting on February 3, 2020. **Additionally, a Survey and Evaluation Results for Special Status of Native Plant Populations and Sensitive Communities dated October 8, 2024, was prepared by Professional Ecological Services.**

Onsite Waters/Wetlands The proposed project area is within the Saint Helena Creek Watershed. The BA **did not include** a wetland delineation per the Army Corps of Engineers protocol to determine the extent of possible onsite Waters of the U.S. ~~The delineation resulted in no wetlands being identified;~~ however, **the project’s cultivation areas, as designed, adhere to 100’ setbacks from all identified watercourses.** There are two (2) existing agricultural ponds. While several structures related to the project would be located within the 100-year flood, no development is proposed within the required state and county setbacks from them. Additionally, Appendix E of the BA contains BMPs that are designed to prevent, minimize, and control the discharge of waste and pollutants associated with the project.

Wildlife The BA reviewed relevant databases for special-status wildlife species; however, no special status species were observed on-site. A survey was conducted to observe potential habitat, which found that potential habitat only existed for nesting birds and raptors, and small potential for Foothill Yellow-legged Frog. A list of BMPs to follow was recommended, but no mitigation measures.

- b) Plants The BA reviewed relevant databases for special-status plant species; however, after an infield survey, it was determined that none occurred on-site. It was recommended that no trees over 24 inches in diameter be removed under the project. However, no trees are proposed to be removed. **A Survey and Evaluation Results for Special Status of Native Plant Populations and Sensitive Communities dated October 8, 2024, was prepared by Professional Ecological Services. According to the survey, given historic and current site conditions as well as soil substrate it is highly unlikely rare plants occur within the survey boundary and proposed development footprint. Historic aerials indicate the site had been consistently disturbed over the past 15 years. No rare plants were observed onsite during the October 2024 rare plant surveys.**

**Less Than Significant Impact with Mitigation Measure BIO-1 through BIO-3 Incorporated**

**BIO-1: All minimization measures in Appendix H of the Biological Report prepared for the project site by Pinecrest Environmental Consulting on February 3, 2020, shall be followed in order to protect the Foothill Yellow-Legged Frog in the event of migration to potential habitat on the property.**

**BIO-2: Prior to any ground disturbance and/or vegetation removal, the applicant shall have a pre-construction survey conducted by a qualified biologist for special status plant and animal species to ensure that special-status species are not present. If any listed species are detected, construction shall be delayed, and the appropriate resource agency (CDFW and/or USFWS) shall be consulted with and project impacts and mitigation reassessed.**

**BIO-3: If construction activities occur during the nesting season (usually March through September), a pre-construction survey for the presence of special-status bird species or any nesting bird species should be conducted by a qualified biologist within 500 feet of proposed construction areas, within seven days prior to the commencement of ground disturbing activities. If active nests are identified in these areas, CDFW and/or USFWS should be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.**

- c) None of the vegetative communities in the BA were identified as being sensitive natural communities and no jurisdictional wetlands were identified on-site. All project activities would adhere to setbacks from watercourses. The applicant has provided a Property Management Plan, which addresses controlled water runoff in a manner that reduces impacts to this stream. No development would occur within the drainage buffers and setbacks and there are no sensitive natural communities within the project area. Although the pesticides and fertilizers storage shed would be located within the 100-year flood zone, dual containment is required to prevent, minimize, and control the discharge of waste and pollutants associated with the project.

Erosion control measures to control erosion and sedimentation during construction and operation have been identified in the Property Management Plan. Measures include straw wattles and vegetative buffers.

The project is enrolled with the State Water Resources Control Board (SWRCB) for Tier 2, Low-Risk coverage under Order No. WQ 2019-001-DWQ (General Order). Tier 2 dischargers reflect cultivation sites that disturb over one acre and are located on flat slopes outside of riparian setbacks. The General Order requires the preparation of a Site Management Plan (SMP) and a Nitrogen Management Plan (NMP). The purpose of the SMP is to identify Best Practicable Treatment or Control (BPTC) measures that the site intends to follow for erosion control purposes and to prevent stormwater pollution. The purpose of the NMP is to identify how nitrogen is stored, used, and applied to crops in a way

that is protective of water quality. The SMP and NMP are required prior to commencing cultivation activities and were submitted with the application materials.

**Less Than Significant Impact with Mitigation Measure BIO-4 Incorporated.**

**BIO-4: All work should incorporate erosion control measures consistent with Lake County Grading Regulations and the State Water Resources Control Board Order No. WQ 2019-001-DWQ.**

- d) According to the BA, there are no wetlands and vernal pools in the Study Area. Therefore, project implementation would not directly impact any wetlands.

Less Than Significant Impact with Mitigation Measure BIO-5 Incorporated.

**BIO-5: The applicant shall maintain a minimum of a 100-foot setback/buffer from the top of bank of any watercourse, wetland, and/or vernal pool. Pesticides and fertilizer storage facilities shall be located outside of riparian setbacks and not within 100 feet of a well head.**

- e) Although the Project area may be used by wildlife for movement or migration, the proposed Project would not have a significant impact on this movement because it would not create any unpassable barriers and the majority of the Project area will still be available for corridor and migration routes.

Implementation of the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. The cultivation areas will be fenced in to prevent animals from disturbing the cannabis crop. The fenced areas, however, are comparatively small.

**Less than Significant Impact**

- f) This project does not conflict with any local policies or ordinances protecting biological resources. The project does not propose to remove trees. Additionally, the applicant will be planting trees and native vegetation along the front of the property. Implementation of the project does not conflict with any county or municipal policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

**Less than Significant Impact**

- g) No adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan have been adopted for this site and no impacts are anticipated.

**No Impact**

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

Discussion:

- a) A Cultural Resources Assessment was conducted by Dr. John W. Parker, Registered Professional Archaeologist, dated December 16, 2019. A record search was conducted at the Sonoma State University office of the California Historical Resource Information System (CHRIS), which indicated that no previous archaeological studies had occurred on the project site. Dr. Parker and his associate, Cheyenne Parker, conducted a pedestrian survey of the proposed project area. All areas were examined on foot using a transect sweep method with transects spaced 3 to 5 meters apart.

One isolated piece of obsidian and a group of old bricks were discovered. None of the artifacts or features found were considered to be “significant” cultural resources as defined in the Public Resources Code for the purposes of the California Environmental Quality Act. No prehistoric or historic-era archaeological sites or ethnographic sites were identified during the field survey.

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

**Less Than Significant with Mitigation Incorporated**

**CUL-1: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the**



find(s), the applicant shall notify the culturally affiliated Tribe, and a qualified archaeologist to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, the applicant shall notify the Sheriff's Department, the culturally affiliated Tribe, and a qualified archaeologist for proper interment 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 findings.**

- b) A record search was conducted at the Sonoma State University office of the California Historical Resource Information System (CHRIS), which indicated that no previous archaeological studies had occurred on the project site.

**Less Than Significant with Mitigation Measures CUL-1 through CUL-2 Incorporated**

- c) According to the Cultural Study, it is unlikely that any significant findings, including human remains, would appear on this site. However, while unlikely, it is possible that significant artifacts or human remains could be discovered during project construction. Therefore, Mitigation Measures CUL-1 through CUL-2 have been incorporated into the project to establish proper protocol to follow in the event of inadvertent discovery of resources on the subject site.

**Less Than Significant with Mitigation Measures CUL-1 through CUL-2 Incorporated**

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

- |   |                          |                          |                                     |                          |            |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|------------|
| a) Result in 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 proposed Project is requesting additional energy upgrades through on-grid power, supplied by PG&E. The site is currently supplied by PG&E; however, the project is proposing mixed light cultivation which can include artificial lighting of up to 25 watts per square foot of canopy area. The Electrical Load Calculations prepared by DTN Engineering, dated August 3, 2023, identifies that the project would utilize 3,300 amps. As the cultivation area does not require additional lighting and is only supplemental, the applicant has indicated the project will utilize existing PG&E connection until an electrical upgrade is available. All other power sources include the interior lighting and ventilation systems of the processing facility, security system, the well pump, and any outdoor security lighting that might be needed are all able to function with the existing power. The proposed project will not result in a wasteful, inefficient, or unnecessary consumption of energy.

**Less Than Significant Impact**

- b) There are presently no mandatory energy reduction requirements for cultivation activities within Article 27 of the Lake County Zoning Ordinance, and the proposal will not conflict with, or obstruct, a state or local plan for renewable energy or energy efficiency.

**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
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Would the project:

- a) Directly or indirectly cause potentially substantial adverse effects, including the risk of loss, injury, or death involving:
- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
  - ii) Strong seismic ground shaking?
  - iii) Seismic-related ground failure, including liquefaction?





1, 2, 3, 4, 5, 18, 19

iv) Landslides?

					1, 3, 4, 5, 19, 21, 24, 25, 30
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 6, 7, 10, 16, 17, 18, 19
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5, 7, 38
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, 38
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) Earthquake Faults (i)

There are no mapped earthquake faults on or adjacent to the subject site.

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

The mapping of the site's soil indicates that the soil is stable and not prone to liquefaction. Faults exist throughout the County; therefore, there will always be the potential for seismic ground shaking. According to the California Geological Survey, the Project Site nor the areas in the immediate vicinity of the Project Site are located within areas of known liquefaction. All proposed construction is required to be built under Current Seismic Safety Construction. Therefore, it is unlikely that ground failure or liquefaction would occur on the Project Site in the future.

Landslides (iv)

According to the Landslide Hazard Identification Map prepared by the California Department of Conservation, Division of Mines and Geology, there are no historic landslides in the project footprint, the area is considered generally stable. As such, the Project site is considered moderately susceptible to landslides and will not likely expose

people or structures to substantial adverse effects involving landslides, including losses, injuries or death.

### **Less Than Significant Impact**

- b) Major grading is not proposed to prepare the site for cultivation as the land is relatively flat; however, some minor grading is proposed to smooth the surface where greenhouses are proposed. This amount of grading is allowed through the building permit. The applicant proposes approximately a maximum of 24 cubic yards to be graded. The applicant would need to import soil for the cultivation activity; however, this would not have any effect on the potential for erosion or the loss of topsoil as the soils would remain in the proposed greenhouses. All commercially constructed buildings will require the applicant to obtain a building permit from the Lake County Community Development Department before construction.

In addition, the project is enrolled with the State Water Resources Control Board (SWRCB) for Tier 2, Low-Risk coverage under Order No. WQ 2019-001-DWQ (General Order). The General Order requires the preparation of a Site Management Plan (SMP) and a Nitrogen Management Plan (NMP). The purpose of the SMP is to identify Best Practicable Treatment or Control (BPTC) measures that the site intends to follow for erosion control purposes and to prevent stormwater pollution. The purpose of the NMP is to identify how nitrogen is stored, used, and applied to crops in a way that is protective of water quality. The SMP and NMP are required prior to commencing cultivation activities and were submitted with the application materials.

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

**GEO-1: Prior to ground disturbance, the applicant shall submit erosion control and sediment plans to the Water Resource Department and the Community Development Department for review and approval. Said erosion control and sediment plans shall protect the local watershed from runoff pollution through the implementation of Best Management Practices (BMPs) in accordance with the Grading Ordinance. Typical BMPs include the placement of straw, mulch, seeding, straw wattles, silt fencing, and the planting of native vegetation on all disturbed areas. No silt, sediment, or other materials exceeding natural background levels shall be allowed to flow from the project area. The natural background level is the level of erosion that currently occurs from the area in a natural, undisturbed state. Vegetative cover and water bars shall be used as permanent erosion control after project installation.**

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

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

**GEO-4: If greater than fifty (50) cubic yards of soils are moved, a Grading Permit shall be required as part of this project. The project design shall incorporate BMPs to the**

**maximum extent practicable to prevent or reduce discharge of all construction or post-construction pollutants into the County storm drainage system. BMPs typically include scheduling of activities, erosion and sediment control, operation and maintenance procedures, and other measures in accordance with Chapter 29 and 30 of the Lake County Code.**

- c) The project site is not identified as being at risk for landslides due to topography of the Site and surrounding area, or other unstable geologic conditions based on soils present on site. The proposed cultivation sites are located within a cleared area and in areas with less than 2 percent slopes.

#### **Less Than Significant Impact**

- d) The Uniform Building Code is a set of rules that specify standards for structures. The structures proposed are greenhouses, storage shed, and a processing facility with an ADA bathroom.

Expansive soils possess a “shrink-swell” characteristic. Shrink-swell is the cyclic change in volume (expansion and contraction) that occurs in fine-grained clay sediments from the process of wetting and drying. Structural damage may occur over a long period due to expansive soils, usually the result of inadequate soil and foundation engineering or the placement of structures directly on expansive soils. Cultivation activities proposed in the application would occur on one type of soil: Jafa Loam - 2 to 5 percent slopes, (Map Unit Symbol 144), according to the Soil Survey of Lake County and the USDA Web Soil Survey website.

This soil type is deep, well-drained soil with slight erosion potential, and is not said to be expansive, having a low to moderate shrink-swell potential.

Any new construction requiring a building permit, such as the proposed processing building, would be subject to the Uniform Building Code and California Building Code for foundation design to meet the requirements associated with expansive soils if they are found to exist with a site-specific study. This would reduce any risk to property and therefore, is less than significant.

#### **Less Than Significant Impact**

- e) The proposed project would be served by a proposed ADA- compliant restroom within the proposed processing facility. The restroom would likely rely on an existing on-site wastewater treatment septic system, rather than installation of a new septic system.

Should new septic be needed, state law requires permits for on-site systems to ensure that they are constructed and sited in a manner that protects human health and the environment. Prior to applying for a permit, the Lake County Division of Environmental Health requires a Site Evaluation to determine the suitability of the site for a septic system. A percolation test would be conducted to determine the water absorption rate of the soil, and the septic system would be located, designed, and installed appropriately, following all applicable State and County guidelines and requirements.

The proposed system would be located in an area of Type 144 Jafa loam (2 to 5 percent slopes) soils. According to the USDA Soil Survey, this soil has a moderately slow permeability, which could support a septic system, but might require a larger absorption field area.

Therefore, the proposed project would not have soils incapable of adequately supporting the use of septic tanks for the disposal of wastewater. In addition, the system would be reviewed and approved by the County Division of Environmental Health.

**Less Than Significant Impact**

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

However, while unlikely, it is possible that unique geologic features or paleontological resources could be discovered during project construction. Therefore, Mitigation Measures CUL-1 through CUL-2 have been incorporated into the project to establish proper protocol to follow in the event of inadvertent discovery of resources on the subject site.

**Less Than Significant with Mitigations CUL-1 through CUL-2 Incorporated**

VIII. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
--------------------------------	--------------------------------	--	------------------------------	-----------	---------------

Would the project:

- |  |                          |                          |                                     |                          |                |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|----------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 36 |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4, 5, 36 |

Discussion:

- a) The project site is located within the Lake County Air Basin, which is under the jurisdiction of the LCAQMD. The LCAQMD applies air pollution regulations to all major stationary pollution sources and monitors air quality. Climate change is caused by greenhouse gases (GHGs) emitted into the atmosphere around the world from a variety of sources, including the combustion of fuel for energy and transportation, cement manufacturing, and refrigerant emissions. GHGs are those gases that can trap heat in the atmosphere, a process that is analogous to the way a greenhouse traps heat. GHGs may be emitted as a result of human activities, as well as through natural processes. Increasing GHG concentrations in the atmosphere are leading to global climate change. The Lake County

Air Basin is in attainment for all air pollutants and has therefore not adopted thresholds of significance for GHG emissions.

The primary GHGs that are of concern for development projects include carbon dioxide (CO2), methane (CH4), and nitrous oxide (N2O). CO2, CH4, and N2O occur naturally, and through human activity. Emissions of CO2 are largely by-products of fossil fuel combustion and CH4 results from off-gassing associated with agricultural practices and landfills. CO2 is the most common GHG emitted by human activities.

In general, greenhouse gas emissions come from construction activities (vehicles) and from post-construction activities (energy to run mixed-light cultivation and the processing building and employee/delivery vehicles). Construction activities on this site would be minimal, due to the existing flat condition of the proposed site area, which is currently a vineyard. Construction would occur over a 3- to 5-week period and approximately 130 to 160 trips would be needed to complete construction activities over that period. Post-construction, average daily employee trips are anticipated to be four (4), including one (1) delivery/pickup trip per day, which is approximately the equivalent of two (2) new single-family dwellings, according to the Property Management Plan, which averages 9.55 average daily trips.

Energy would be required to power the 37,446 square feet of mixed-light cultivation of up to 25 watts per square foot as well as the processing facility (with ventilation/odor control system) and security system. The proposed power for this project will be provided by PG&E.

**Less than Significant Impact**

- b) Lake County has not adopted any specific GHG reduction strategies or climate action plans. Therefore, this project would not conflict with any adopted plans or policies for the reduction of greenhouse gas emissions.

As mentioned above, the applicant would be required to meet the CDFA requirement to ensure that electrical power used to power the mixed-light cultivation meets average greenhouse gas emissions intensities as required by PG&E.

**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,<br>33,<br>34, 40<br>1, 3, 5,<br>13,<br>21, 24,<br>29,<br>31, 32,<br>33,<br>34, 40 |
| 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |   |
| 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, 39   |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 3, 4,<br>5, 20,<br>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 type="checkbox"/> | <input checked="" type="checkbox"/> | 1, 3, 4,<br>5, 20,<br>22, 35,<br>37   |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | 1, 3, 4,<br>5, 20,<br>35, 37  |

Discussion:

- a) Materials associated with the cultivation of commercial cannabis, such as fertilizers, pesticides, cleaning solvents, and gasoline, could be considered hazardous if improperly stored, disposed of, or transported. However, as stated in the Property Management Plan (Attachment 1), all fertilizers/nutrients, pesticides, petroleum products, and sanitation



products would to be properly stored in their manufacturer's original containers. All fertilizers/nutrients and pesticides would be securely stored inside the proposed processing facility, petroleum products would be stored under cover in State of California-approved containers with secondary containment within the processing facility, and sanitation products would be stored within a secure cabinet inside the processing facility. Spill containment and cleanup equipment will be maintained within the processing facility as well.

While several structures related to the project, including the pesticides and fertilizers storage shed, four of the greenhouses, the immature plant greenhouse, and processing facility, would be located within the 100-year flood, no development is proposed within the required state and county setbacks from any waterbodies. Additionally, Appendix E of the BA contains BMPs that are designed to prevent, minimize, and control the discharge of waste and pollutants associated with the project. Lastly all proposed structures from this project will be fully enclosed with an impermeable surface area greatly removing the ability of any materials being let into the environment.

Cannabis vegetative waste would be either buried in the composting area within the immature plant greenhouse or chipped and stored to be used when soil cover is needed; any solid waste would be stored in bins with secure fitting lids until disposed of at a Lake County Integrated Waste Management Facility at least once a week during the cultivation season. The Proposed Project shall comply with Section 41.7 of the Lake County Zoning Ordinance, which specifies that all uses involving the use or storage of combustible, explosive, caustic, or otherwise hazardous materials shall comply with all applicable local, state, and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment.

### **Less Than Significant Impact**

- b) All fertilizers, pesticides, and other hazardous materials are proposed to be properly and securely stored. Part of the Project Site is classified as being within a 100-year flood zone, however all structures are required to meet the County Base Flood Elevation (BFE) minimum requirements for structures built within a flood zone. Additionally, the applicant is required to have all structures fully enclosed with an impermeable surface. The Project Site would not be specifically susceptible to accident conditions involving the release of hazardous materials into the environment. The Proposed project will properly use and store combustible, explosive, caustic, or otherwise hazardous materials. Therefore, the Proposed project will not cause a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

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

**HAZ-1: All equipment will be maintained and operated to minimize spillage or leakage of hazardous materials. All equipment will be refueled in locations more than 100 feet from surface water bodies. Servicing of equipment will occur on an impermeable surface. In the event of a spill or leak, the contaminated soil will be stored, transported, and disposed of consistent with applicable local, state, and federal regulations.**

**HAZ-2: With 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, a Hazardous Materials Inventory Disclosure Statement and 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 to be stored on site.**

**HAZ-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.**

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

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

**HAZ-6: Prior to operation, all employees shall have access to ADA-accessible restrooms and hand-wash stations. The restrooms and hand wash stations shall meet all accessibility requirements.**

**HAZ-7: The proper storage of equipment, removal of litter and waste, and cutting of weeds or grass shall not constitute an attractant, breeding place, or harborage for pests.**

**HAZ-8: The applicant shall obtain an Operator Identification Number from the California Department of Pesticide Regulation prior to using pesticides onsite for cannabis cultivation.**

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

#### **No Impact**

- d) The California Environmental Protection Agency (CalEPA) has the responsibility for compiling information about sites that may contain hazardous materials, such as hazardous waste facilities, solid waste facilities where hazardous materials have been reported, leaking underground storage tanks, and other sites where hazardous materials have been detected. Hazardous materials include all flammable, reactive, corrosive, or toxic substances that pose potential harm to the public or environment. The following databases compiled pursuant to Government Code §65962.5 were checked for known hazardous materials contamination within ¼-mile of the project site:
- State Water Resources Control Board (SWRCB) GeoTracker database
  - Department of Toxic Substances Control EnviroStor database

- SWRCB list of solid waste disposal sites with waste constituents above hazardous waste levels outside the waste management unit.

The project site is not listed in any of these databases as a site containing hazardous materials as described above. The nearest mapped site is Joyce Mine, located approximately 0.5 miles east of the project site.

### **No Impact**

- e) The project is not located within two (2) miles of an airport and/or within an Airport Land Use Plan. The nearest airport is the Lampson Field Airport, approximately 24.09 miles northwest of the Project Site.

### **No Impact**

- f) The project site does not contain any emergency facilities, nor does it serve as an emergency evacuation route or is located adjacent to an emergency evacuation route.

Access to the property is a private driveway off of Shady Grove Road (a paved County-maintained Road), adjacent to Highway 29. During long-term operation, adequate access for emergency vehicles via Shady Grove Road and connecting roadways will be available. Improvements to the private driveway are proposed to meet PRC 4290 and 4291 CalFire Standards, including widening the road to 20 feet of unobstructed horizontal clearance with a grading permit. The applicant also proposes a hammerhead T truck turn-around to accommodate emergency vehicles. Furthermore, the Project would not result in a substantial alteration to the design or capacity of any public road that would impair or interfere with the implementation of evacuation procedures.

Because the Project would not interfere with an adopted emergency response or evacuation plan, impacts are less than significant, and no mitigation measures are required. Therefore, the project would not impair or interfere with an adopted emergency response or evacuation plan.

### **No Impact**

- g) The site is mapped as being a fire risk; however, the project is not expected to further heighten fire risks on the site. The area proposed for cultivation is in an open field adjacent to the residential use. The project would utilize vegetation management to maintain defensible space around the cultivation area. All water tanks are to be equipped with a standard 2.5" Fire Department Hose Connection for fire suppression.

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

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

X. HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4, 5, 13, 21, 23, 24, 33, 34, 41, 42
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 2, 3, 4, 5, 13, 21, 23, 24, 33, 34, 41, 42
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:	1, 3, 4, 5, 13, 21, 23, 24, 25, 29, 31, 32, 33, 34				
i) Result in substantial erosion or siltation on-site or off-site;					
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or					
iv) Impede or redirect flood flows?					

d) In any flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 5, 10, 13, 21, 23, 24, 25, 29, 31, 32, 33, 34

Discussion:

- a) The proposed project is located in the Middletown Planning Area. The proposed project area is within the Saint Helena Creek watershed (HUC-12180201620301). Saint Helena Creek and an unnamed Class II watercourse flow north through the center of the property, over 100 feet from the proposed cultivation areas. There are also several Class III watercourses on-site. While several structures related to the project would be located within the 100-year flood, no development is proposed within the required state and county setbacks from any waterbodies.

The Property Management Plan submitted with the application materials address runoff, and certain BMPs during and after construction to reduce impacts associated with water quality.

All equipment shall be maintained and operated in a manner that minimizes any spill or leak of pollutants.

In addition, the project is enrolled with the State Water Resources Control Board (SWRCB) for Tier 2, Low-Risk coverage under Order No. WQ 2019-001-DWQ (General Order). Tier 2 dischargers reflect cultivation sites that disturb over one acre and are located on flat slopes outside of riparian setbacks. The General Order requires the preparation of a Site Management Plan (SMP) and a Nitrogen Management Plan (NMP). The purpose of the SMP is to identify Best Practicable Treatment or Control (BPTC) measures that the site intends to follow for erosion control purposes and to prevent stormwater pollution. The purpose of the NMP is to identify how nitrogen is stored, used, and applied to crops in a way that is protective of water quality. The SMP and NMP are required prior to commencing cultivation activities and were submitted with the application materials.

The proposed project has been designed to maintain riparian buffers and grading setbacks of 100 feet. No development would occur within the drainage buffers and setbacks. Additionally, straw wattles would be staked around the cultivation area to provide an additional buffer between the cultivation area and surface waters.

The proposed project would be served by an existing wastewater treatment septic system. If a new septic system is required during the building permit process, the applicant must adhere to all federal, state, and local regulations regarding wastewater treatment and water usage requirements.

State law requires permits for on-site systems to ensure that they are constructed and sited

in a manner that protects human health and the environment. A permit from Lake County is required to install a new septic system. Prior to applying for a permit, the Lake County Division of Environmental Health requires a Site Evaluation to determine the suitability of the site for a septic system. A percolation test would be conducted to determine the water absorption rate of the soil, and the septic system would be located, designed, and installed appropriately, following all applicable State and County guidelines and requirements.

### **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 Hydrogeologic Assessment Report:

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

A Hydrology Report to Determine Area of Influence for Cultivation Irrigation Wells was prepared by a Registered Professional Engineer, William Vanderwall, dated September 6, 2021. The project site does not have a municipal water supply service and would rely on well water. The proposed project would use water from an existing, on-site, permitted, metered well. The meter measures the total gallons pumped and can be used to determine the discharge rate.

The well to be used for cultivation activities is approximately 43 feet deep with a 10-inch diameter casing. The applicant provided a well drawdown test demonstrating a well yield of 16 gallons per minute (GPM) and well drawdown over a 2-hour time frame, with little to no drawdown recorded (see Well Test Report performed by Jak Drilling and Pump on March 12, 2020).

According to the Hydrology Report, the estimated demand for the proposed project would be approximately 638,330 gallons annually. Calculation of Aquifer Recharge is based on the tributary area to the radius of influence of the well. Because of the location of the well near St. Helena Creek, the aquifer recharge is in two areas. Per map in the Hydrology Report, the total recharge area is 277,989 gallons annually, where based on the calculation, the volume of water for recharge is 960,663 gallons per year.

Per the calculations and assumptions from the Hydrology Report, the project has an adequate water supply for the proposed irrigation use. However, the project must be limited to one acre of canopy and irrigated with dripline only; exceeding one acre of canopy will require the development of a new well, therefore mitigation measure HYD-1 is implemented.

The Proposed Project is not anticipated to substantially decrease groundwater supplies and all water usage data would be provided to the County annually.

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

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

**HYD-2: The applicant shall adhere to the measures described in the Drought Management Plan during periods of a declared drought emergency.**

- c) There are numerous jurisdictional watercourses that occur on the project site. Grading, impervious surfaces, and earth-moving activities associated with construction of the proposed project have the potential to result in erosion, siltation, temporary changes to drainage patterns, and contamination of stormwater. However, all project activities would be setback a minimum of 100 feet from all surface water bodies.

The Applicant has enrolled in the SWRCB General Order which includes a Site Management Plan, Nitrogen Management Plan, and MRP. These plans would include implementation of BMPs during construction to reduce the potential for impacts associated with erosion and exceeding water quality thresholds. Implementation of BMPs such as fiber rolls, hay bales, and silt fencing, and post-construction performance standards would reduce the potential for sediment and stormwater runoff containing pollutants from entering receiving waters. Furthermore, the Proposed Project involves installation of straw wattles around the cultivation areas, which would absorb and filter any potential water runoff. Impacts related to alterations in drainage patterns and impervious surfaces due to construction of the Proposed Project would be less than significant with Mitigation Measures GEO-1, HYD-1, and the plans required under the General Order.

Once operational, the Proposed Project would increase impervious surfaces on the Project Site through the construction of buildings and paved roads/parking areas, for a total impervious surface area of 1.1 acres which is less than 2% of the project parcel. The proposed gravel parking area and improvement of internal dirt/gravel roads would be constructed of dirt and/or gravel and would not interfere with water recharge. All proposed structures and construction activities would occur at least 100 feet from all surface water bodies.

Flooding on- or offsite would not substantially increase due to the proposed project, as surface runoff would partially recharge into the soil and be managed through site design. All pipes and associated drainage inlet structures have been adequately sized to convey the 100-year storm event. Any building grading associated with the Proposed Project is not expected to significantly alter drainage patterns or result in changes in elevation.

#### **Less Than Significant with Mitigation Measure GEO-1 Incorporated**

- d) The Proposed Project is located within a Federal Emergency Management Agency (FEMA) Flood Hazard Zone D and X. Flood Hazard Zone D is defined by FEMA as an "Area of

Undetermined Flood Hazard,” meaning that no analysis of flood hazards has been conducted. Flood Hazard Zone X is defined by FEMA as an “Area of Minimal Flood Hazard,” meaning that the area was determined to be outside the 500-year flood. The Project Site is not located within a FEMA defined Special Flood Hazard Area (100-year floodplain). The Project Site is not located within a Special Flood Hazard Area as classified by County GIS data. Furthermore, all chemicals including pesticides, fertilizers/nutrients, and other potentially toxic chemicals would be securely stored in the proposed processing facility in a manner that the chemicals would not be adversely affected in the event of a flood.

**Less Than Significant Impact**

- e) The Lake County Watershed Protection District has adopted the Big Valley Groundwater Management Plan (1999) and the Lake County Groundwater Management Plan (2006). As explained in Section X(b), there is no threshold in the County for groundwater depletion. However, as described in Section X(b), the Applicant would install a meter on the existing well and provide a record of all data collected to the State and/or County upon request, which will be maintained for a 5-year duration minimum. In accordance with County Ordinance 3106, a Hydrology Report (Attachment 8) and Drought Management Plan have been prepared for the Proposed Project. The Proposed Project would not conflict with or obstruct applicable water quality or sustainable groundwater management plans and the impact would be less than significant.

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

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"/>	
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, 2, 3, 4, 6, 7, 16, 31

Discussion:

- a) Projects that have the potential to physically divide an established community typically include new freeways and highways, major arterial streets, and railroad lines. The Proposed Project would not physically divide an established community. No impact would occur.



**No Impact**

- b) The Proposed Project is located within the Middletown Area Plan and designated Rural Lands (RL) - Agriculture (A) - Resource Conservation (RC) in the Lake County General Plan. The parcel is zoned Rural Lands - Agriculture - Floodway Fringe Combining - Floodway Combining - Scenic Combining - Waterway Combining District. The Proposed Project is consistent with the existing General Plan and Zoning designation, including Article 27 of the County of Lake Zoning Ordinance, which allows cannabis cultivation in lands Zoned as RL. The Project is consistent with the Lake County Cannabis Cultivation Ordinance (Number 3084). Furthermore, the Project Site is not located in a Commercial Cannabis Cultivation Exclusion Zone, as defined by the County.

**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"/> | 28, 45        |
| 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, 16, 28, 29 |

Discussion:

- a) The Lake County Aggregate Resource Management Plan does not identify a source of minerals at the Property. Furthermore, the United States Geological Survey Mineral Resource Data System did not identify any records of mineral resources within Property.

**No Impact**

- b) Neither the County of Lake's General Plan nor the Lake County Aggregate Resource Management Plan designates the Project Site as being a locally important 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
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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, 2, 3, 4, 6 |
| 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, 2, 3, 4, 6 |
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |               |

Discussion:

- a) Noise related to cannabis cultivation typically occurs either during construction, or as the result of machinery related to post construction equipment such as well pumps or emergency backup generators during power outages. This project will have some noise related to site preparation, and hours of construction are limited through standards described in the conditions of approval. Although the property size and location will help to reduce any noise detectable on the property line, mitigation measures will still be implemented to further limit the potential sources of noise.

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

NOI-1: All construction activities including engine warm-up shall be limited Monday Through Friday, between the hours of 7:00am and 7:00pm, and Saturdays from 12:00

noon to 5:00 pm to minimize noise impacts on nearby residents. Back-up beepers shall be adjusted to the lowest allowable levels.

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

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

- a) The Proposed Project is not located within an airport land use plan or within two miles of a public airport or private airstrip.

**No Impact**

XIV. POPULATION HOUSING	AND	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) 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)?
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Discussion:

- a) The Proposed Project does not involve the construction of homes or facilities that would directly or indirectly induce unplanned population growth.

**No Impact**

- b) No people or housing would be displaced as a result of the Proposed Project.

**No Impact**

XV. PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
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Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6
1) Fire Protection?					
2) Police Protection?					
3) Schools?					
4) Parks?					
5) Other Public Facilities?					

Discussion:

a) The Proposed Project does not involve housing or other uses that would necessitate the need for new or altered government facilities. The Proposed Project includes fire suppression measures and a detailed security plan. Therefore, incidents regarding fire or police protection would be reduced. Adding new development and workers to a relatively remote area could potentially result in the need for police or fire services. Approximately eight employees would be required for the Proposed Project during planting and harvest season, with four required to manage day-to-day operations. However, this would represent an insignificant increase in demand and is not expected to result in unacceptable service ratios or response times. Impacts to fire or police protection, schools, parks or other public facilities are not anticipated.

1. Fire Protection

The South Lake County Fire Protection District (FPD) provides fire protection services to the site. The site would be served by the South Lake County FPD station, an existing station located approximately 3.6 road miles from the site. Development of the proposed project would impact fire protection services by increasing the demand on existing County Fire District resources. To offset the increased demand for fire protection services, the proposed project would be conditioned by the County to provide minimum of fire safety and support fire suppression activities and installations, including compliance with State and local fire codes, as well as minimum private water supply reserves for emergency fire use. The project would be required to comply with all applicable local and state fire code requirements related to design and emergency access. The project includes on-site improvements related to public services, including

water storage tanks for fire protection, improved road widths for emergency access, and site address posting. With these measures in place, and with the proposed improvements, the project would have a less than significant impact on fire protection.

2. **Police Protection**

The site falls under the jurisdiction of the Lake County Sheriff's Department and is in a remote area not easily reached by law enforcement in the event of an emergency. Article 27 of the Lake County Zoning Ordinance lays out specific guidelines for security measures for commercial cannabis cultivation to prevent access of the site by unauthorized personnel and protect the physical safety of employees. This includes 1) establishing a physical barrier to secure the perimeter access and all points of entry; 2) installing a security alarm system to notify and record incident(s) where physical barriers have been breached; 3) establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors; 4) maintaining and premises such that visibility and security monitoring of the premises is possible; and 5) establishing procedures for the investigation of suspicious activities. Accidents or crime emergency incidents during operation are expected to be infrequent and minor in nature, and with these measures the impact is expected to be less than significant.

3. **Schools**

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

4. **Parks**

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

5. **Other Public Facilities**

The proposed project is not expected to impact other public facilities. No impacts are expected.

**Less Than Significant Impact**

XVI. RECREATION

Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
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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?

Discussion:

- a) The Proposed Project does not include components that would have any significant impact on existing parks or other recreational facilities.

**No Impact**

- b) The Proposed Project does not include recreational facilities and would not require the construction or expansion of recreation facilities.

**No Impact**

XVII. TRANSPORTATION	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6, 51
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"/>	6, 47
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6, 44

Discussion:

- a) The Property is accessed by a private driveway directly off Shady Grove Road and adjacent to Highway 29. The driveway is proposed to be widened to 20 feet where it is not already and graveled to meet CalFire Standards. There are no known pedestrian or bicycle facilities on Highway 29, or Shady Grove Road in the vicinity of the project.

**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."

Construction would occur over a 3- to 5-week period and approximately 130 to 160 trips would be needed to complete construction activities over that period. Post- construction, average daily employee trips are anticipated to be four (4), including one (1) delivery/pickup trip per day, which is approximately the equivalent of two (2) new single-family dwellings, according to the Property Management Plan, which averages 9.55 average daily trips.

To date, the County has not yet formally adopted its transportation significance thresholds or its transportation impact analysis procedures. As a result, the project-related VMT impacts were assessed based on guidelines described by the California Office of Planning and Research (OPR) in the publication Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory, 2018. The OPR Technical Advisory identifies several criteria that may be used to identify certain types of projects that are unlikely to have a significant VMT impact and can be "screened" from further analysis. One of these screening criteria pertains to small projects, which OPR defines as those generating fewer than 110 new vehicle trips per day on average. OPR specifies that VMT should be based on a typical weekday and averaged over the course of the year to take into consideration seasonal fluctuations. The estimated trips per day for the proposed Project are between 12 and 24 during normal operation, and up to 40 trips per day during construction, which is expected to occur over a three to four month period.

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

**Less Than Significant Impact**

- c) The Proposed Project has been designed to avoid potential traffic hazards and would include a hammerhead turnaround at the terminus of the driveways within the parking

areas, 60 feet wide and 20 feet in length. This design feature would allow large vehicles (e.g., fire department vehicles) to safely turn around without blocking directional traffic on the driveway. This design feature would avoid potential hazards due to geometric design.

**Less Than Significant Impact**

- d) The Proposed Project has been designed to allow adequate emergency access. At minimum, the proposed access driveway would be 20 feet wide with 14 feet of unobstructed horizontal clearance and 15 feet of unobstructed vertical clearance. Property entrance would be improved to meet the standards set in Public Resources Code section 4290 and would therefore not affect emergency access or evacuation. Additionally, the driveway to the cultivation areas would be maintained and improved, as requested by the County, in accordance with Public Resource Code 4290. Construction of the Proposed Project would only occur within the Project Site boundary and would not result in lane closures and thus would not affect emergency access or evacuation.

**Less Than Significant Impact**

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

- |   |                          |                          |                                     |                          |        |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|--------|
| a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 19, 20 |
| 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                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 19, 20 |



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?

Discussion:

- a) A Cultural Resource Assessment (CRA) was prepared for this project by Dr. John Parker and dated December 16, 2019. The purpose of the CRA is to identify potentially significant cultural resources that may be present on site. The CRE stated that there are no cultural resources potentially eligible for the California Register of Historic Resources (CRHR) were identified. Since no cultural resources documented within the site appears to meet CRHR eligibility criteria, it is anticipated that the proposed project will not cause a substantial adverse change in the significant of a tribal cultural resources.

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

**Less Than Significant Impact with Mitigation Measures CUL-1, CUL-2, TCR-1 through TCR-2 incorporated**

TCR-1: All on-site personnel of the project shall receive tribal cultural resource sensitivity training prior to initiation of ground disturbance activities on the project. The training must be according to the standards of the NAHC or the culturally affiliated Tribe(s). Training will address the potential for exposing subsurface resources and procedures if a potential resource is identified. The training will also provide a process for notification of discoveries to culturally affiliated Tribes, protection, treatment, care and handling of tribal cultural resources discovered or disturbed during ground disturbance activities of the Project. Tribal monitors will be required to participate in any necessary environmental and/or safety awareness training prior to engaging in any tribal monitoring activities for the project.

TCR-2: If previously unidentified tribal cultural resources are encountered during the project altering the materials and their stratigraphic context shall be avoided and work shall halt immediately. Project personnel shall not collect, move, or disturb cultural resources. A representative from a locally affiliated Tribe(s) shall be contacted to evaluate the resource and prepare a Tribal Cultural Resources plan to allow for identification and further evaluation in determining the tribal cultural resource significance and appropriate treatment or disposition.

- b) After reviewing the information presented in the CRA, 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.

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

**Less Than Significant Impact with Mitigation Measures CUL-1, CUL-2, TCR-1 and TCR-2 added**

XIX. UTILITIES AND SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
Would the project:					
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 6
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 3, 4, 6
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"/>	6
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"/>	6, 48

- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?     1, 3, 4, 6

Discussion:

- a) As previously described, water would be sourced from the existing groundwater well. Water from the wells would be pumped to holding tanks and distributed via irrigation lines. A new wastewater treatment system is not currently proposed. However, if one is needed, state law requires permits for on-site systems to ensure that they are constructed and sited in a manner that protects human health and the environment. A permit from Lake County is required to install a new septic system. Prior to applying for a permit, the Lake County Division of Environmental Health requires a Site Evaluation to determine the suitability of the site for a septic system. The construction of water and wastewater utilities within the Project Site have been addressed throughout this Initial Study and where appropriate, impacts have been reduced to less than significant levels through mitigation.

The Proposed Project would require an electrical upgrade, which would be applied for during the building permit process. All electricity needed for the Proposed Project would be supplied from Pacific Gas and Electric (PG&E), or backup generators in emergency situations. Power from PG&E would be brought through overhead lines as a new service to the proposed buildings. The Applicant is currently in the process of gaining PG&E approval for the power lines. PG&E would be responsible for construction and maintenance of the power lines. The Project will not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

**Less Than Significant Impact**

- b) The subject parcel is served by an existing well as described in the Hydrology Report, prepared by Vanderwall Engineering, dated September 6, 2021, and Drought Management Plan submitted with the Use Permit application, and the Management Plan is enrolled as a Tier II / Low Risk cultivation operation in the State Water Resources Control Board's *Order WQ 2019-0001-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (General Order). Compliance with this Order will ensure that cultivation operations will not significantly impact water resources by using a combination of BPTC measures for water conservation, including shut-off valves on water tanks, drip irrigation, continued maintenance of equipment, in addition to buffer zones, sediment and erosion controls, inspections and reporting, and regulatory oversight.

A water supply 4-hour yield test was conducted for the well on March 12, 2020, which indicated that the well is capable of producing 16 gallons per minute with a 100% recharge rate after 30 minutes of shutoff. Assuming a normal facility operation the engineered hydrology assessment reported the total projected annual water demand for the Proposed Project would be 638,330 gallons per year, while the recharge rate of the aquifer to be 960,663 gallons per year. Therefore, the existing wells have sufficient water supplies to serve the Proposed Project.

Water conservation measures per the State Water Quality Control Board Cannabis General Order would be implemented to reduce water usage onsite. These include utilizing drip lines for irrigation, applying mulch in the cultivation areas to conserve soil moisture, and installing meters on the storage tanks and drip lines supply line to accurately record water usage. Furthermore, the Proposed Project would conserve water resources through visual monitoring of spills/leaks, drip irrigation methods, and an inline water meter on the dripline’s main supply line and the water storage tanks. Furthermore, in accordance with County Ordinance 3106, a Drought Management plan was prepared for the Proposed Project, which depicts how the Proposed project would reduce water use during a declared drought emergency to ensure both success and decreased impacts to the surrounding areas.

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

- c) The Proposed Project would require minimal wastewater treatment services. During the initial phase of cultivation and throughout the construction phase, portable toilets would be utilized. During subsequent operations, the proposed processing facility would include permanent bathrooms. A licensed sewage hauler would pump the sewage from the septic tank when needed and then dispose of the sewage at a licensed wastewater treatment facility.

**Less Than Significant Impact**

- d) As described previously, it is anticipated that weekly waste collection would be required during the cultivation season. Solid waste generated from the Proposed Project would be disposed of at Lake County Integrated Waste Management, which the nearest disposal facility is Eastlake Landfill. This landfill has a maximum permitted capacity of 6,050,000 cubic yards (cy) and a remaining capacity of 2,859,962 cy as of 2001. Organic waste would be composted in a designated area onsite within the immature plant greenhouse. The amount of solid waste expected to be generated by the Proposed Project is minimal and negligible in the context of the capacity of the landfill. The Proposed Project would continue to comply with all local, state and regulations regarding solid waste.

**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. Solid waste would be produced consistent with normal business and would be stored in bins with secure fitting lids until being disposed of at a Lake County Integrated Waste Management facility.

**Less Than Significant Impact**

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

- |  |                          |                                     |                                     |                          |                          |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1, 3, 4,<br>6, 44,<br>46 |
| 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"/> | 6, 16,<br>17             |
| 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"/> | 6, 16,<br>17             |
| 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 checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | 16, 17,<br>18            |

Discussion:

- a) The 2018 Lake County Emergency Operations Plan establishes multi-agency and multi-jurisdictional coordination during emergency operations within the County. Construction of the Proposed Project would occur within the Project Site boundaries and would not result in lane closures and thus would not affect emergency access or evacuation. The Proposed Project would adhere to all Federal, State and local fire requirements/regulations, including Chapter 13, Article VIII (Hazardous Vegetation/Combustible Material Abatement), of the Lake County Code, and would not conflict with the County Emergency Operations Plan.

**Less Than Significant Impact**

- b) The Project Site is located within a Moderate Fire Hazard Severity Zone in a State Responsibility Area. Furthermore, the Project Site and vicinity is classified as a Wildland Fire Hazard Area based on County GIS data. The Property contains slopes up to 60 percent and is surrounded by hilly terrain; however, the Project Site and proposed cultivation areas

contain slopes up to 5 percent and do not involve unique slopes or other factors that would exacerbate wildfire risks.

Although the Project Site would not exacerbate the risk of wildfire, introducing increased human activity naturally has the potential to increase fire risk. Construction-related activities associated with the proposed project could involve the use of spark-producing construction equipment, which could temporarily increase the risk of igniting a fire on the Project Site. This is a potentially significant impact. Mitigation Measure HAZ-1 would be required to mitigate the potential to ignite fires during construction, such as requiring construction equipment to be equipped with a spark arrestor in good working order. Furthermore, the Applicant would adhere to all Federal, State, and local fire requirements/regulations for setbacks and defensible space; these setbacks are applied at the time of building permit review. Therefore, with mitigation, wildfire risk would not be exacerbated and the potential to expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire is less than significant.

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

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

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

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

**Less Than Significant Impact with Mitigation Measure HAZ-1, WDF-1 through WDF-4 incorporated.**

- c) The site is served by Shady Grove Road, a paved County-maintained Road. Access is from Shady Grove Road to the site via an existing private driveway. The driveway is proposed to be upgraded to a width of 20 feet, with 6 inches of compacted gravel. A turnaround at the cultivation area is proposed for emergency vehicle access. The installation and maintenance of the associated infrastructure of the project will not exacerbate fire risk.

**Less Than Significant Impact**

- d) The site is generally flat near the cultivation area and will only require minimal grading; as such, there is little chance of risks associated with post-fire slope runoff, instability, or drainage changes based on the lack of site changes that would occur by this project.

**WDF-5: The applicant shall re-install the erosion and sediment control measures**

identified in the engineered Erosion and Sediment Control Plan for the project, as soon as possible following a wildfire emergency affecting the Project Parcel.

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

XXI. OF	MANDATORY SIGNIFICANCE	FINDINGS	Potentially Significant Impact	Less Than Significant with Mitigation Measures	Less Than Significant Impact	No Impact	Source Number
a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ALL
b)			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ALL
c)			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ALL

Discussion:

- a) As discussed in the previous sections, the Proposed Project could potentially have significant environmental effects with respect to Air Quality, Biological Resources, Cultural

Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Tribal Cultural Resources, and Wildfire. However, the impacts of the Proposed Project would be reduced to a less than significant level with the implementation of the mitigation measures identified in the sections.

**Less Than Significant with AES-1 through AES-2; AQ-1 through AQ-6; BIO-1 through BIO-5; CUL-1 and CUL-2; GEO-1 through GEO-4; HAZ-1 through HAZ-8; HYD-1 and HYD-2; NOI-1 and NOI-2; and WDF-1 through WDF-5 incorporated.**

- b) Potentially significant impacts have been identified related to Aesthetics, Air Quality, Cultural Resources, Hazards & Hazardous Materials, Hydrology and Water Quality, Noise, Tribal Resources, and Wildlife. 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.

**Less Than Significant with AES-1 through AES-2; AQ-1 through AQ-6; BIO-1 through BIO-5; CUL-1 and CUL-2; GEO-1 through GEO-4; HAZ-1 through HAZ-8; HYD-1 and HYD-2; NOI-1 and NOI-2; and WDF-1 through WDF-5 incorporated.**

- c) The proposed projects have the potential to result in adverse indirect or direct environmental effects on human being. In particular, Aesthetics, Air Quality, Cultural Resources, Hazards & Hazardous Materials, Hydrology and Water Quality, Noise, Tribal Resources, and Wildfire have the potential to impact human beings. Implementation of and compliance with mitigation measures identified in each sections as conditions of approval would not result in substantial adverse indirect or direct effects on humans beings and impacts would be considered less than significant.

**Less Than Significant with AES-1 through AES-2; AQ-1 through AQ-6; BIO-1 through BIO-5; CUL-1 and CUL-2; GEO-1 through GEO-4; HAZ-1 through HAZ-8; HYD-1 and HYD-2; NOI-1 and NOI-2; and WDF-1 through WDF-5 incorporated.**



## Sources List

1. Lake County General Plan
2. Lake County GIS Database
3. Lake County Zoning Ordinance
4. Middletown Area Plan
5. Nina Star 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
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